

A66 Northern Trans-Pennine Project

TR010062

3.9 Legislation and Policy Compliance Statement

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Planning Act 2008

**Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009**

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1 Introduction

1.1 Introduction

- 1.1.1 This statement has been prepared to provide an assessment of the Project against relevant legislation and policy in line with the requirements of the Planning Act 2008 (as amended) (the 'PA 2008'). It should be read in conjunction with the Case for the Project (the 'CfP') (Application Document 2.2).
- 1.1.2 This statement outlines the relevant planning history, local plan allocations and designated sites associated with the Project both within and in proximity to the DCO Order Limits. This is then followed by an assessment of legislation and policy and the subsequent assessment of the Project's conformity with the National Policy Statement for National Networks (the 'NNNPS') set out within a dedicated Conformity Table.
- 1.1.3 The PA 2008 requires that an application for a DCO is determined in accordance with the relevant National Policy Statement ('NPS') except where the Secretary of State for Transport (the 'SoS') is satisfied that one or more of the points set out within section 104 (4) - (8) applies.
- 1.1.4 Any national policy statement which has effect in relation to development of the description to which the application relates is relevant. In this case the NNNPS is the relevant NPS and therefore the primary basis for decision making. The applicant has carefully considered the policy requirements and referenced legal obligations set out in the NNNPS, including the Habitats Regulations and Water Framework Directive ('WFD'). The international obligations of the United Kingdom are also examined within chapter 3 of this document.
- 1.1.5 In addition, the statement sets out and discusses '*other matters which the SoS [may] think are both important and relevant to its decision*' on the DCO application (section 104(2) (d) of the PA 2008).
- 1.1.6 This includes the Project's conformity with the adopted development plan policies, as defined by section 38(6) of the Planning and Compulsory Purchase Act 2004. The Project is located within the local authority administrative boundaries of: Durham County Council ('DCC'), Cumbria County Council ('CCC'), North Yorkshire County Council ('NYCC'), Eden District Council ('EDC') and Richmondshire District Council ('RDC'). The Project's conformity with their adopted development and local transport plans have therefore been assessed.
- 1.1.7 Consideration is also given to the National Planning Policy Framework (the 'NPPF'), and a number of regional strategic policies and plans, notably those compiled by the Tees Valley Combined Authority and the Cumbria Local Enterprise Partnership, as well as the North East Local Enterprise Partnership, which encompasses County Durham. These bodies play an important role in lobbying and promoting local economic priorities and strategic projects such as the A66 improvements.
- 1.1.8 A summary analysis of the effects and wide-ranging benefits of the Project is provided in the comprehensive policy compliance tables

appended to this document, the detailed analysis being set out in detail in the accompanying CftP (Application Document 2.2). The tables, taken as a whole, demonstrate how the careful selection of the Project from an assessment of feasible alternatives (see the Project Development Overview Report ('PDOR') for full assessment of these alternatives). The project has also had regard to the consultation responses received within the design evolution of the Project with the design work undertaken, seeking to minimise the adverse impacts such that the benefits of the Project outweigh likely adverse impacts.

1.2 Project overview

- 1.2.1 The existing A66 is a key national and regional strategic transport corridor. It carries high levels of freight traffic and is an important route for tourism and connectivity for nearby communities. There are no direct rail alternatives for passenger or freight movements in this location.
- 1.2.2 Despite the strategic importance of the A66, the route between the M6 at Penrith and the A1(M) at Scotch Corner is only intermittently dualled and has six separate lengths of single carriageway. The route carries local slow moving agricultural and other traffic making short journeys, which impacts road speeds and capacity, detrimentally impacting on other users, especially on the single carriageway lengths. The variable road standards, together with the lack of available diversionary routes when incidents occur, affects road safety, reliability, resilience, and attractiveness of the route.
- 1.2.3 If the existing A66 route is not improved, it will continue to constrain national and regional connectivity and may threaten the transformational growth envisaged by the Northern Powerhouse initiative and the achievement of the Government 'Levelling Up' agenda.
- 1.2.4 The need for improvements to the A66 corridor was identified in the Northern Trans-Pennine Routes Strategic Study (the 'NTPRSS') announced as part of the first Road Investment Strategy (the 'RIS1') in December 2014 (Department for Transport ('DfT'), 2015). The NTPRSS was one of six national strategic studies. Funding for A66 corridor improvements was committed to in the Road Investment Strategy 2 ('RIS2') in March 2020 (DfT, 2020).
- 1.2.5 The Project proposes dualling of all of the remaining single lengths of carriageway to create a continuous dual carriageway between 50mph and 70 mph across the North Pennines, between the A1 and M6 motorways.

Project Speed

- 1.2.6 The Project forms part of the UK Government's 'Project Speed' announced as part of 'A New Deal for Britain' (Prime Minister's Office, 2020), which aims to bring forward proposals to deliver public investment projects more strategically and efficiently. 'Project Speed' aims to ensure that the right things are built better. The A66 Project is one of a number of high-profile "pathfinder Projects" to identify reforms which could speed up and improve delivery across the UK Government's infrastructure portfolio.

Levelling Up Agenda

- 1.2.7 The Government's Levelling Up Agenda is also a strong driver for the Project. Levelling Up is about tackling economic differences (including pay, work opportunities, health, and life chances) and driving prosperity through investment in priority places. The recently published Levelling Up White Paper sets out twelve medium-term missions, one of which is to boost productivity, pay, jobs and living standards. The A66 is an opportunity to focus investment in areas that are lagging behind national averages when measured against a number of economic and social indicators. The A66 improvements are expected to boost connectivity in around 35% of the Government's priority areas (defined by the Levelling Up Fund Index), with total economic efficiency benefits of over £500m as a result of additional capacity and reduced delay, alongside over £62m of wider economic benefits.

1.3 Site overview

- 1.3.1 The Project is located within the local authority administrative boundaries of:
- Durham County Council ('DCC');
 - Cumbria County Council¹ ('CCC');
 - North Yorkshire County Council ('NYCC');
 - Eden District Council ('EDC'); and
 - Richmondshire District Council ('RDC').
- 1.3.2 The eight individual schemes which make up the Project are located in the multi-host authority areas shown in the table below: Table 1.
- 1.3.3 There are two schemes (Appleby to Brough and Bowes Bypass) forming part of the Project which are located partially and marginally within the North Pennines Area of Outstanding Natural Beauty ('AONB')

¹ From 1 April 2023, the current six district councils and CCC will be replaced by two new unitary authorities. For the purposes of this document and wider DCO application, CCC refers to the authority area both before and after local government organisation April 2023.

Table 1 Local Authority areas within which the Project resides

Scheme	Authority Area
M6 Junction 40 to Kemplay Bank	CCC EDC
Penrith to Temple Sowerby	CCC EDC
Temple Sowerby to Appleby	CCC EDC
Appleby to Brough	CCC EDC
Bowes Bypass	DCC
Cross Lanes to Rokeby	DCC
Stephen Bank to Carkin Moor	NYC RDC DCC
A1(M) Junction 53	NYCC RDC

- 1.3.4 There are also a number of statutory and non-statutory designated sites which run along the A66 which are considered in detail within the Environmental Statement ('ES') (Application Documents 3.2-3.4), and the Stage 1 and 2 Habitats Regulations Assessment ('HRA') (Application Documents 3.5 and 3.6).
- 1.3.5 The Project in two locations will cross tributaries of the River Eden Special Area of Conservation ('SAC') (Trout Beck and Moor Beck), which due to the confirmation of qualifying protected species within these tributaries are treated as part of the SAC designation.
- 1.3.6 There are four SACs, one Special Protection Area ('SPA') and one Local Nature Reserve ('LNR') within 2km of the Project.
- 1.3.7 There are no SACs designated for bats within 30km of any of the schemes. There are 12 Sites of Special Scientific Interest ('SSSIs') designated for biodiversity within 2km of the Project (three SSSIs are designated for their geology and are retained here, due to the presence of nonqualifying features of biodiversity interest).
- 1.3.8 There are three SACs (River Eden, North Pennine Moor and Asby Complex), one SPA (North Pennine Moors), four SSSIs (Argill Woods and Pastures, Augill Valley Pasture, River Eden, and Tributaries and Crosby Ravensworth Fell), which are situated within 200m of the Affected Road Network ('ARN').

- 1.3.9 There are no Ramsar or Royal Society for the Protection of Birds ('RSPB') Reserves within the study area.
- 1.3.10 Statutory designated heritage sites are also affected, and a defined study area has been developed (up to 1km from the Order Limits) for designated heritage assets. This wide study area has been considered necessary due to the prevalence of scheduled monuments and associated non-designated archaeological remains along the route of the Project.
- 1.3.11 The total number of affected designated heritage assets in the area can be summarised as follows:

Table 2: Designated heritage assets affected by the Project

Heritage and Archaeological Resources	Quantity
Listed Buildings	532
Scheduled Monuments	156
Conservation Areas	13
Registered Park and Gardens	2
Non-designated historic buildings	53
Non-designated archaeological resources	569

- 1.3.12 National Character Areas ('NCA'), which are defined, not by administrative boundaries but through geology, landform and broader geography and published by Natural England, of relevance to the Project area are as follows:

- Cumbria High Fells;
- South Cumbria Low fells;
- Howgill Fells;
- Orton Fells;
- Eden Valley;
- North Pennines;
- Yorkshire Dales;
- Pennine Dales Fringe;
- Tees Lowlands;
- Durham Coalfield Pennine Fringe; and
- Tyne and Wear Lowlands.

1.4 Planning history within the Order Limits

- 1.4.1 A planning history search for the land within the Order Limits has been undertaken, including all planning applications, approvals, refusals and planning appeals between February 2017 and January 2022. This timescale was used as it is likely that developments where permission was granted prior to this would either have been constructed or the permission would have expired (that is, as most planning permissions expire after three years) and so would be considered as part of the baseline or existing situation for the surrounding area where relevant. The following applications were then filtered out for the purposes of this

report and the Cumulative Assessment within Chapter 15 (Cumulative Effects) the ES (Application Documents 3.2-3.4):

1.4.2 Small scale applications that would not be expected to give rise to significant effects, or contribute to significant cumulative effects, for example:

- Construction of small-scale agricultural buildings
- House extensions or cosmetic changes to buildings
- Micro-generation wind turbines
- Roof mounted solar PV panels
- Renewal of planning permission for retention of existing operational use
- Tree works
- Listed building applications
- Withdrawn applications
- Dismissed appeals
- Refused applications where the opportunity for appeal has passed (six months)
- Prior notification (Notice of Intention) applications
- Non-material amendments
- Discharge or variation of conditions.

1.4.3 The search included information on planning applications, planning permissions and local plan allocations being gathered from the websites of the following data sources:

- The Planning Inspectorate for Nationally Significant Infrastructure Project ('NSIP') applications
- The Department for Transport ('DfT') (for Transport and Works Act Order applications)
- EDC
- DCC
- CCC
- RDC
- NYCC

1.4.4 Table 3 shows applications identified of relevance following a review of the planning history within the Order Limits. The table presents the planning applications in order following the Project from East to West.

Table 3: Planning History within the Order Limits

Application reference	Proposal	Site Address	Decision	Decision date
17/0334	Outline application for a residential development for 6 dwellings with all matters reserved.	Land South East Templars Court Temple Sowerby Penrith CA10 1SR	Outline approval	August 17 th 2017

Application reference	Proposal	Site Address	Decision	Decision date
17/0440	6 no. additional dwellings on site with original consent 14/0305.	Site adj. Castle Park Brough Kirkby Stephen CA17 4BD	Full approval	September 10 th 2018
17/0588	Outline application for residential development for 4 dwellings with approval sought for access and layout.	Site Adjacent to Red Brows Temple Sowerby Penrith CA10 1RS	Outline approval	July 3 rd 2019
19/0272	Proposed residential development of land for 26 no. Units.	Land North of Newbiggin Road Kirkby Thore Penrith CA10 1UT	Full approval	January 2 nd 2022
21/0075	Continued use of yard and part shed as HGV depot, and erection of concrete batching plant.	Eastfield Farm Warcop Appleby-In-Westmorland CA16 6PS	Full approval	May 10 th 2021

1.5 Planning history for the area surrounding the Order Limits

- 1.5.1 The planning history search for the land surrounding the Project has been carried out to include planning applications for development within 2km of the Order Limits. The search concentrated on sites that may be affected by the Project, where planning permission had been granted in the last five years. This timescale follows the same approach and methodology for planning history within the Order Limits as discussed in section 1.4 above.
- 1.5.2 Planning permission granted for development within the study area since February 2017 and which may be affected by the Project are shown in Table 1 of Appendix 15.1 of Chapter 15 (Cumulative Assessment) of the ES (Application Document 3.4).

1.6 Planning history for major development and Nationally Significant Infrastructure Projects near the Project

- 1.6.1 A search of the nationally significant infrastructure projects Planning Inspectorate website was undertaken to identify proposed nationally significant projects within 5km of the Order Limits. As indicated on the website², there are no other nationally significant infrastructure projects located within the area of the A66.
- 1.6.2 There are a series of major developments and allocations which have also been reviewed and assessed for any potential cumulative impacts within the accompanying Environmental Impact Assessment ('EIA').

² Accessed in July 2021 and January 2022

These can be viewed at Table 1 of Appendix 15.2 'other developments' at Chapter 15 (Cumulative Effects) of the ES (Application Document 3.4).

2 Legislative context

2.1 Introduction and legislative context

2.1.1 Under section 104(3) of the PA 2008, the application for the DCO must be determined in accordance with the relevant NPS, except where the Secretary of State (SoS) is satisfied that one or more of the following applies (sections 104 (4-8)) (emphasis added):

- deciding the application in accordance with the relevant NPS would lead to the United Kingdom (the 'UK') being in breach of any of its international obligations (section 104(4))
- deciding the application in accordance with the relevant NPS would lead to the SoS, being in breach of any duty imposed on the SoS by or under any enactment (section 104(5))
- deciding the application in accordance with the relevant NPS would be unlawful by virtue of any enactment (section 104 (6))
- the adverse impact of the proposed development would outweigh its benefits (section 104(7))
- any condition prescribed for deciding an application otherwise than in accordance with an NPS is met (section 104 (8)).

2.1.2 In conformity with section 104(2) of PA 2008, the SoS is required to have regard to the following in deciding this DCO Application (emphasis added):

- any relevant NPS
- any local impact report (within the meaning given by section 60(3) of PA 2008) submitted by relevant local authorities to the SoS before the deadline specified in any notice under section 60(2) of PA 2008 inviting submission of such a report, following acceptance by the SoS of a DCO application
- any matters prescribed in relation to development of the description to which the Application relates
- any other matters which the SoS thinks are both important and relevant to the decision.

2.1.3 The relevant NPS is the NPS for National Networks (the 'NNNPS') and this statement includes an overview of the Project's conformity with the NNNPS (per section 104(3) of the PA 2008) set out in the NNNPS Conformity Table at Appendix A.

2.1.4 This chapter considers whether any of the matters under section 104 (2)(a)-(c), (4) - (6) & (8) apply which may affect determination of the application in accordance with the NNNPS.

2.1.5 The following chapter (chapter 3) considers any other important and relevant matters to which the SoS might wish to have regard in accordance with section 104(2) (d) of PA 2008. This includes: (a) the Project's conformity with the National Planning Policy Framework ('NPPF'); (b) the Project's conformity with the adopted development plan, as defined by section 38(3) of the Planning and Compulsory Purchase Act 2004 (the 'PCPA 2004') [NB the requirement in section 38(6) of the PCPA 2004 (i.e. to determine an application in accordance

with the adopted development plan unless material considerations indicate otherwise) does not apply in the case of DCO applications, which must be determined in accordance with the relevant NPS, unless one of the exceptions outlined above applies]; and, (c) the Project's conformity with Local Plans and Local Transport plans, the relevance and importance of which is emphasised in the *Planning Inspectorate Advice Note 1: Local Impact Reports (version 2, 2012)*.

- 2.1.6 Local planning policies were considered from an early stage of the Project, for instance to inform the preferred route alignment and at the design stage. Strategic plans at a regional level are considered in section 3.3. Development Plan policy and planning guidance of the five host authorities (CCC, DCC, EDC, NYCC and RDC) is described in sections 3.4 (county level) and 3.5 (district level). A detailed assessment of conformity with the relevant development plans, regional, county and local policies is provided within this document at Appendices B, C and D.
- 2.1.7 An assessment of whether the adverse impacts of the Project would outweigh its benefits (per section 104(7) of the PA 2008) is detailed in the CftP (chapter 7) (Application Document 2.2), with reference to the NNNPS Conformity Table in Appendix A.

2.2 International obligations, Secretary of State duties, lawfulness and prescribed conditions

2.2.1 Deciding the application in conformity with the NNNPS would not lead to the UK being in breach of any of its international obligations. This is evidenced throughout the application —and in the NNNPS Conformity Table (Appendix A). The relevant international obligations (and documents where they have been assessed) are as follows:

- *Conservation of Habitats and Species Regulations 2017 (as amended)* – This has been assessed at Habitats Regulations Assessment (HRA) Stage 1 and 2 reports (Application Documents 3.5 and 3.6)
- *Water Framework Directive (2000/60/EC) (as amended)* – This has been assessed at Appendix 14.1 WFD Compliance Statement (Application Document 3.4)
- *The Paris Agreement (as ratified by the UK Government in 2016)* – This has been assessed at Chapter 7 (Climate) of the Environmental Statement (Application Document 3.2)

2.2.2 The NNNPS conformity table applies these conclusions from the aforementioned documents to demonstrate that the Project conforms with the requirements of the NNNPS with respect to the above. It therefore follows that granting development consent for the Project would not lead to the UK being in breach of international obligations. The full list of legislative requirements can be viewed at Table 4 of this chapter.

- 2.2.3 With regard to section 104(5), (6) and (8) of the Act, the Applicant has prepared the Application with careful consideration of all the legal obligations applying to it and the SoS.
- 2.2.4 The Project meets the requirements of section 104 (4-6 & 8), and as such this DCO application is required to be determined in accordance with the relevant National Policy Statement, if section 104(7) can also be satisfied, that the adverse impact of the proposed development would not outweigh its benefits, and if section 104(8) can be satisfied, that any condition prescribed for deciding an application otherwise than in accordance with a national policy statement is met. The consideration of the planning balance, weighing up the benefits and the adverse impacts of the project, is set out in chapter 7 of the CftP (Application Document 2.2). This chapter addresses section 104(7) of the Planning Act and respond to the requirements of paragraph 4.3 of the NNNPS. The conclusion is that section 104(7) is not triggered as the benefits of the project clearly outweigh the adverse impacts.
- 2.2.5 Having met all the requirements of section 104 of the PA 2008 this DCO application is to be determined in accordance with the relevant National Policy Statement (the NNNPS).

2.3 Local impact reports

- 2.3.1 Local impact reports will be prepared by the relevant host local authorities (CCC, DCC, NYCC, EDC and RDC) following formal submission of the DCO Application and is not discussed in this document.

2.4 Prescribed matters

- 2.4.1 For the purposes of this Application, the prescribed matters referred to in section 104(2)(c) of the PA 2008 to which the SoS must have regard are set out in the Infrastructure Planning (Decisions) ('IPD') Regulations 2010/305 (as amended) as follows:
- where they are affected by the proposed development, having regard to the desirability of preserving listed buildings, their settings or any features of special/historic interest they possess (Regulation 3(1))
 - when the proposed development relates to conservation areas, having regard to the desirability of preserving or enhancing their character or appearance (Regulation 3(2))
 - where they are affected or likely to be affected by the development, having regard to the desirability of preserving any scheduled monuments and their settings (Regulation 3(3)); and
 - having regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992 (the '1992 Convention') (Regulation 7).

2.5 IPD Regulation 3: listed buildings, conservation areas and scheduled monuments

2.5.1 To assist the SoS in discharging the obligation under Regulation 3, the impact of the Project on the three categories of cultural heritage assets is considered in the ES, Chapter 8 (Cultural Heritage) (Application Documents 3.2-3.4) and summarised within the Non-Technical Summary of the ES (Application Document 3.1).

2.5.2 The Chapter considers the likely significant effects of the Project on cultural heritage within its defined study area. The assessment concludes the as follows for each scheme as below:

M6 Junction 40 to Kemplay Bank

2.5.3 This scheme is expected to result in significant temporary adverse effects to two heritage assets during construction. However, no additional significant effects are expected on any heritage asset during operation.

Penrith to Temple Sowerby

2.5.4 This scheme is expected to result in significant temporary adverse effects to three heritage assets and significant permanent adverse effects to five heritage assets during construction. Subsequently, the scheme is expected to result in significant permanent beneficial effects to four heritage assets during operation.

Temple Sowerby to Appleby

2.5.5 This scheme is expected to result in significant temporary adverse effects to four heritage assets and significant permanent adverse effects upon archaeology at Enclosure and other features north-west of Kirkby Thore during construction. Following this, no significant effects are expected on any heritage asset during operation of this scheme.

Appleby to Brough

2.5.6 This scheme is expected to result in significant temporary adverse effects to one heritage asset and significant permanent adverse effects to two heritage assets during construction. Following this, no significant effects are anticipated during operation.

Bowes Bypass

2.5.7 This scheme is expected to result in significant temporary and permanent adverse effects to three heritage assets during the construction phase. Consequently, this scheme is expected to result in significant permanent adverse effects to three heritage assets during operation.

Cross Lanes to Rokeby

2.5.8 No significant effects expected on any heritage asset present within this scheme during construction or operation.

Stephen Bank to Carkin Moor

2.5.9 This scheme is expected to result in significant permanent adverse effects to two heritage assets during construction. No significant effects are expected during operation.

A1(M) Junction 53 Scotch Corner

2.5.10 No additional significant effects expected on any heritage asset present within this scheme during construction or operation.

2.6 IPD Regulation 7: biological diversity.

2.6.1 To assist the SoS in discharging the obligation under Regulation 7, the approach to considering biodiversity in Chapter 6 (Biodiversity) of the ES (Application Document 3.2-3.4) takes account of the UK Post 2010 Biodiversity Framework, which was produced in response to the commitments originally outlined in the 1992 Convention.

2.6.2 The Framework identifies 65 Priority Habitats and 1150 Priority Species that are in need of protection from activities that threaten their long-term survival. This list has been used to define habitats and species of 'Principal Importance' in England (the Section 41 list) as required by the Natural Environment and Rural Communities ('NERC') Act. Chapter 6 of the ES has considered the relevant habitats and species defined within the Project's study area.

2.7 Other legislation / international obligations

2.7.1 This application has been prepared with regard to the following additional legislation and international obligations outlined in the table below (Table 4). These are not directly referenced within this document but are dealt with within the relevant ES chapters as listed below.

Table 4: Other legislative requirements

ES chapter	Legislative Context
Chapter 5: Air Quality	Environmental Protection Act 1990 s79(1)(d)
	Part IV of the Environment Act 1995
	Air Quality (England) Regulations 2000
	Air Quality Standards Regulations 2010, as amended
	Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019
	Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020

ES chapter	Legislative Context
Chapter 6: Biodiversity	Conservation of Habitats and Species (CHS) Regulations 2017 (as amended)
	Wildlife and Countryside Act (WCA) 1981 (as amended)
	Natural Environment and Rural Communities (NERC) Act 2006
	Environment Act 2021
	Hedgerow Regulations 1997
	Protection of Badgers Act 1992 (as amended)
	Salmon and Freshwater Fisheries Act 1975 (as amended)
	Water Framework Directive (2000/60/EC) (as amended)
	Eels (England and Wales) Regulations 2009
Chapter 7: Climate	The Kyoto Protocol
	The Paris Agreement
	Climate Change Act 2008
	Climate Change Act 2008 (2050 Target Amendment) Order
	Carbon Budget Order 2009
	Carbon Budget Order 2011
	Carbon Budget Order 2016
	Carbon Budget Order 2021
	Climate Change Act 2008 (Credit Limit) Order 2021
Chapter 8: Cultural Heritage	Ancient Monuments and Archaeological Areas Act 1979
	Planning (Listed Buildings and Conservation Areas) Act 1990
Chapter 9: Geology and Soils	Wildlife and Countryside Act 1981 (as amended)
	National Parks and Access to the Countryside Act 1949 (as amended)
	Contaminated Land (England) (Amendment) Regulations 2012 ('Contaminated Land Regulations')
	Environmental Protection Act 1990 (as amended by the Environmental Act 1995 Part 2A)
	Water Resources Act 1991 (WRA 1991) (as amended)
	Town and Country Planning Act 1990 (as amended)
	Building Act 1984 and the Building Regulations 2010 (as amended)
	Water Act 2003 (as amended)
	Environmental Permitting (England and Wales) (Amendment) Regulations 2016/1154
	Highways Act 1980 Section 105A
	Water Framework Directive (2000/60/EC) (as amended)
	Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

ES chapter	Legislative Context
Chapter 10: Landscape and Visual Effects	European Landscape Convention (ELC) (Council of Europe, 2016)
Chapter 11: Material Assets and Waste	Waste Framework Directive (2000/60/EC (as amended))
	European Commission Circular Economy Package
	Environmental Protection Act 1990
	Hazardous Waste (England and Wales) Regulations 2005 (as amended)
	Waste (England and Wales) Regulations 2011 (as amended)
	Waste Electrical and Electronic Equipment ('WEEE') Regulations 2013
	Environmental Permitting Regulations 2016
Chapter 12: Noise and Vibration	Environmental Noise (England) Regulations 2006 (as amended)
	Control of Pollution Act 1974 (as amended)
	Noise Insulation Regulations 1975
	Environmental Protection Act 1990 (as amended)
Chapter 13: Population and Human Health	Localism Act 2011
	The Commons Registration Act 1965
	The Countryside and Rights of Way Act 2000
	The National Parks and Access to the Countryside Act 2000
	The Health and Social Care Act 2012
Chapter 14: Road Drainage and Water Environment	Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019
	Environment Act 2021
	Environment (Amendment etc.) (EU Exit) Regulations 2019
	Environmental Protection Act 1990
	Environment Act 1995
	Environmental Permitting (England and Wales) Regulations 2016
	Water Resources Act 1991
	Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (WFD)
	Land Drainage Act 1991
	Water Act 2014
	Water Resources (Abstraction and Impounding) Regulations 2006
	Water Abstraction and Impounding (Exemptions) Regulations 2017
	Flood Risk Regulations 2009
	Water Supply (Water Quality) Regulations 2018
	Flood and Water Management Act 2010
	Environmental Damage (Prevention and Remediation) (England) Regulations

ES chapter	Legislative Context
	2015
	Water Framework Directive (Standards and Classification) Directions (England and Wales) 2015
	Groundwater (Water Framework Directive) (England) Direction 2016
	Conservation of Habitats and Species Regulations 2017 (the 'Habitat Regulations 2017')

2.8 The Environment Act 2021

- 2.8.1 The Environment Act, which gained royal assent in November 2021, sets out mandatory requirements for net gains to be achieved for biodiversity by future development.
- 2.8.2 The SoS will be required to amend all existing NPSs, including the NNNPS, to include a biodiversity gain statement ('BGS'). The BGS will set out government policy in relation to the biodiversity gain to be achieved in connection with the type of development covered by the NPS.
- 2.8.3 The BGS will include a biodiversity net gain objective ('BNGO'), which is an objective that the biodiversity value attributable to that type of development shall exceed the pre-development biodiversity value of the onsite habitat by at least 10% (subject to future revision by the SoS). The methodology for the required percentage calculation will be set out in the BGS. It is anticipated that this will be the Biodiversity Metric 3.1, with amendments made for the type of development covered in each NPS. The BGS may specify how the BNGO may or must be met. The BGS may also include requirements for mitigating adverse impacts on onsite habitat and how the BNGO is to apply in relation to development where the onsite habitat is irreplaceable.
- 2.8.4 The SoS will be required to amend any existing NPS to include a BGS on the next review of that NPS. Prior to such amendment, the SoS may issue a separate BGS which will have effect in the interim period.
- 2.8.5 For DCO applications where an NPS is in effect (as in the case of the Project), if the NPS contains a BGS for the type of development contemplated in the application, the SoS may not grant the application unless s/he is satisfied that the BNGO in the NPS is met, subject to the exceptions at s.104(4) - (8) PA 2008 (as set out above).
- 2.8.6 Applicants for a DCO will be required to demonstrate how any BGO is to be met in relation to the development in question;
- 2.8.7 In considering the Project's accordance with the requirements of the Environment Act, habitats lost to the Project will be replaced on a like-for-like or better basis. Whilst biodiversity net gain is not currently a requirement within the policy set out in the NNNPS, the principles of net gain have been applied to the Project mitigation in order to maximise biodiversity within the footprint of the Project. Ratios for habitat

replacement have been based on the prevailing national guidance, within the Natural England Biodiversity Metric 3.0 (Natural England, 2021) and aim to achieve a no-net-loss outcome on a habitat replacement basis. Full details can be viewed at Chapter 6 (Biodiversity) of the ES (Application Document 3.2-3.4).

3 Policy context

3.1 National Policy Context

3.2 National Policy Statements

3.2.1 The policy context for applications for development consent for Nationally Significant Infrastructure Project's ('NSIPs') is set out in NPSs.

3.2.2 NPSs set out the government's objectives for the development of nationally significant infrastructure for particular sectors, such as transport networks, including:

- how this will contribute to sustainable development
- how these objectives have been integrated with other government policies
- how actual and projected capacity and demand have been taken into account
- consideration of relevant issues in relation to safety or technology
- circumstances where it would be particularly important to address the adverse impacts of development
- specific locations, where appropriate, in order to provide a clear framework for investment and planning decisions.

3.2.3 NPSs also include any other policies or circumstances that government ministers consider should be taken into account in decisions on infrastructure development. They provide the framework within which examining authorities make their recommendations to the SoS in determining the DCO. There are 12 designated NPS, setting out government policy on different types of national infrastructure development. The NPS for nationally significant infrastructure projects on the national road network is the NNNPS.

3.3 National Networks National Policy Statement

3.3.1 The NNNPS sets out the need for development of road, rail and strategic rail freight interchange projects on the national networks and the policy against which decisions on major road and rail projects will be made.

3.3.2 It provides planning guidance for promoters of NSIPs on the road and rail networks and is the basis for the examination by the appointed Examining Authority and decisions by the SoS.

3.3.3 While the SoS will use the NNNPS as the primary basis for making decisions on development consent applications for national networks NSIPs in England, other NPSs may also be relevant to decisions on national networks NSIPs.

3.3.4 The key elements of the NNNPS for consideration in relation to the Project are as follows:

- the government's vision and strategic objectives for the national networks
 - Environmental impacts (including emissions, pollution and habitats)
 - climate change adaptation
 - social impacts
 - health
 - safety (including road safety) and security considerations
 - technology
 - accessibility
 - assessment of alternatives
 - design
 - common law nuisance and statutory nuisance
 - impacts on transport networks
- 3.3.5 The Government's vision and strategic objective for national networks is to ensure they meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system through networks (NNNPS, Section 2):
- with the capacity, connectivity and resilience to support national and local economic activity and facilitate growth and create jobs
 - which support and improve journey quality, reliability and safety
 - which support the delivery of environmental goals and the move to a low carbon economy
 - which join up communities and which link effectively to each other.
- 3.3.6 Paragraph 2.2 recognises that there is a '*critical need*' to improve the national road and rail networks to address road congestion to provide safe, expeditious and resilience networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth. As emphasised in paragraph 2.4, the pressure on national networks due to higher levels of congestion is only expected to increase in the future.
- 3.3.7 Paragraph 2.6 confirms that the development of the national networks helps to support national and local economic growth, and that '*improved and new transport links can facilitate economic growth by bringing businesses closer to their workers, their markets and each other*'.
- 3.3.8 The Government has concluded that at a strategic level there is a '*compelling need*' for development of the national networks (paragraph 2.10) and states that: '*The Examining Authority and the Secretary of State should start their assessment of applications for infrastructure covered by this NPS on that basis*'.
- 3.3.9 Identifying the need for development on the national road network, paragraph 2.13 confirms that the Strategic Road Network ('SRN') (which is made up of motorways and major trunk roads in England, managed by National Highways, including the A66) provides critical links between cities and joins up communities, playing a vital role in people's journeys, driving prosperity by supporting new and existing development and encouraging trade and attracting investment. It confirms that a well-functioning SRN is '*critical in enabling safe and reliable journeys and the*

- movement of goods in support of national and regional economies.*' The Government anticipates that congestion will grow fastest on the SRN.
- 3.3.10 Paragraph 2.22 confirms the importance of improving the road network as without doing so 'it will be difficult to support further economic development, employment and housing and this will impede economic growth and reduce people's quality of life. The Government has therefore concluded that at a strategic level there is a compelling need for development of all national road networks.'
- 3.3.11 The Government's policy of bringing forward enhancements to the existing SRN is set out in paragraph 2.23 as including:
- junction improvements, new slip roads and upgraded technology to address congestion and improve performance and resilience at junctions which are a major source of congestion;
 - implementing 'smart motorways' to increase capacity and improve performance;
 - improvements to trunk roads in particular dualling of single carriageway strategic trunk roads and additional lanes on existing dual carriageways to increase capacity and to improve performance and resilience.
- 3.3.12 The need for development of the national networks and the Government's policy on that development must be put into the context of the Government's wider policies on economic performance, environment, safety, technology, sustainable transport and accessibility as well as journey reliability and the experience of road users (summarised in Section 3, NNNPS).
- 3.3.13 Paragraph 3.2 states that development for national road networks should be designed to minimise social and environmental impacts and improve quality of life.
- 3.3.14 Furthermore, paragraph 3.8 references that the impact of road development on aggregate levels of emissions is likely to be very small. Specifically, it states that '*Impacts of road development need to be seen against projected reductions in carbon emissions and improvements in air quality as a result of current and future policies to meet the Government's legally binding carbon budgets and the European Union's air quality limit values*'.
- 3.3.15 Paragraph 3.16 outlines Government's commitment to sustainable travel by developing a high-quality cycling and walking environment to bring about a step change in cycling and walking across the country.
- 3.3.16 As the national road network plays a direct role in helping pedestrians and cyclists, the Government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes. Equally, the Government also expects applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting

the latest solutions and ensuring that it is easy and safe for cyclists to use junctions (paragraph 3.17).

- 3.3.17 In this regard, paragraph 3.22 outlines that severance can be a problem in some locations. Therefore, applicants should seek to deliver improvements that reduce community severance and improve accessibility.
- 3.3.18 The principles for assessing DCO applications as against the NNNPS are set out in Section 4 of the NNNPS.
- 3.3.19 Subject to the detailed policies and protections contained in the NPS and the legal constraints set out in the PA 2008, there is a '*presumption in favour*' of granting development consent for national network NSIPs that fall within the need for infrastructure established in the NNNPS (paragraph 4.2).
- 3.3.20 In considering any proposed development, and in particular, when weighing its adverse impacts against its benefits, the Examining Authority and SoS should consider (paragraph 4.3):
- Its potential benefits including the facilitation of economic development, including job creation, housing and environmental improvements and any long-term or wider benefits; and
 - Its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as measures to avoid, reduce or compensate for any adverse impacts.
 - Environmental, safety, social and economic benefits and adverse impacts (as identified in the NNNPS (Section 5) or elsewhere) should be considered at national, regional and local levels. The principles to be applied to different aspects of any DCO application (as set out above) (e.g. Environmental Impact Assessment, alternatives, design et cetera) are set out in Sections 4 and 5 of the NNNPS.
- 3.3.21 An assessment of the Project's conformity with the NNNPS is set out in the NNNPS Conformity Table at Appendix A to this document, within the summary to this document at chapter 4, and within the CftP at chapter 7 (Application Document 2.2). The NNNPS is currently under review, with an intended completion date of Spring 2023. An addendum assessment of compliance with the revised NNNPS will be provided, should this be required prior to determination of this DCO application. While the review is undertaken, the NNNPS remains in force and is the basis on which relevant DCO applications will be determined

3.4 National Planning Policy Framework (NPPF)

- 3.4.1 The NPPF (2021) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in determining planning applications under the Town and Country Planning Act 1990 ('TCPA 1990') but not DCO applications determined under the PA 2008. However, the SoS may consider the NPPF as a relevant and important matter when determining a DCO application to the extent relevant to the particular project (s.104(2)(d) PA 2008) (NPPF, paragraph 5) (NNNPS, paragraph 1.18).

- 3.4.2 The overall strategic aims of the NPPF and the NNNPS are consistent (e.g. to achieve sustainable development). However, the NPPF makes clear that it is not intended to contain specific policies for NSIP's where quite particular considerations can apply (i.e. as set out in the relevant NPS, in this case the NNNPS).
- 3.4.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which it defines as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. This is reflected in the three overarching objectives of the planning system (paragraph 8): the economic objective ('to help build a strong, responsive and competitive economy'); the social objective ('to support strong, vibrant and healthy communities'); and, the environmental objective. These objectives should be delivered through the application of policies in the NPPF but are not criteria against which every application can or should be judged (paragraph 9). Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character needs and opportunities of each area.
- 3.4.4 Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. When making planning decisions under the TCPA 1990, this means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies or policies are out of date, the presumption means granting the application unless: (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the proposed development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Where an application conflicts with an up-to-date development plan, the NPPF makes it clear that the application should not usually be granted (paragraph 12).
- 3.4.5 The NPPF places particular emphasis on the provision of net gain in terms of the conservation and enhancement of the natural environment (Paragraph 174), with requirements for measurable net gains for biodiversity. The legislative requirements for biodiversity net gain, at the time of writing, are yet to come into effect.
- 3.4.6 Sustainable development is an inherent element of the Project, which has been developed to ensure the best balance between maximising benefits and minimising environmental impacts. The Project objectives also ensure that net gain is achieved across the three inter-related sustainable development objectives set out in the NPPF (economic, social and environmental). The benefits of the Project are defined in further detail in chapter 3 of the CftP (Application Document 2.2).
- 3.4.7 Environmental mitigation is integrated into the design of the Project, with habitats lost to the Project being replaced on a like-for-like or better basis, as required by the NPPF. Whilst BNG is not currently a requirement within the NNNPS, the principles of net gain have been

applied to the Project mitigation in order to maximise biodiversity within the footprint of the Project. Ratios for habitat replacement have been based on the prevailing national guidance, within the Natural England Biodiversity Metric 3.0 (Natural England, 2021) and aim to achieve a no-net-loss outcome on a habitat replacement basis. Full details can be viewed at section 6.9 of Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4)

- 3.4.8 The Project objectives, which can be found in chapter 1 of the CftP (Application Document 2.2), are founded in a clear need to address the economic, transport, social and environmental matters relating to the Project. These matters relate and are discussed as part of the benefits of the Project, which are discussed at chapter 3 of the CftP (Application 2.2) pursuant to paragraph 7 of the NPPF.
- 3.4.9 In delivering these objectives, the presumption in favour of sustainable development applies to the Project in line with paragraph 7 of the NPPF. Equally, the NPPF supports development that considers future needs, growth and resilience and it is considered that the A66 aligns with this as a key strategic transport route as set out within the Project's objectives.

4 Regional policy context

4.1 Transport for the North ('TfN') Strategic Transport Plan 2019

- 4.1.1 TfN is a statutory body of elected leaders and a partnership of business leaders from across the whole of the North of England who collectively represent the region's 15 million citizens.
- 4.1.2 The TfN Strategic Transport Plan ('STP') takes a previously unprecedented pan-Northern view in opportunities to drive major improvements in strategic connectivity throughout the North, including by increasing efficiency, reliability, integration and resilience in the transport system. It proposes to encourage trade and inward investment by improving links to the North's ports and airports, and faster links between the economic assets that they serve. The TfN STP proposes to make the North a more attractive place for businesses to invest and to base themselves, including supporting aspirations of the North's visitor and tourism economy. It signals an opportunity to improve living standards, health, productivity and opportunities for all for those who live in the North. The TfN STP and its objectives are underpinned by TfN's Long Term Investment Programme.
- 4.1.3 The TfN STP states that improvements to the SRN and linked roads are a key priority for businesses, individuals and local authorities, especially alternative east-west trans-Pennine alternatives to the M62 (currently the only continuous east-west dual carriageway road across the North). East-west connectivity is identified in the TfN STP as a significant barrier

for future growth in the North, as well as being a key constraint to agglomeration and transforming the North's economy.

- 4.1.4 TfN are seeking alternative resilient road routes for east-west links above and beyond the M62, including the A66, which is included in the Major Road Network for the North (consisting of the North's most economically important roads) ('MRN') as well as the SRN. The TfN STP references the solutions considered in the Northern Trans-Pennine Routes Study ('NTPRSS'), which assessed the strategic and economic case for improving the A66 between the A1(M) at Scotch Corner and the M6 at Penrith, which development is the subject of this DCO application. The NTPRSS is discussed further in chapter 3 of the Project Development Overview Report ('PDOR') (Application Document 4.1) TfN have been working closely with the DfT and National Highways on the NTPRSS and support the current application.
- 4.1.5 The Project has considered its conformity and alignment to the overall aim of the TfN plan, its vision and pan-northern transport objectives and these are discussed in more detail at Appendix B of this document. It is concluded that the Project aligns with TfN's ambitions for the SRN,

4.2 Tees Valley Strategic Economic Plan: The Industrial Strategy for Tees Valley 2016-2026.

- 4.2.1 The Tees Valley Combined Authority ('TVCA') Strategic Economic Plan ('SEP') sets out the growth ambitions and priorities for the Tees Valley over a ten-year period to 2026. The SEP is currently being refreshed to create an Industrial Strategy that will include all of the latest priorities to improve, diversify and accelerate growth in the local economy. Whilst the Project does not reside in the TVCA geographical area, its wider priorities in improving connectivity along the A66 make this plan relevant.
- 4.2.2 The SEP highlights six growth generating themes, one of which is '*Transport & Infrastructure*' with the aim to facilitate local, regional, national and international digital and conventional infrastructure. There are ambitions to improve connectivity within the Tees Valley, across the Northern Powerhouse and the wider UK.
- 4.2.3 In terms of roads, major highways such as the A1 (M), A66 and A19, A174 and A1053 along with other key road links within the urban centres, form the SRN, which is critical in supporting key housing and employment sites across the Tees Valley.
- 4.2.4 The TVCA have ambitions to improve the efficiency of freight and passenger transport corridors running both north to south and east to west.
- 4.2.5 Key priorities include the improvement of east-west connectivity and the dualling of the A66 between the A1(M) and the M6 to provide direct access to key northern markets and south west Scotland.
- 4.2.6 Improvement in east-west road connectivity is also required to provide a high quality, resilient corridor along the A66 from the A1(M) to the

international gateway at Teesport; and provide fast communications within the sub-region as well as to the north east region and rest of the of country.

- 4.2.7 The Project, whilst not fully geographically located within the TVCA area, will improve east-west road connectivity and result in improvements in access to the Tees Valley and Teesport area. Equally, the Project will ensure that there is direct access to the M6 to further open the key northern markets and south west Scotland. On this basis, it is considered that the Project aligns with the TVCA SEP.

4.3 Tees Valley Combined Authority Tees Valley Strategic Transport Plan 2020-2030

- 4.3.1 The TVCA Strategic Transport Plan ('STP') sets out the TVCA's visions for and plans to deliver a world-class transport system that will transform how individuals and goods get around, future proofing it for decades to come. As discussed above, whilst the Project does not reside in the geographical area of the TVCA, its wider priorities of connectivity along the A66 makes the STP relevant.
- 4.3.2 The STP is anchored around priority investments that sit under six key themes which all require improvement in order to meet the overall transport vision of the Tees Valley, including 'Major Roads'.
- 4.3.3 The focus of the STP is on improving the transport system for local people and businesses ensuring integration between different transport modes. It recognises that there is a two-way relationship between the strategic and local transport networks, as very often improving local journeys requires action on a larger scale. Congestion and incidents on the main highway network, particularly the A19 and the A66, is identified as having a major impact on the operation of more local roads.
- 4.3.4 There is a distinct focus on building east-west connectivity, in particular improving the capacity of the A66, which is identified as the main east-west road artery through the Tees Valley and as requiring improvement. The A66 is part of the SRN and the MRN for the North and TVCA's Key Route Network (KRN). Improvements to the A66 are included in the TVCA's live interventions set out in the Tees Valley Road Implementation Plan, including on the basis that sections of the A66 are single carriageway, with key junctions being heavily congested.
- 4.3.5 The TVCA STP is supported by the TVCA Investment Plan, a ten-year roadmap of how the TVCA will spend money to grow the Tees economy. A sum of £256.7million is pledged to important transport Projects across the region.
- 4.3.6 The Investment Plan recognises that as the TVCA looks to create jobs and drive economic growth, residents need high- quality, fast, reliable and well-connected transport options. It seeks to maximise the returns on investment, easy access to attractions for visitors and ensure there is an efficient freight network for each and every business that will need it. To help Tees Valley reach its potential, the TVCA, through the Plan, has developed a blueprint for the future of travel to invest and develop the

transport system, connecting centres, unlocking key sites, delivering social equity, reducing carbon emissions and protecting the environment.

- 4.3.7 The Project aligns with the TVCA STP and Investment Plan insofar that it will build upon improved east-west connectivity and offer wide ranging economic benefits as a result.

4.4 Cumbria Strategic Economic Plan 2014-2024

- 4.4.1 The 10-year Cumbria Strategic Economic Plan ('SEP'), drawn up by the Cumbria Local Enterprise Partnership ('LEP') (a collaboration between public, private and third-sector bodies, including Cumbria County Council), concentrates on four strategic priorities - advanced manufacturing growth, nuclear and energy excellence, vibrant rural and visitor economy and strategic connectivity of the M6 corridor - with intervention through four economic drivers - business support, skills development, infrastructure improvement and environmental sustainability. This 'four by four' approach is proposed to deliver the maximum benefit for Cumbria and drive economic growth at a county, national and international level.
- 4.4.2 The Cumbria SEP identifies transport barriers and connectivity to core growth sites of Sellafield and Barrow via the A66 as weaknesses of the local economy and the need to improve connectivity to the M6 corridor, including via the A66, as a priority. The A66 itself is identified as a strategic investment priority and continued investment is sought from National Highways in the SRN in Cumbria (including the A66). In reference to the A66, the plan commits to a continued partnership working with National Highways to ensure that route-based strategies establish a co-ordinated approach to delivery of infrastructure improvements to the trunk road network in Cumbria, including on the A66.
- 4.4.3 National Highways have taken a collaborative approach to the delivery of the Project and have developed effective relationships with a series of stakeholders along the route in order to bring forward these necessary infrastructure improvements. On this basis, the Project meets the relevant commitments of the Cumbria SEP.
- 4.4.4 The **Cumbria Strategic Investment Plan** (Delivering the Four-Pronged Attack: Cumbria's Strategic Investment Plan (2016)) sets out how the Cumbria LEP is working to achieve the outcomes identified in the Cumbria SEP, in particular its five-year strategic approach to investment and priorities.
- 4.4.5 In reference to infrastructure improvements, one of the Cumbria SIP's strategic aims is to improve key roads including the A66. The A66 is an important link to local and regional services, employment and education opportunities for communities and towns along its route, as well as providing a commuter link to Cumbrian towns. On this basis, the Project plays a role in achieving the Investment Plan's outcomes and it is therefore concluded that the Project accords with this Plan.

4.5 Cumbria LEP Infrastructure Plan (2016)

- 4.5.1 The Cumbria Infrastructure Plan is a strategic document that prioritises the infrastructure needed to facilitate economic growth and maximise opportunities from large scale projects over the next fifteen years. The Infrastructure Plan supports the delivery of key infrastructure improvements to meet the priorities set out in the Cumbria SEP.
- 4.5.2 Infrastructure capacity is identified as a key issue, including road connections east and west of the M6 (including the A66), which are crucial in supporting trans-northern movements but are characterised by low travel speeds and a lack of resilience. Journey time unreliability to the M6 is cited as a major issue for the SRN, as are route safety issues for the A66 and other major roads. Improved journey speeds, capacity and reliability are considered vital. A66 Road Enhancements, to be delivered via continued engagement with National Highways, are defined as a Medium to Long Term priority (i.e., to be carried out in the next 5 to 15 years) within the Infrastructure Plan, being described as follows:
- 4.5.3 ‘Package of schemes which seek to enhance capacity and reliability on the A66. The package includes junction improvements and capacity improvements and measures to improve safety. Improvements will ensure improved access between West Cumbria and the M6 and would therefore support economic growth by aiding the movement of goods and people’.
- 4.5.4 Improvements to the A66 are described further as follows:
“Upon these routes [i.e., the A66 and A69], journey times are unpredictable, reducing the attractiveness and use of the routes. There are geometric variables along both routes, with numerous bends, hills and side road junctions present. Piecemeal safety interventions at a local level at various locations interrupt journey speeds. Long term interventions along the...A66...would improve access and connectivity for the Advanced Manufacturing and Energy sectors, including Nuclear developments on the west coast of Cumbria, marine and bio-pharma industry in Furness and strategic developments such as Carlisle Airport and sub-regional employment sites such as Kingmoor Park.”
- 4.5.5 The Project aligns with the Plan’s medium to long term priority in bringing forward road improvements to the A66 through this DCO application. The Project will enhance the capacity and reliability of the A66, and ultimately improve the safety of the road as a whole – which will deliver significant economic benefits as a result. In addition, National Highways have worked collaboratively with stakeholders along the entire A66 route to bring forward these much-needed improvements and facilitate improved access to the manufacturing and energy sector on

the west coast of Cumbria, amongst all other places along the route. On this basis, it is concluded that the Project conforms with the Cumbria LEP Infrastructure Plan.

4.6 The North East Local Enterprise Partnership North East Strategic Economic Plan (2019)

- 4.6.1 The North East Local Enterprise Partnership ('LEP') is a private, public and education sector partnership which is the economic development body covering the North East of England (i.e., the local authorities of County Durham, Gateshead, Newcastle, North Tyneside, Northumberland, South Tyneside and Sunderland). It aims to support the growth and development of the North East economy.
- 4.6.2 The North East Strategic Economic Plan ('SEP') is its plan for growing and developing a more productive, inclusive and sustainable regional economy. The North East SEP identifies four areas for growth: digital; advanced manufacturing, health and life sciences; and, energy. This growth is to be delivered through five programmes: business growth; innovation; skills, employment, inclusion and progression; transport connectivity; and, investment and infrastructure.
- 4.6.3 The North East SEP identifies that east-west connectivity in the area is slow and that investment in the road network to deliver better connectivity through improvements of capacity, resilience, reliability and sustainability is required. It identifies a strengthened A66 and A69 links to Cumbria and the West of England as strategic projects which will inform the proposed investment project pipeline under the North East SEP.
- 4.6.4 The Project, by virtue of its scale and geographical spread will improve connectivity between the North East of England and Cumbria. As a result, the Project will achieve transport economic efficiencies across the entire route and generate significant wider economic benefits, as set out in chapter 5 of the CftP (Application Document 2.2). On this basis, it is considered that the Project conforms with the aspirations of the North East SEP.

4.7 The North East Local Enterprise Partnership North East Transport Plan 2021-2035

- 4.7.1 The LEP Transport Plan, on behalf of the North East Joint Transport Committee, sets out the transport ambitions for the area up to 2035. Through the delivery of the plan, and achieving its vision and objectives, the plan will support a shift to a more sustainable and healthier way of life in the North East, through lowered emissions, better air quality and travel choices.
- 4.7.2 The A66 forms part of the North East area's SRN and is referenced as a scheme for development and delivery in the next ten years. It further states that, where schemes are being delivered by external parties (including National Highways), Transport North East will seek to positively influence the design and delivery of the projects to ensure

they align with Transport Plan objectives. Given the A66 scheme falls within the plans development pipeline, the Project conforms to the aspirations of the LEP Transport Plan.

4.8 County Council level policy context

4.8.1 The Project spans three County Council areas (CCC, DCC and NYCC). Relevant planning policies from these areas are set out in order below, from west to east.

4.9 Cumbria County Council ('CCC')

4.9.1 Local plans in Cumbria for residential and business development are prepared by district councils. In this case, the local host planning authority for the CCC area is EDC (discussed below).

4.9.2 Other local planning authorities within the Cumbria district are outlined as follows:

- Allerdale Borough Council
- Carlisle City Council
- South Lakeland District Council
- Lake District National Park Authority
- Yorkshire Dales National Park Authority

4.9.3 The following schemes which form part of the Project are located within the CCC administrative area:

- M6 Junction 40 to Kemplay Bank
- Penrith to Temple Sowerby
- Temple Sowerby to Appleby
- Appleby to Brough

4.9.4 CCC has the responsibility for the preparation of the **Cumbria Transport Plan 2011-2026 (2011)** which outlines highways and infrastructure investment requirements across the county. Highways and transport improvements to help achieve CCC's aims for the area have been identified in the form of improvements to the A66, which are described as a particular priority for the Allerdale area.

4.9.5 The Strategy identifies a vision for a transport system and highway network that is safe, reliable, available, accessible and affordable for all. Following the development of the vision, the plan identifies the following key priorities relevant to the proposed Project:

- the maintenance of Cumbria's roads, pavements, paths and cycle ways.
- making sure strategic road links are able to support the Cumbrian economy.

4.9.6 The Project will increase road capacity, supporting existing economic activity and economic growth in the region by enhancing mobility. These improvements will further make the area more attractive for business investment, including a decreased journey time for the freight trade, in which the amount of freight trade is over the national average on the

A66. As such, the Project aligns with the vision of the Cumbria Transport Plan Strategy.

4.9.7 As the Minerals Planning Authority for Cumbria (outside of the national parks), CCC is responsible for matters regarding mining and quarrying facilities/activities. As such, CCC has prepared the **Cumbria Minerals and Waste Local Plan 2015- 2030 (Policy SP8)**.

4.9.8 Minerals Planning Authorities are required to ensure that non-minerals development does not needlessly prevent the future extraction of mineral resources of local and national importance by designating the following:

- Mineral Safeguarding Areas ('MSAs'): these are intended to cover known deposits of minerals which require to be safeguarded from unnecessary sterilisation by non-mineral development
- Mineral Consultation Areas: these are geographical areas, based on MSAs, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development.

4.9.9 The CCC Minerals and Waste Local Plan shows that there are several Mineral Safeguarding Areas (MSAs for sand and gravel extraction in the vicinity of and crossing the A66. There is also an MSA for gypsum deposits in the Long Marton/Kirkby Thore area where British Gypsum operates an existing mine and plasterboard factory.

4.9.10 These areas are located within the limits of the DCO boundary and cover M6 Junction 40 to Kemplay Bank (Limestone and Sand and Gravel), Penrith to Temple Sowerby (Sand and Gravel), Temple Sowerby to Appleby (Gypsum and Sand and Gravel), and Appleby to Brough (Sand and Gravel).

4.9.11 CCC are aware of these MSAs and their relationship with the proposed Project and has been assessed appropriately within Chapter 11 (Materials and Waste) of the ES (Application Document 3.2-3.4). During consultation, CCC were satisfied with the assessment of mineral safeguarding sites for schemes located in the Cumbria area. The chapter concludes that the Project would not lead to the sterilisation of minerals located within the MSA's relating to the aforementioned schemes. As such, it is considered that the Project accords with the policies of the Cumbria Minerals and Waste Local Plan.

4.9.12 A full assessment of the Project and its compliance with the CCC area policy documents set out above is set out in the Conformity Tables at Appendices B and C of this document.

4.10 Durham County Council

4.10.1 The following schemes forming part of the Project are located within the DCC / County Durham administrative area:

- Bowes Bypass
- Cross Lanes to Rokeby
- Stephen Bank to Carkin Moor

- 4.10.2 County Durham's Local Plan consists of the County Durham Plan (2020), supported by the County Durham Infrastructure Delivery Plan (2019) together with the remaining saved policies of the County Durham Minerals Local Plan (December 2000) and County Durham Waste Local Plan (April 2005). The plan provides the policy framework for County Durham up to 2035 with the aim of supporting the development of a thriving economy. The plan sets out how many new homes, jobs and what infrastructure is needed in the area and how important landscapes and habitats can be protected. It is considered that there are no remaining saved policies of relevance within the County Durham Minerals Local Plan and County Durham Waste Local Plan and therefore these documents have not been assessed as part of this statement.
- 4.10.3 DCC is currently preparing a Minerals and Waste Policies and Allocations document to complement the policies of the County Durham Local Plan. Consultation occurred under Regulation 18 of the Town and Country Planning (Local Planning) (England Regulations) 2012 during 2021. As this document has not yet reached the draft stage, it is not considered that weight can be contributed to its provisions for the purposes of this application.
- 4.10.4 The **County Durham Plan (2020)** defines a spatial vision for the area which states that the County will be a '*top location for business and tourism, capitalising on its strategic location on the...A66... [and] its east/west links* amongst other features (paragraph 3.1). In addition, it states that '*all communities and businesses will benefit from an accessible, integrated and sustainable transport system*'. Objective 4 of the County Durham Plan (Infrastructure) is to '*enable the delivery of the necessary infrastructure such as transport...that is required to support new and existing development and the economic social and environmental ambitions of the County.*'
- 4.10.5 Policy 10 of the County Durham Plan (Development in the Countryside) states that development in the countryside will not be permitted unless allowed by a specific policies in the Plan, relevant policies within an adopted neighbourhood plan or where the proposal relates to one or more of the exceptions listed within the policy, including for infrastructure development.
- 4.10.6 Policy 21 of the County Durham Plan (Delivering Sustainable Transport) requires that the transport implications of development must be addressed as part of any planning application and that all development shall deliver sustainable transport by (amongst other things) ensuring improvements to existing routes and facilities do not cause unacceptable harm to the natural, built or history environment (Policy 21(d))
- 4.10.7 Policy 24 of the County Durham Plan (Provision of Transport Infrastructure) provides that improved transport infrastructure will be permitted where it meets all of the following criteria:
- it is necessary to improve the existing highway network;

- It minimises and mitigates any harmful impact upon the built, historic and natural environment and the amenity of local communities
 - it makes safe and proper provision for all users which prioritises the movement of pedestrians, cyclists and public transport.
- 4.10.8 Transport infrastructure proposals should also meet at least one of the following criteria:
- supports economic growth;
 - enhances connectivity either within the county or with other parts of the region; or
 - accommodates future development sites.
- 4.10.9 While all transport schemes will have to conform to other relevant Plan policies, transport infrastructure schemes will have to specifically conform with the criteria of Policy 24. Proposals for improvements to the highway network will be supported where it can be demonstrated to be necessary in the absence of suitable transport alternatives and where they are viable and increase economic prosperity (paragraphs 5.243 - 5.244).
- 4.10.10 Policy 31 of the County Durham Plan (Amenity and Pollution) states that where development can demonstrate that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment, that development will be permitted.
- 4.10.11 Policy 38 of the County Durham Plan (North Pennines Area of Outstanding Natural Beauty) seeks to conserve and enhance the North Pennines AONB. In making decisions, great weight will be given to conserving landscape and scenic beauty. As such, major developments will not be permitted in the AONB in exceptional circumstances and where it can be demonstrated to be in the public interest.
- 4.10.12 The Project works towards meeting this vision through the dualling of the A66, which will remove a long-standing bottleneck for road users, helping to create a high performing dual carriageway route, supporting the local and regional economy. The Project will upgrade essential road infrastructure which will be to the benefit of County Durham in an economic, social and environmental context, in line with Objective 4 of the Plan. Due to limited alternative transport modes (such as rail), it is considered that upgrades to the A66 offer the most viable option to improve east-west connectivity. The Applicant has taken into account the amenity of nearby residents and assessed the Project's marginal encroachment into the AONB – demonstrating that the Project is within the public interest. The Project has considered all technical matters necessary which can be viewed in chapter 5 to 15 of the ES (Application Document 3.2 – 3.4), It is on this basis that it is concluded that the Project accords with the relevant policies of the County Durham Plan.
- 4.10.13 In reference to Minerals Safeguarding, Policy 48 (Safeguarding Minerals Sites) and Policy 56 (Safeguarding Mineral Resources) of the adopted County Durham Local Plan specifically safeguards areas of Mineral Sites and Resources within the County, providing that permission will

not be granted for non-mineral development that would lead to the sterilisation of mineral resources within an MSA unless a number of criteria apply, including that there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral.

- 4.10.14 A Carboniferous Limestone MSA and mineral sites sit within proximity to the Bowes Bypass scheme. The Order Limits of the scheme would involve small and localised encroachment into the MSA. To the east of this sits two existing quarries: Hulands Quarry operated by Aggregate Industries and Kilmond Wood Quarry operated by Kearton Farms Ltd. There are also proposals for the working of carboniferous limestone from land to the east of Hulands Quarry. Within the Cross Lanes to Rokeby scheme sits Carboniferous Limestone MSA extending along entire alignment of scheme. There are small pockets of river sand and gravel MSA to the south of the scheme and glacial sand and gravel MSA to the east. The scheme will encroach along the full length into carboniferous limestone and in limited areas of other MSAs.
- 4.10.15 DCC are aware of the MSA's relationship with the proposed Project these have been assessed appropriately within Chapter 11 (Materials and Waste) of the ES (Application Document 3.2-3.4). This includes the moderate adverse impact that has been identified as a result of the sterilisation of a mineral safeguarding site in the Cross Lanes to Rokeby scheme which constitutes a large significant effect. It is however, considered that the Project when viewed as a whole outweighs the need to safeguard mineral in this particular location. This is demonstrated through the overarching benefits and overall need for the Project as outlined at chapter 3 and 7 of the CftP (Application Document 2.2). This scheme is also the only scheme out of 8 which would result in the sterilisation of minerals.
- 4.10.16 In reference to allocations relating to housing commitments and employment land commitments, there are a number of employment allocations which are all situated over 2km from the Order Limits. This list can be viewed at Appendix 15.1 of the Cumulative Assessment of Chapter 15 (Cumulative Assessment) of the ES (Application Document 3.4). It is considered that these commitments would not cumulatively impact the Project.
- 4.10.17 The **County Durham Infrastructure Delivery Plan (2019)** describes County Durham's infrastructure requirements to support the delivery of the County Durham Plan until 2035. Key infrastructure requirements identified include highways improvements. This plan mentions that the majority of people in County Durham are reliant on road infrastructure for transport, including the A66 which provides an east-west link to the A1(M) at Scotch Corner and the M6 at Penrith as well as they key strategic route for County Durham and Teesside to link to the North West of England at Penrith and Tebay (via the A685) (paragraphs 3.18 and 3.20). It is noted that TfN are proposing upgrades to the A66 to dual areas the west of the County. In reference to National Highways' plans to increase the capacity of the A66, it is noted that *'appropriate plans*

should be put in place so that diversionary routes do not have a negative impact on residents of Barnard Castle' (paragraph 3.297).

- 4.10.18 In addition to the adopted Local Plan, the **Whorlton Village Neighbourhood Plan 2015-2035 (2017)** provides an overview of development requirements for the Whorlton Village Conservation Area, which is an area located to the north of the existing A66. As set out at Appendix D of this document, the Project has considered Policy WP5 of the plan and concludes that any adverse impacts caused by the Project will result in less than substantial harm and the Project has taken the relevant measures in approaching and assessing the significance of heritage assets along the route.
- 4.10.19 A full assessment of the Project and its compliance with the DCC policy documents mentioned above is set out in the Conformity Table at Appendix C of this document.

4.11 North Yorkshire County Council ('NYCC')

- 4.11.1 For North Yorkshire, local plans for residential and business developments are prepared by district councils. In this case, the local planning authority for the North Yorkshire area is RDC (discussed below). NYCC as the Minerals and Waste Planning Authority for North Yorkshire is responsible for minerals and waste matters within the area.
- 4.11.2 The following schemes are located within the NYCC administrative area:
- Stephen Bank to Carkin Moor
 - A1(M) Junction 53
- 4.11.3 Local planning authorities which also sit within the NYCC area include:
- Hambleton District Council
 - Harrogate Borough Council
 - Richmondshire District Council
 - Craven District Council
 - Scarborough Borough Council
 - Ryedale District Council
 - Selby District Council
- 4.11.4 The **Joint Minerals and Waste Plan (2022)**, which covers the areas of NYCC, City of York Council and the North York Moors National Park Authority, is of relevance (i.e. from the point of view of safeguarding mineral resources - identified via MSAs - from unnecessary sterilisation by non-minerals development (see Objective 3 and Policies S01 – S03, S05 - S07) and has been assessed accordingly.
- 4.11.5 NYCC safeguards a series of areas within the Order Limits. A Limestone MSA extends along entire alignment of the Stephen Bank to Carkin Moor scheme. There are pockets of Sand and Gravel MSA and of Building Stone MSA that the scheme would also encroach into. Green Bank Quarry (GR 413738 509300) lies to the north-west of Ravensworth approximately 210 metres from the existing route of the A66. A

Limestone MSA surrounds the entire A1(M) Junction 53. NYCC are aware of these MSA's and their relationship with the proposed Project has been assessed appropriately within Chapter 11 (Materials and Waste) of the ES (Application Document 3.2-3.4). The chapter concludes that the Project would not lead to the sterilisation of minerals located within the MSA's relating to the aforementioned schemes. As such, it is considered that the Project accords with the policies of the Joint Minerals and Waste Plan.

- 4.11.6 The **North Yorkshire Local Transport Plan ('LTP') (2016 – 2045)** sets out NYCC's priorities, plans and strategies for managing, maintaining and improving all aspects of the local transport system for the next 30 years. The document refers to the York, North Yorkshire and East Riding LEP's SEP, albeit the A66 is not specifically referenced.
- 4.11.7 The NYCC LTP is formed around five objectives which are as follows:
- Economic Growth
 - Road Safety
 - Access to Services
 - Environment and Climate Change
 - Healthier Travel
- 4.11.8 The NYCC LTP adopts a hierarchical commitment to: manage the transport networks and services to make the best use of the current system; maintain transport networks/services to an appropriate and affordable standard; and, improve transports networks and services to supplement the current system.
- 4.11.9 One of the document's key commitments is themed around strategic transport/transport links (see Section 3a) – linking to the Strategic Transport Prospectus discussed below. This commitment includes a focus on improvements to east-west connectivity, which is describes as being '*relatively poor*' compared to north-south travel corridors. It is considered that '*improvements to east-west links will help to boost...economic performance...by improving access to businesses, unlocking housing growth and enabling...easier [access] from other areas of the Country and the strategic transport network...*'. NYCC states that it is committed to working with National Highways to further improve the A66 corridor between Scotch Corner and the M6.
- 4.11.10 The **Strategic Transport Prospectus for North Yorkshire ('STP')** has been prepared by NYCC in discussion with the York, North Yorkshire and East Riding (YNY&ER) LEP and nine Local Planning Authorities. It sets out NYCC's headline Strategic Transport priorities for the next 30 years (to 2045).
- 4.11.11 The STP's objective is '*to ensure that all parts of North Yorkshire benefit from and contribute to the success of The Northern Powerhouse*'. One of the STP's three strategic priorities is improving east-west connectivity, including Trans-Pennine links. This includes improvements to the A66, which would be beneficial to the economy of the northern areas of North Yorkshire as well as Cumbria, Teesside and the rest of the North East. The **NYCC Plan for Economic Growth** outlines NYCC's vision, in

consultation with the YNY&ER LEP, for economic growth and identifies its role in supporting this aspiration. The plan recognises the wider benefits and impacts that economic prosperity can deliver, across a breadth of areas such as health, education and future opportunities.

4.11.12 The objectives of the plan are as follows:

- A larger business base and increased number of good quality jobs in North Yorkshire.
- People across the county have equal access to economic opportunities
- Increased overall average median wage

4.11.13 Over the period 2021 – 2024 some of the priorities include delivering efficient transport and opportunities for younger people to access good quality employment and affordable housing opportunities.

4.11.14 The plan also sets out a series of enablers that will be critical to achieving their aims, notably Enabler 2 (Deliver a modern integrated transport network), which is described as: – ‘Delivering the Council’s Local Transport Plan, improving transport to, between and within all of our towns, (especially east-west links) to improve access to markets, skills and supply chains within the County and the rest of the UK.’

4.11.15 A full assessment of the Project and its compliance with the NYCC policy documents mentioned above is set out in the Conformity Table at Appendix C of this document.

4.12 Local Council level policy context

4.12.1 The local authorities which act as ‘host’ authorities for a number of the Project schemes are EDC and RDC.

4.13 Eden District Council (‘EDC’)

4.13.1 The following schemes which form part of the Project are located within EDC’s administrative area:

- M6 Junction 40 to Kemplay Bank
- Penrith to Temple Sowerby
- Temple Sowerby to Appleby
- Appleby to Brough

4.13.2 EDC’s Local Plan consists primarily of the **Eden Local Plan (2014 – 2032) (2018)**, one of the objectives of which (Objective 3) is ‘*to assist in the development of any accessible and sustainable transport system whilst reducing the need for travel*’. The A66 is cited as the main east-west travel corridor in the area.

4.13.3 There are also supplementary planning documents (‘SPDs’) that provide additional guidance on specific subjects identified within the Eden Local Plan. The following SPDs are considered relevant to the Project and discussed within the ‘other relevant documentation’ section below (Section 3.19):

- North Pennines Area of Outstanding Natural Beauty (‘AONB’) (2011)

- Planning Guidelines SPD and Management Plan (2019).
 - Cumbria Landscape Character guidance and Toolkit (2011).
- 4.13.4 The North Pennines AONB and the surrounding landscape character of the Project have been significant considerations in the development of the Project. The AONB designation has been considered at length within chapter 6 of the CftP (Application Document 2.2 given the Project's relationship with the AONB at Appleby to Brough and Bowes Bypass. These assessments have been guided through technical assessments of the ES (principally Chapter 10 (Landscape and Visual) (Application Document 3.2) and further build up through the economic case and transport case of the Project at chapter 4 and 5 of the CftP (Application Document 2.2).
- 4.13.5 In reference to site allocations, the Eden Local Plan allocates a small number of housing allocations along and in proximity to the Order Limits.
- 4.13.6 This comprises of a series of housing allocations including at Carleton Hall Farm (E4) (located adjacent to the Order Limits) and Carleton East (E3), in Penrith, adjacent to the A66 (located approximately 90m from the Order Limits). Land at Westmoreland Road (AP24) is also located approximately 170m from the Order Limits.
- 4.13.7 There are a number of employment allocations situated approximately 1.6km from the Order Limits at Eden Business Park Phase 1, and Eden Business Park Phase 2.
- 4.13.8 A partial assessment of the Eden Local Plan is currently being progressed by EDC. The assessment primarily focuses on ensuring that policies focus on climate change and ensuring new development is of a high-quality design. Regulation 18 Scoping Consultation took place in 2021. Due to the early stage of the review reached to date, which means no weight should be attributed to any proposed changes, the details of this process have not been considered as part of this statement.
- 4.13.9 A full assessment of the Project and its conformity with the relevant policy documents mentioned above is set out in the Conformity Table at Appendix D of this document.

4.14 Richmondshire District Council ('RDC')

- 4.14.1 The following schemes which form part of the wider Project are located within RDC's administrative area:
- Stephen Bank to Carkin Moor
 - A1(M) Junction 53
- 4.14.2 The RDC Local Plan consists of the **Richmondshire Local Plan 2012 – 2028 Core Strategy (2014)**. It was originally intended for 'Delivering Development Plan' to sit alongside the Core Strategy, albeit it appears that this plan was never progressed. The Core Strategy provides the strategic development policies for the part of the district that is outside

the Yorkshire Dales National Park. The following adopted and emerging plans have also been considered for the proposed Project: .

- Emerging policy: **A revised Local Plan (2018-2039)** is currently in preparation. The preferred options consultation took place between 28 May 2021 until 23 July 2021. Due to its point within the emerging policy process and its subsequent weighting (in this case, no weight to be attached in the decision-making process), this document has not been reviewed.
- Additional considerations: In addition to adopted and emerging policy, the **Richmondshire District Economic Action Plan (2016-20) ('EAP')** provides an overview of priority areas that need to be addressed to deliver economic growth across the district.

- 4.14.3 In terms of site allocations along the Project route, to the south west of Scotch Corner and adjacent to the A6108 which runs alongside the A1, RDC have identified a 'Preferred Strategic Direction of Growth Area' as defined in the emerging development plan. At the time of writing, this document is at the Preferred Options (Reg. 18) consultation stage, which ran from the 28 May to 23 July 2021. Due to the point reached in the emerging policy process and its subsequent weighting (i.e. no weight), this proposed allocation has not been reviewed but has been referenced here for context.
- 4.14.4 The Richmondshire Local Plan aligns with the NPPF in so far as it takes a positive approach that reflects the presumption in favour of sustainable development. The Project seeks to conform and meet with the various economic, social and environmental considerations defined within the local plan in order to ensure that the A66 meets sustainable development objectives.
- 4.14.5 Furthermore, Priority Three of the Richmondshire EAP (*'Improving connectivity'*) includes a commitment that RDC will *'lobby, secure funding for and enable necessary road improvements to the...A66'*. RDC consider that its growth agenda cannot succeed without improving connectivity by physical transport links.
- 4.14.6 The development will address economic growth in the Richmondshire area - the dualling of the A66 will have huge economic benefits. The reduction in congestion will further lead to reduced travel times, thus benefiting the economy of Richmondshire. Other local benefits of the Project should entail an increase in tourism, reduced rat running, an increased promotion of active travel and an increase reduction in employment in the area due to the construction of the Project. Further economic benefits, as well as the wider economic case for the Project are set out at chapter 5 of the CftP (Application Document 2.2).
- 4.14.7 Other local benefits of the Project should entail an increase in tourism, reduced rat running, an increased promotion of active travel and an increase in employment in the area due to the construction of the Project. Further economic benefits, as well as the wider economic case for the Project are set out at chapter 5 of the CftP (Application Document 2.2).

4.14.8 A full assessment of the relevant EDC local plan policies mentioned above is set out in the Conformity Table at Appendix D to this document.

4.15 Plans and Policies of Councils neighbouring the Host Authorities

4.15.1 In addition to the “host” authorities which accommodate the proposed Project, neighbouring councils to the ‘host’ authorities are outlined below. Where necessary, their relevant local plan details are referenced in the various technical documents associated with the Project. For reference, the relationship of these authorities to the Project is outlined in the table below:

Table 5 Neighbouring local authorities

	Local plan(s)	Adjacent neighbouring council on route alignment
Allerdale Borough Council	Allerdale Local Plan (Part 1) Strategic and Development Management Policies (2014) (SDMP) Allerdale Local Plan Site Allocations Development Plan (2020) (SADP)	EDC, CCC
Carlisle City Council	Carlisle District Local Plan 2015-2030 (CDLP) (2016). St Cuthbert's Local Plan, Preferred Option Policies Consultation (2020)	EDC, CCC
Craven District Council	The Craven Local Plan 2012-2032 (CLP) (2019)	RDC, NYCC
Darlington Borough Council	Darlington Local Plan 2016-2036 (2022)	DCC, RDC, NYCC
Gateshead Council	Planning for the Future- The Core Strategy and Urban Core Plan (CSUCP) 2010-2030 (2015) Making Spaces for Growing Places (MSGP) (2021) MetroGreen Area Action Plan (AAP).	DCC, RDC, NYCC
Hambleton District Council	Hambleton Local Plan (2022)	RDC, NYCC
Harrogate District Council	Harrogate District Local Plan 2014-2045 (2015) (HDLP)	RDC, NYCC
Hartlepool Borough Council	Hartlepool Local Plan (2018)	DCC
Lancaster City Council	Strategic Policies and Land Allocations Development Plan Document (SPLA DPD) 2011-2031 (2020). Development Management Development Plan Document (DM DPD) 2011-2031 (2020). Morecambe Area Action Plan (2014) Arnsdale and Silverdale AONB Plan (2019)	RDC, NYCC (via South Lakeland Council),

	Local plan(s)	Adjacent neighbouring council on route alignment
	Draft Gypsy and Traveller and Travelling Show people Site Allocations and Development Plan Document Lancaster South Area Action Plan Development Plan Document (2020)	
Northumberland County Council	Northumberland Local Plan 2016-2036 (2022)	DCC, EDC, CCC
South Lakeland District Council	The Core Strategy (2010) Local Plan Land Allocations Development Plan Document (LPLA DPD) (2013) Development Management Policies Development Plan Document (DMP DPD) (2019)	EDC, CCC, RDC, NYCC
Stockton on Tees Council	Stockton on Tees Borough Council Local Plan (2019)	DCC
Sunderland City Council	Core Strategy and Development Plan (CSDP) (2020) Unitary Development Plan (UDP) (2007) Alteration No.2 Draft Allocations and Designations Plan (DAP) (2020). International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) (2017)	DCC

4.16 Other relevant policy

4.16.1 The Road Investment Strategy ('RIS') 1 and 2, the Transport Investment Strategy, the National Infrastructure Delivery Plan and the National Highways Delivery Plan set out a strong position of support in delivering national networks that meet the country's long-term needs. The Project is specifically identified as a priority Project for improvement and has been a long-standing objective of improving the SRN between the North East and North West (Trans-Pennine) regions of the UK.

4.17 Road Investment Strategy (1 and 2)

4.17.1 In 2014, the DfT announced its five-year investment programme for making improvements to the SRN across England. The Project is one of more than 100 schemes identified as part of RIS1 2015-2020 (DfT, 2015), which outlines the government's long-term programme for the SRN to be delivered by the Applicant. Funding for delivery of the Project has been confirmed within RIS2 2020- 2025 (DfT, 2020).

4.17.2 Section 3(6) of the Infrastructure Act 2015 ('IA 2015') places a duty on the Applicant (appointed as the highways authority for England under section 1 IA 2015) and the SoS to conform with the provisions of the RIS once it has been set.

- 4.17.3 The Project is aligned with the principles set out in RIS1 and RIS2, which promote improving the road network to support the economy and create a greener network, making a safer, more reliable, more integrated and smarter network.
- 4.17.4 RIS1 confirmed that the SRN required upgrading and improving and that this investment in the SRN is considered to be '*critical*' if the SRN is to deliver the performance needed to support the nation throughout the 21st century. RIS1 commits to investing a total of £15.2 billion to the enhancement and long-term maintenance of the network from between 2015-/16 to and 2020-/21, which includes 127 major enhancements.
- 4.17.5 RIS1 contains four strategic goals that are required to deliver improvements to the SRN, as follows:
- Providing capacity and connectivity to support national and local economic activity.
 - Supporting and improving journey quality, reliability and safety.
 - joining communities and linking effectively to each other; and
 - supporting delivery of environmental goals and the move to a low carbon economy.
- 4.17.6 These strategic goals are consistent with the policies of the NNNPS and contain the same objectives (page 9 of the NNNPS 'Summary of need'), and the compliance of the Project with these objectives is summarised in the CftP (Application Document 2.2) and also set out within the NNNPS Compliance Table, which forms part of the Appendix A of this Statement.
- 4.17.7 The RIS1 Performance Specification set out eight areas that the Applicant is required to focus on in delivering the RIS as follows:
- making the network safer;
 - improving user satisfaction;
 - supporting the smooth flow of traffic;
 - encouraging economic growth;
 - delivering better environmental outcomes.;
 - helping cyclists, walkers and other vulnerable users of the network;
 - achieving real efficiency; and
 - keeping the network in good condition.
- 4.17.8 These areas have been considered and incorporated into the Project's wider objectives (as discussed at chapter 7 of the CftP (Application Document 2.2)) where it is concluded that the Project aligns with these objectives. As such, the Project accords with these relevant areas of focus as defined within RIS1 Performance Specification.
- 4.17.9 The targeting of investment in RIS1 has been informed by the following three factors:
- considering how the SRN can best support economic growth;
 - how the network and the Applicant can do more to work with local partners; and

- how there can be a strong focus on protecting the environment throughout the investment plan.

4.17.10 These are set out in the National Highways Delivery Plan (2020-2025) which comprises the Applicants response to the RIS. The Delivery Plan provides detail on specific funding and projects that National Highways will deliver, and this includes the A66 improvements.

4.18 RIS2

4.18.1 RIS2 sets a long-term strategic vision for the SRN for the next period (2020 – 2025). With that vision in mind, it then: specifies the performance standards the Applicant must meet; lists planned enhancement schemes expected to be built; and sets out the funding available during the second Road Period ('RP2')(2020-2021), covering the financial years 2020/21 to 2024/25. In total, RIS2 commits the Government to spend £27.4 billion during RP2.

4.18.2 The strategic vision for the SRN both responds to current traffic demands and also seeks to shape the future use of the network to support the Government's wider policy aims promoting the importance of place; achieving net gains for the environment and contributing to a wider climate change strategy; and being at the forefront of technological change. This is an evolutionary process, building on good work that is already underway. The Strategic Vision in RIS1 set aspirations for a smoother, smarter, sustainable SRN.

4.18.3 Part 3 of RIS 2 comprises the Investment Plan. It outlines that RIS2 makes three major commitments to schemes for delivery through coming road periods that can underpin a wider economic transformation. This includes dualling the A66 between the A1(M) and the M6, creating the first new Trans Pennine dual carriageway since 1971.

4.18.4 The National Highways' delivery plan 2020-2025 commits through the RP2 to upgrading the remaining six single carriageway sections of the A66 between the A1(M) at Scotch Corner and the M6 at Penrith, creating a continuous dual carriageway across the Pennines. This delivery plan sets out how National Highways (and as such, the Project) meets the key factors of the RIS1 targets of investment. Through the delivery of the A66 Project, the Project will align with the RIS 2 and its investment plan. As such, the Project conforms with the RIS1 and RIS2 in meeting its aspirations and commitments.

4.19 Union Connectivity Review (2021)

4.19.1 The Union Connectivity Review was prepared by Sir Peter Hendy CBE (at the request of the DfT) to assess the existing transport network in the United Kingdom and identify how it could better support the aims of economic growth, jobs, housing and social cohesion in England, Scotland, Wales and Northern Ireland.

4.19.2 The Project will offer the opportunity to improve connectivity across the north of England, resulting in markets being accessed in Scotland, and across to Northern Ireland. Whilst the A66 is not specifically referenced within the review, its objectives are similar in so far that it promotes economic growth and further east-west connectivity.

4.20 Additional relevant documents

4.20.1 The following documents are also considered relevant to the Project:

- **Cumbria Landscape Character Guidance and Toolkit (2011)**

4.20.2 The Cumbria Landscape Character Guidance and Toolkit forms part of EDC's suite of SPDs. This document has been prepared in conjunction with the Cumbrian Local Planning Authorities, which are:

- Cumbria County Council
- Allerdale Borough Council
- Barrow Borough Council
- Carlisle City Council
- Copeland Borough Council
- Eden District Council

4.20.3 The Guidance and Toolkit provides a baseline of information that can be used by landowners, managers, developers, communities and planning authorities when making decisions on future land use and management.

4.20.4 The Guidance and Toolkit is separated into two parts:

- Part One includes Cumbria's Landscape Character Assessment and links with other national, regional, and protected landscape assessments. It is a review that classifies 13 broad landscape types and 37 sub types within Cumbria.
- Part Two includes the toolkit to help understand the role of a landscape character assessment and how and when to use it.

4.20.5 This document has completed a broad overview on Part One of the Guidance and Toolkit, which is set out in Appendix C to this document. The full assessment and consideration of this document can be viewed in the Chapter 10 (Landscape and Visual) of the ES (Application Documents 3.2-3.4). Only landscape character types or sub types relevant to the proposed A66 route alignment have been included in the assessment.

4.21 North Pennines AONB Planning Guidance (2011)

4.21.1 This SPD (as adopted by EDC) provides guidance on development in or affecting the North Pennines AONB. It is aimed primarily at planners, developers, builders and householders.

4.21.2 National planning policy states that AONBs, along with National Parks, have the highest standard of protection in relation to landscape and natural beauty. National planning policy also makes it clear that major

developments should not take place in these designated areas, except in exceptional circumstances which are in the national public interest.

- 4.21.3 This SPD does not make direct reference to the Project. However, there are several development guidelines set out in the SPD which are of relevance and an overview of this document has been set out within Appendix D of this statement. The guidance itself has been specifically designed for local authorities to implement planning policies relating to the AONB. These relevant planning policies are therefore discussed at Appendices C and D of this document (in this case, DCC Policy 38 – *North Pennines Area of Outstanding Natural Beauty* and EDC, Policy ENV3 – *The North Pennines Area of Outstanding Natural Beauty*) where schemes 6 (Appleby to Brough) and 7 (Bowes Bypass) are located.

4.22 County Durham Landscape Character Assessment (2008)

- 4.22.1 In a similar approach to the CCC Landscape Character Assessment discussed above, a broad overview of this document has been provided. However, this document does not formally form part of DCC's development plan suite. The full assessment and consideration of this document can be viewed at Chapter 10 (Landscape and Visual) of the ES (Application Documents 3.2-3.4).

5 Summary and Conclusions

5.1 Assessment of S104 (4) – (6) and (8) of the PA 2008

- 5.1.1 This Statement has considered whether any matters under section 104 (4) - (6) & 8) would apply which might prevent determination of the Application in accordance with the NNNPS. The findings from this Statement are that deciding the Application in accordance with the NNNPS would not:
- a) lead to the United Kingdom being in breach of any of its international obligations (section 104(4))
 - b) lead to the SoS being in breach of any duty imposed by or under any enactment (section 104(5))
 - c) be unlawful by virtue of any enactment (section 104 (6))
- 5.1.2 In addition, there are no conditions prescribed for deciding the Application otherwise than in accordance with the NNNPS (section 104(8)).
- 5.1.3 It follows that the Application must be determined in accordance with the NNNPS, if section 104(7) PA 2008 can also be satisfied by showing that the adverse impact of the proposed development would not outweigh its benefits. The consideration of the planning balance, weighing up the benefits and the adverse impacts of the project, are set out in chapter 7 of the CftP (Application Document 2.2). The conclusion is that section 104(7) PA 2008 is not triggered as the benefits of the Project clearly outweigh the adverse impacts.
- 5.1.4 The Project's alignment with the strategic objectives of the NNNPS drawing on the wider assessment of the NNNPS in this document is considered within chapter 7 of the CftP (Application Document 2.2).
- 5.1.5 The Application must therefore be determined in accordance with the NNNPS as per section 104(3) PA 2008. Conformity with the NNNPS and the findings from the assessment of benefits in relation to adverse impacts are set out in Appendix A to this statement. The Project's alignment with the strategic objectives of the NNNPS drawing on the wider assessment of the NNNPS in this document is considered within chapter 7 of the CftP (Application Document 2.2).

5.2 Conclusions

- 5.2.1 The Applicant has assessed the Project against the relevant points of the NNNPS. The Project demonstrates conformity with the NNNPS, including the Government's strategic vision for the development of the national road network, wider policies for economic performance, environment, safety, technology, sustainable transport and accessibility, as well as journey reliability and the experience of road users. Where likely significant effects are generated by the construction or operation of the Project, it has been demonstrated through careful and comprehensive assessment that the substantial and long-lasting benefits of the Project outweigh these adverse impacts. This

assessment can be found in Appendix A of this statement and at Chapter 7 of the CftP (Application Document 2.2).

- 5.2.2 Following the assessment of the Project against the relevant National, Regional, County and Local policy context, it can be concluded that the Project accords with the relevant objectives and policies defined within these plans. At a national level, this includes the Project's conformity with the NPPF in bringing forward sustainable development – in line with Paragraph 7 of the NPPF.
- 5.2.3 From a regional level, the Project aligns with the ambitions of the relevant bodies including TfN and the LEP's in the area. The delivery of the Project would offer improved east-west connectivity and result in significant economic benefits to the north of England. These assessments can be found in more detail in Appendix B of this statement.
- 5.2.4 At a County level (CCC, DCC and NYCC) and local level (EDC and RDC), the Project has conformed with the strategic policies of the plans and ensured that scheme specific considerations within each host authority have been assessed accordingly. These assessments can be found in more detail in Appendices C and D of this statement.

6 APPENDICES

- APPENDIX A: NNNPS Policy Conformity Table**
- APPENDIX B: Regional Policy Conformity Table**
- APPENDIX C: County Policy Conformity Table**
- APPENDIX D: Local Policy Conformity Table**

APPENDIX A: NNNPS Conformity table

A NNNPS conformity table

The table below sets out the requirements of the NNNPS and how the Project conforms with these requirements. Each paragraph of the NNNPS has been reviewed, with those of relevance to the Project outlined and assessed for compliance within this table. Where paragraphs are not considered to be relevant to the Project, they have been excluded from this table.

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
2 The need for development of the national networks and Government's policy		
2.1	<p>The national road and rail networks that connect our cities, regions and international gateways play a significant part in supporting economic growth, as well as existing economic activity and productivity and in facilitating passenger, business and leisure journeys across the country. Well-connected and high-performing networks with sufficient capacity are vital to meet the country's long-term needs and support a prosperous economy.</p>	<p>The Applicant aims to provide a well-connected and high-performing modern standard dual carriageway with sufficient capacity to meet long terms needs and a prosperous economy. In doing this, it improves the vital connection between the North West and North East of England, upgrading the single carriageway lengths on the route to dual carriageway.</p> <p>Despite the strategic importance of the A66, the route between the M6 at Penrith and the A1(M) at Scotch Corner is only intermittently dualled and has six separate lengths of single carriageway. The route also carries local slow moving agricultural and other traffic making short journeys, which can have an impact on other users, especially on the single carriageway lengths. The variable road standards, together with the lack of available diversionary routes when incidents occur, affects road safety, reliability, resilience and attractiveness of the route. If the existing A66 route is not improved, it will constrain national and regional connectivity and may threaten the transformational growth envisaged by the Northern Powerhouse initiative and the achievement of the Government levelling up agenda.</p> <p>The A66 is an important route for freight traffic, with HGVs comprising on average 25% of total vehicles on most lengths of the route between Scotch Corner and Penrith, with select lengths seeing 29% of total vehicle traffic as freight movements. It is also an important route for tourism and connectivity for</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>nearby communities. There are no direct rail alternatives for passenger or freight movements along the corridor.</p> <p>As set out in chapter 11 of the Transport Assessment ('TA') (Application Document 3.7), the improved linkage which would be provided by the Project benefits communities within the north of England, who, due to the rural nature of the region, often lack access to key local services for example, GP surgeries, primary schools and supermarkets. These people are often required to commute over longer distances to access improved employment opportunities. The increased flow also reflects more tourists benefiting from improved links to areas such as the Lake District and the North Pennines AONB, thereby improving the economies within this area.</p> <p>The forecast journey times along the A66 from the M6 J40 to the A1(M) Scotch Corner without the delivery of the Project will increase by approximately five minutes (9%) if the Project is not delivered. This is because the single carriageway sections are near their capacity throughout the assessment period. With the Project in place, it is anticipated that users will save between 10 and 13 minutes (19-22%) when travelling along the A66 corridor in future years.</p> <p>The Myriad assessment as set out in the TA (Application Document 3.7) has shown that the Project has a significant impact on Travel Time Variability ('TTV') and Incident Delay by removing the single carriageway sections.</p> <p>The journey Resilience assessment (Combined Modelling and Appraisal Report Application Document 3.9) has shown that network wide benefits are to be gained by the Project when closures of greater than 6 hours occur on the road network within the area.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
2.2	<p>There is a critical need to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth. Improvements may also be required to address the impact of the national networks on quality of life and environmental factors.</p>	<p>In summary, the Applicant offers the opportunity to provide a modern, high performing and well-connected route which will support economic growth.</p> <p>The Project will help to address road congestion and provide a network that will stimulate and support economic growth in the area. The Project would create appropriate capacity to cope with peak demand and growth on the SRN, and provide a free flowing, safe, reliable and resilient network for the future.</p> <p>The TA (Application Document 3.7) considers user experience of the A66 at section 6.3 of the TA and Road Safety at section 8 of the TA.</p> <p>Whilst the A66 is not a highly congested route, journey times increase in peak periods, and this is exacerbated by changing standards along the route from dual to single carriageway and vice versa.</p> <p>As presented in the compliance section of NNNPS paragraph 2.1, with the Project in place, it is anticipated that users will save between 10 and 13 minutes (19-22%) when travelling along the A66 corridor in future years.</p> <p>The A66 has a higher-than-average number of accidents in some lengths of the route, with a number of accident cluster sites. A number of these sites are either located in single carriageway lengths or in dual lengths adjacent to single carriageway lengths. Varying standards along the route with a mixture of single and dual carriageway lengths leads to difficulties with overtaking, poor forward visibility, and difficulties at junctions as a result of short merges and diverges and right turning traffic off and on to the A66.</p> <p>The new dual carriageway and junctions on the Project will be designed to modern safety standards and will provide for safer journeys for all road users. The improved route will also be more resilient and less susceptible to disruption due to the additional lanes, recovering faster from incidents.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>In reference to the Project’s economic benefits, the capacity of the A66 will be increased, relieving pressure on the both the current and anticipated traffic flows. The improved journey times delivered by the Project will stimulate the local economy as people travel to employment centres and to community, hospitality and retail facilities.</p> <p>Faster journeys lead to less wasted time idling and waiting in congestion to clear, freeing time for more productive activities that produce economic value, or leisure activities, both of which have a higher value to individuals than traffic delays. All individuals in the economy place a value on their own leisure or labour time, a value that is partly lost on congested highways. For individuals that are seeking employment, the improvements may alter their preference of their travel-to-work radius and provide access to a wider range of employment opportunities.</p> <p>Likewise, businesses that are dependent on the A66 for east-west connectivity will benefit from direct cost reductions, an improved environment for maintaining contact with their customers and suppliers, and the ability to access larger markets and different geographical areas.</p> <p>Local journeys will become more reliable, helping to stimulate local economic activity. As transport becomes easier and journey times quicker and more reliable, the settlements surrounding and using the A66 will become more attractive to inward investment from the private sector. At a regional scale, businesses will benefit from the improved accessibility of key employment areas across Cumbria, Tees Valley and Tyne and Wear.</p> <p>The Project will offer economic benefits, modelled and monetised in the economic appraisal in the Combined Modelling and Appraisal Report (Application Document 3.8), that would contribute to economic growth include</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>journey time reliability benefits and wider economic impacts ('WEI'). The value of these benefits over a 60-year appraisal period sum to £124.7m and £61.5m, respectively. Further information on the economic benefits of the Project can be found in chapter 5 of the CftP (Application Document 2.2).</p> <p>The Project would result in an overall reduction in disturbance from traffic noise and nearby communities affected by rat running and congestion; as well as improving connectivity between communities across the route corridor. These improvements would improve quality of life within those communities. These benefits are described in further detail in chapter 6 of the CftP (Application Document 2.2). These benefits are considered to outweigh the disbenefits of the Project.</p> <p>National Highways recognises the environmental and social importance of completing the construction of, and operating, the Project in an environmentally sustainable and responsible manner, ensuring a high level of environmental performance. The Project includes a range of design measures that have been developed to avoid, reduce or offset likely significant adverse environmental effects.</p> <p>In summary, the Project addresses road congestion and will help to support social and economic activity.</p>
2.6	<p>There is also a need for development on the national networks to support national and local economic growth and regeneration, particularly in the most disadvantaged areas. Improved and new transport links can facilitate economic growth by bringing businesses closer to their workers, their markets and each other. This can help rebalance the economy.</p>	<p><i>Note: Any monetised values are in 2010 prices. Monetary values are summarised in section 5.3 of the CftP (Application Document 2.2).</i></p> <p>The Project will offer the opportunity to improve transport links for businesses, markets and their workers along the entirety of the A66 route and support national and local economic growth and regeneration. The economic appraisal (contained within the Combined Modelling and Appraisal Report ('comMA') (Application Document 3.8)) highlights that economic benefits will accrue to business users and the Project is forecast to achieve total transport economic</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>efficiency benefits of £477.6m. They are made up of changes in travel time, user charges (for example, tolls) and changes in vehicle operating costs (that is, for private transport).</p> <p>Business user benefits, as reported by Transport Analysis Guidance ('TAG') unit A2.1, are benefits that have a direct impact on Gross Domestic Product ('GDP') through improving productivity, and therefore have a direct positive impact on economic growth and contribute to levelling up in line with the UK Government's ambitions.</p> <p>Similarly, the Project will offer other economic benefits, modelled and monetised in the economic appraisal, that would contribute to economic growth include journey time reliability benefits and wider economic impacts ('WEI'). The value of these benefits over a 60-year appraisal period sum to £124.7m and £61.5m, respectively. The former reflects the high levels of TTV that is currently experienced on the A66 route infrastructure, and the latter is a largely a reflection of increased business output through travel efficiency and reliability cost savings.</p> <p>It is evident from the economic analysis that the Project will facilitate and support economic growth with benefits that directly influence GDP.</p>
2.7	<p>In some cases, there may be a need for development to improve resilience on the networks to adapt to climate change and extreme weather events rather than just tackling a congestion problem.</p>	<p>The Applicant has incorporated resilience measures to adapt to climate change and extreme weather events.</p> <p>Section 7.8 of Chapter 7 (Climate) of the ES (Application Document 3.2) considers the impacts of climate change and demonstrates how these are reflected in the Project's design. A series of design standards have been incorporated into the design principles of the Project.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>Allowances for future climate change have been considered to improve the Project's resilience to extreme weather events. The development will improve resilience on the road network to adapt to climate change.</p>
2.9	<p>Broader environment, safety and accessibility goals will also generate requirements for development. In particular, development will be needed to address safety problems, enhance the environment or enhance accessibility for non-motorised users. In their current state, without development, the national networks will act as a constraint to sustainable economic growth, quality of life and wider environmental objectives.</p>	<p>The Project will address existing safety problems, enhance the environment and enhance accessibility for non-motorised users.</p> <p>As indicated in the CftP (Application Document 2.2), the Applicant sets out the following objectives relating to safety and enhancement of the environment for NMU users:</p> <ul style="list-style-type: none"> • Transport – Improve road safety, during construction, operation and maintenance for all, including road users, Non-Motorised Users ('NMUs'), road workers, local businesses and local residents. • Community - Reduce the impact of the route on severance for local communities • Environment – Minimise adverse impacts on the environment and where possible optimise environmental improvement opportunities. <p>Design proposals for the infrastructure features aimed at improving facilities for Walking, Cycling and Horse Riding ('WCH') users are set out within the Walking, Cycling and Horse Riding Proposals report (Application Document 2.4).</p> <p>Where public rights of way ('PRoWs') are severed by or converge at the upgraded A66 carriageway, then they have been gathered and redirected to the nearest grade-separated crossing facility in order to provide a safe place to cross the dual carriageway. The nearest crossing may be a new grade-separated junction, an accommodation underpass or overbridge, or a designated WCH underpass or bridge. All schemes forming part of the Project have some level of betterment compared with the provision on the existing single carriageway sections. For most schemes, this includes a parallel shared multi-user route segregated from the dual carriageway. This parallel provision is</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>in the form of either a new path adjacent to the dualling or has been provided along the verge of the old de-trunked A66, where it remains.</p> <p>Based upon the above, the safety problems, environmental problems and accessibility issues for existing WCH users will be improved as a result of the Project through the provision of dedicated WCH infrastructure provision. In turn, and without these design proposals, the Project would not act as a constraint to economic growth, quality of life or impact wider environmental objectives.</p>
2.10	<p>The Government has therefore concluded that at a strategic level there is a compelling need for development of the national networks – both as individual networks and as an integrated system. The Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by this NPS on that basis.</p>	<p>This Project facilitates the development of the national network and the need for the proposed development has been assessed at a strategic level in advance of preparing this DCO application in line with the PA 2008.</p> <p>By way of background, the need for improvements to the A66 corridor was identified in the NTPRSS announced as part of RIS1 in December 2014. The study was one of six national strategic studies. Funding for the A66 corridor improvements was committed to in RIS2 in March 2020. Full details of the Project’s history are set out at chapter 3 of the Project Development Overview Report (‘PDOR’) (Application Document 4.1).</p>
2.13	<p>The Strategic Road Network provides critical links between cities, joins up communities, connects our major ports, airports and rail terminals. It provides a vital role in people’s journeys, and drives prosperity by supporting new and existing development, encouraging trade and attracting investment. A well-functioning Strategic Road Network is critical in enabling safe and reliable journeys and the movement of goods in support of the national and regional economies.</p>	<p><i>Note: Any monetised values are in 2010 prices. Monetary values are summarised in section 5.3 of the CftP (Application Document 2.2).</i></p> <p>The A66 forms part of National Highways’ existing trunk road network. National Highways is the strategic highways company charged with operating, maintaining and improving England’s motorways and major A-roads (per s.1 IA 2015). The Project will allow the A66 to function efficiently and enable safe and reliable journeys.</p> <p>As set out in chapter 5 of the CftP (Economic Case Overview), over a 60-year appraisal period the Project is forecast to achieve significant accident savings with a value of over £29.6m. There is also projected to be £272.2m of journey</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>time reliability benefits that will benefit business users (including the movement of goods in support of national and regional economies) and commuters (a direct social benefit). In terms of journey time reliability, 46% of the benefit is amongst business users and the remaining 54% amongst commuter and other users.</p> <p>As such, the Project will contribute towards a safe and reliable SRN which will in turn support national and regional economies.</p>
2.16	<p>Traffic congestion constrains the economy and impacts negatively on quality of life by:</p> <ul style="list-style-type: none"> - Constraining existing economic activity as well as economic growth, by increasing costs to businesses, damaging their competitiveness and making it harder for them to access export markets. Businesses regularly consider access to good roads and other transport connections as key criteria in making decisions about where to locate. - Leading to a marked deterioration in the experience of road users. For some, particularly those with time pressured journeys, congestion can cause frustration and stress, as well as inconvenience, reducing quality of life. - Constraining job opportunities as workers have more difficulty accessing labour markets. - Causing more environmental problems, with more emissions per vehicle and greater problems of blight and intrusion for people nearby. 	<p><i>Note: Any monetised values are in 2010 prices. Monetary values are summarised in section 5.3 of the CftP (Application Document 2.2).</i></p> <p>The A66, in its current state, repeatedly widens and narrows, and the fact that some lengths of the road do not match modern standards can cause significant congestion and delay due to lack of overtaking opportunities and slow-moving traffic, in part due to a high proportion of HGVs but also the frequent use of the route by agricultural vehicles.</p> <p>The economic appraisal set out in the CftP (Application Document 2.2) of the Project highlights that there will be significant reliability benefits from reduced TTV during normal operating conditions (daily congestion). Over the 60-year appraisal period the Project is expected to deliver over £150m of TTV benefits (daily congestion and incidents). The total journey time reliability benefits, over the same appraisal period and including incident delays (on the A66 route and diversion routes) has been estimated to be £272.2m</p> <p>The Project is also expected to facilitate labour supply change (whereby better transport access releases inactive workers into the labour market and provides tax revenue). Whilst these benefits are relatively small, they are positive.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
	This is especially true where traffic is routed through small communities or sensitive environmental areas.	The A66 is an important link to local and regional services, employment and education opportunities for communities and towns along the route, as well as providing a commuter link to the many towns and villages. This is particularly important given that there is very little public transport provision along the route, with no comparable rail route and very limited bus service provision.
2.17	The national road network is already under significant pressure. It is estimated that around 16% of all travel time in 2010 was spent delayed in traffic, and that congestion has significant economic costs: in 2010 the direct costs of congestion on the Strategic Road Network in England were estimated at £1.9 billion per annum.	The project creates a more accessible and inclusive transport network along the A66 corridor and therefore offers a range of opportunities and choices for people to connect with jobs, services and friends and family.
2.18	<p>The pressure on the road network is forecast to increase with economic growth, substantial increases in population and a fall in the cost of car travel from fuel efficiency improvements. Under the Department's 2014 estimates, it is forecast that a quarter of travel time will be spent delayed in traffic by 2040, with direct costs rising to £9.8 billion per annum by 2040 on the Strategic Road Network in England, without any intervention. Under our low and high demand scenarios, the proportion of travel time spent delayed in traffic could range between 12.1% and 21.8% on the Strategic Road Network. When considering all the roads within England, our central estimates would amount to:</p> <p>a. A 71% increase in the number of hours households spend delayed in traffic each year, from 45 hours in 2010 to 76 hours in 2040.</p> <p>b. A 150% increase in the number of working days lost to congestion each year (from 42 million in 2010 to 106 million in 2040).</p>	<p>The improved linkage which would be provided by the project benefits communities within the north of England, who, due to the rural nature of the region, often lack access to key local services for example, GP surgeries, primary schools and supermarkets. These people are often required to commute over longer distances to access improved employment opportunities. The increased flow (as a result of the average additional growth expected as a result of more reliable journeys) also reflects the opportunity for more tourists to benefit from improved links to areas such as the Lake District and the North Pennines Area of Outstanding Natural Beauty (AONB), thereby improving the economies within the Project area.</p> <p>The Applicant has considered the amenity of local residents in the construction and operation of the Project, and this has been assessed through the relevant chapters of the ES (Application Document 3.2-3.4) including air quality, noise and visual impacts.</p> <p>The DfT National Trip End Model ('NTEM') provides growth figures for trip origin and destination and the forecasts consider population, employment, housing, car ownership and trip rates. The traffic forecasts and data for predicting future demand have informed the design of the Project and are key inputs for the economic appraisal of the Project.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>The Project will improve traffic congestion constraints along its route and improve access to labour markets and also incorporates measures to take account of forecasted demand and is expected to provide benefits in alleviating pressures on the road network.</p>
2.22	<p>Without improving the road network, including its performance, it will be difficult to support further economic development, employment and housing and this will impede economic growth and reduce people's quality of life. The Government has therefore concluded that at strategic level there is a compelling need for development of the national road network.</p>	<p>The need for the Project has been established through a series of documents (such as RIS2) and further details are set out in section 1.3 of the CftP (Application Document 2.2).</p> <p>Chapter 4 and chapter 5 of the CftP document demonstrate the Project will provide considerable improvements to the road network. It will provide increased safety; improved connectivity and capacity; improved reliability; and support economic growth. The Project will improve accessibility in the region and therefore supports further economic growth and productivity.</p> <p>Monetised estimates of the Project benefits are significant and positive (see chapter 5 of the CftP), therefore the Project will develop the SRN in line with the Government's requirements and ambitions.</p>
2.25	<p>On the road network different approaches and measures will be appropriate for different places. This reflects differences in local preferences and choices and differing scope for alternatives to road travel. The network must also offer a coherent mode of transport for national journeys and must combine to form a single, usable network. In general, the nature of some journeys on the Strategic Road Network means that there will tend to be less scope for the use of alternative transport modes.</p>	<p>The Project is designed to address congestion issues on the A66 and improve journey reliability. There are limited alternative modes of transport available in the region due to the geographical nature of the area, albeit the A66 does provide routing for existing bus services.</p> <p>The Applicant has considered its impact on existing bus services, as set out in Table 9-14 of the TA (Application Document 3.7), and it is concluded within this report that the Project does not lead to any negative impacts on the identified bus routes or bus stops set out within this table.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>The development of individual schemes which form the Project have been evolving and designed to reflect the local context in which they sit whilst ensuring that the Project complies with local plan requirements. Full details in this regard are set out in the Project Design Report (Application Document 2.3).</p>
2.27	<p>In some cases, to meet the need set out in section 2.1 to 2.11, it will not be sufficient to simply expand capacity on the existing network. In those circumstances new road alignments and corresponding links, including alignments which cross a river or estuary, may be needed to support increased capacity and connectivity.</p>	<p>The Project spans across 8 schemes, all of which have been considered within their local context.</p> <p>Extensive design evolution has taken place which has included the consideration of alternative road alignments in a series of different locations. These were consulted upon, and the design of these individual schemes has taken account of responses received during extensive consultation exercises.</p> <p>In some cases, it has been necessary to consider alternative road alignments (such as at Kirkby Thore) in the design development of the Project and the various constraints that exist within each area.</p> <p>Full details of the alternative alignments proposed for each scheme are set out at Chapter 5 of the Project Development Overview Report ('PDOR') (Application Document 4.1) which sets out the process of options identification, selection and development of each scheme at each stage of development.</p> <p>Further reasoning around these alternative alignments can also be found within the Project Design Report (Application Document 2.3).</p>
<p>3 Wider government policy on the national networks</p>		
<p>Environmental and social impacts</p>		

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
3.2	<p>The Government recognises that for development of the national road and rail networks to be sustainable these should be designed to minimise social and environmental impacts and improve quality of life</p>	<p>The Project has been designed to minimise social and environmental impacts and improve the quality of life to those to use and live nearby the A66.</p> <p>National Highways has set objectives for the Project which include those which are specific to both the community and the environment. The Project responds to these objectives through the following:</p> <p>Connectivity – Improving connectivity for people living and working nearby and creating better facilities for cyclists and pedestrians. Reducing congestion and improving the reliability of people’s journeys between the M6 at Penrith and the A1(M) Scotch Corner and nationwide. It also improves connectivity between the key employment areas of Cumbria, Tees Valley and Tyne and Wear.</p> <p>Environmental – Minimising noise levels for people living and working near the route and reducing the congestion currently occurring in the single carriageway sections. The Project is also being designed to minimise any potential negative impacts on the natural environment and landscapes of the North Pennines and Lake District through project design principles to be implemented as part of the detailed design of the Project.</p> <p>Community – Re-connecting communities and providing better links between settlements along the route as well as improving access to services such as healthcare, employment areas and education. Improved or relocated PROW, bridleways, cycleways and accommodation underpasses will ensure better provision for walkers, cyclists and horse riders, and also avoid the need to cross over the A66</p> <p>The Project’s Environmental impacts have been assessed through an ES (Application Documents 3.2-3.4). The Project has been designed to meet the above objectives within minimal social and environmental impacts and aims to improve quality of life. Assessments have been undertaken to understand the level of impact of the existing (baseline) road, the construction phase and the operational phase of the route on relevant receptors.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>In summary, the Project has sought to and been designed to minimise social and environmental impacts.</p>
3.3	<p>In delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance. Applicants should also provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes.</p>	<p>The Project avoids and/or mitigates environmental and social impacts in line with the principles of the NPPF and the Government's planning guidance.</p> <p>At the core of the NPPF is a presumption in favour of sustainable development. The principles of the NPPF relevant to each of the topics covered in the ES and local planning policies that need to be considered are set out in this document at chapter 3 and at Appendices C and D below.</p> <p>An Environmental Impact Assessment ('EIA') of the Project has been carried out and is reported in the ES (Application Documents 3.2-3.4). The ES assesses the likely significant environmental impacts of the Project (including those on local communities) and presents mitigation for the likely significant adverse environmental effects arising from the Project. The residual significant environmental effects of the Project (following mitigation which is proposed) are described in section 13.10 of Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4).</p> <p>In addition, at chapter 3 of the CftP (Application Document 2.2), a summary of the transport, economic, environmental and social benefits that the Project will deliver has been provided.</p>
3.6	<p>Transport will play an important part in meeting the Government's legally binding carbon targets and other environmental targets. As part of this there is a need to shift to greener technologies and fuels, and to promote lower carbon transport choices. Over the next decade, the biggest reduction in emissions from domestic transport is likely to come from</p>	<p>The Applicant takes into account the Government's legally binding carbon targets and other environmental targets.</p> <p>Section 7.8 and Appendix 7.1 of Chapter 7 (Climate) of the ES (Application Documents 3.2-3.4) presents an assessment of the impact of the Project on climate (Greenhouse Gas ('GHG')).</p>

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	<p>efficiency improvements in conventional vehicles, specifically cars and vans, driven primarily by EU targets for new vehicle CO2 performance.</p>	<p>In line with <i>Design Manual for Roads and Bridges LA 114</i> and the NNNPS, GHG emissions associated with the construction and operation of the Project have been assessed in isolation in the GHG emissions assessment set out in Chapter 7 (Climate) of the ES (Application Documents 3.2-3.4). An assessment of likely significant effect is made by comparing Project emissions with the relevant UK Government carbon budgets (up to the Sixth Carbon Budget (2033-2037), which is the Carbon Budget furthest most in the future available for comparison)). In addition, as per <i>DMRB LA 114</i>, GHG emissions associated with the Project have been benchmarked against other road Projects as a comparison of Project performance against other similar Projects.</p> <p>NNNPS The GHG emissions assessment concludes that the Project will have no likely significant effect, as the <i>DMRB LA 114</i> states: "assessment of Projects on climate shall only report significant effects where increases in GHG emissions will have a material impact on the ability of Government to meet its carbon reduction targets".</p> <p>In summary, the Applicant has considered carbon targets through its development and operational stages and will have no likely significant effect in relation to GHG emissions.</p>
3.8	<p>The impact of road development on aggregate levels of emissions is likely to be very small. Impacts of road development need to be seen against significant projected reductions in carbon emissions and improvements in air quality as a result of current and future policies to meet the Government's legally binding carbon budgets and the European Union's air quality limit values. For example:</p> <p>Carbon – the annual CO2 impacts from delivering a programme of investment on the Strategic Road Network of the scale</p>	<p>The Applicant takes into account the Government's carbon budgets and the European Union's air quality limit values.</p> <p>In reference to Carbon, section 7.10 of Chapter 7 (Climate) of the ES presents an assessment of the impact of the Project on climate (GHG).</p> <p>This assessment presents a breakdown of the emissions calculated for the Project, and a comparison against UK Government carbon budgets, to determine the significance of emissions.</p>

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	<p>envisaged in Investing in Britain's Future amount to well below 0.1% of average annual carbon emissions allowed in the fourth carbon budget. This would be outweighed by additional support for ULEVs also identified as overall policy.</p> <p>Air quality – aggregate air quality impacts from delivering a programme of investment on the Strategic Road Network of the scale envisaged in Investing in Britain's Future are small. Total PM10 and NOX might be expected to increase slightly, but this needs to be seen in the context of Projected reductions in emissions over time. PM10 and NOX are expected to decrease over the next decade or so as a result of tighter vehicle emission standards, then flatten, with further falls over time due to greater levels of electric and other ultra-low emission vehicles.</p>	<p>The construction phase of the Project is planned to start in 2024 with all schemes targeted for completion in 2029 and therefore the opening year is 2029 for the operational phase of the Project. Construction phase GHG emissions have therefore been assessed against the UK's Fourth (2023-2027) and Fifth (2028-2032) and Sixth (2033-2037) Carbon Budgets. The assessment took the total construction emissions and compared this to the total Fourth carbon budget and total Fifth carbon budget as a worst-case assessment where schedule changes might lead to full construction falling within a single budget period. The total estimated construction phase GHG emissions would represent 0.026% of the Fourth Carbon Budget and 0.029% of the Fifth Carbon Budget, respectively.</p> <p>Operational phase emissions have been assessed against the Sixth Carbon Budget (2033-37) (as the Carbon Budget set furthest into the operational phase) by taking an annual operational emissions figure (that is, net emissions for the future modelled year of 2044 plus one sixtieth of estimated maintenance emissions) and comparing it to an annual figure for the Sixth Carbon Budget (that is, one fifth of the Sixth Carbon Budget). Land-use benefits during the operational phase have been excluded from the assessment to provide a worst case assessment. The estimated operational phase GHG emissions would represent 0.019% of the Sixth Carbon Budget.</p> <p>The analysis following <i>DMRB LA 114</i> shows that emissions from the Project to be low when compared against the relevant carbon budgets. As set out by <i>DMRB LA 114</i> and in line with the NNNPS, the assessment concludes that the Project's GHG emissions, in isolation, will not have a significant effect on climate or a material impact on the ability of the Government to meet its carbon reduction plan targets and Carbon Budgets.</p> <p>The Applicant takes Air Quality impacts into account as set out in section 5 of Chapter 5 (Air Quality) of the ES.</p>

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		<p>There are no significant effects associated with the Project on Air Quality Management Areas ('AQMAS') and there is no risk of affecting the UK's ability to achieve compliance.</p> <p>The assessment has been undertaken following published air quality projections on future emissions and fleets.</p> <p>The significance of the construction phase and operational phase effects are both predicted to be not significant. Therefore, it is predicted the effects on air quality at human and ecological receptors would be not significant.</p> <p>In summary, the Project has been assessed against UK carbon budgets and EU air quality limit values and will not have a material impact / effect on compliance with either.</p>
Sustainable transport		
3.16 - 3.17	<p>As part of the Government's commitment to sustainable travel it is investing in developing a high-quality cycling and walking environment to bring about a step change in cycling and walking across the country.</p> <p>There is a direct role for the national road network to play in helping pedestrians and cyclists. The Government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes. The Government also expects applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting the</p>	<p>The Project design makes provision for pedestrians and cyclists.</p> <p>Section 13.9 of Chapter 13 (Population and Human Health) of the ES identifies the existing safety and severance issues for WCH using the existing PRoW and road network and sets out mitigation and enhancements proposed as part of the Project. These include:</p> <ul style="list-style-type: none"> • Avoidance and prevention: identifying alternatives that avoid the requirement to compulsorily purchase property, land and assets; identifying alternatives that avoid introducing or worsening severance and avoid reducing WCH provision and/or increasing journey times.

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	<p>latest solutions and ensuring that it is easy and safe for cyclists to use junctions.</p>	<ul style="list-style-type: none"> • Reduction: minimising impacts on property, land and assets by selecting route alignments that avoid land take from the most sensitive receptors/aspects of receptors, thereby maintaining viability; altering route alignments to minimise severance to communities and disruption to WCH provision. • Remediation: where it is not possible to avoid or reduce a significant adverse effect, for example community sports pitches must be acquired to facilitate construction, provide equivalent facilities as close to the original location as possible. <p>Measures have been incorporated into the design to develop an east-west active travel connection which utilises the de-trunked lengths of the A66 during operation. The design also seeks to consolidate existing WCH provisions and divert them to crossing points to increase safety and accessibility across the Project.</p> <p>A full review and description of the proposed WCH proposals for each scheme can be found within the Walking, Cycling and Horse-Riding Proposals document (Application Document 2.4).</p> <p>As such, the Applicant has used reasonable endeavours to address WCH needs in designing the Project and has identified and incorporated walking and pedestrian opportunities as discussed above.</p>
Accessibility		
3.19	<p>The Government is committed to creating a more accessible and inclusive transport network that provides a range of opportunities and choices for people to connect with jobs, services and friends and family.</p>	<p>The Project creates a more accessible and inclusive transport network along the A66 corridor and therefore offers a range of opportunities and choices for people to connect with jobs, services and friends and family.</p>

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		<p>The improved linkage which would be provided by the Project benefits communities within the north of England, who, due to the rural nature of the region, often lack access to key local services for example GP surgeries, primary schools and supermarkets. These people are often required to commute over longer distances to access improved employment opportunities. The increased flow (as a result of the average additional growth expected as a result of more reliable journeys) also reflects the opportunity for more tourists to benefit from improved links to areas such as the Lake District and the North Pennines AONB, thereby improving the economies within this area.</p> <p>As set out at Table 9-14 of the TA (Application Document 3.7), it is concluded that the Project does not lead to any negative impacts on the identified bus routes or bus stop locations within the individual scheme boundary areas.</p> <p>The Project will improve provision for WCH users, as set out in the discussion of NNNPS paragraphs 3.16/3.17 of this Appendix.</p>
3.20	<p>The Government's strategy for improving accessibility for disabled people is set out in Transport for Everyone: an action plan to improve accessibility for all. In particular:</p> <p>The Government will continue to work to ensure that the bus and train fleets conform with modern access standards by 2020, and to improve rail station access for passengers with reduced mobility. The private car will continue to play an important role, providing disabled people with independence where other forms of transport are not accessible or available.</p> <p>The Government expects applicants to improve access, wherever possible, on and around the national networks by designing and delivering schemes that take account of the</p>	<p>The Transport for Everyone document is out of date and has now been withdrawn.</p> <p>The Project is accompanied by an Equalities Impact Assessment ('EqIA') (Application Document 3.10) which considers the needs of disabled people in compliance with the Applicant's statutory obligations under the Public Sector Equality Duty ('PSED'), as set out in the Equalities Act 2010. This includes taking account of access requirements for disabled users including the use of laybys.</p> <p>During the construction of the Project, the associated closures of laybys in some locations are likely to lead to uncertainty over location due to removal or temporary or permanent relocation. As such, it is proposed that the Traffic</p>

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	<p>accessibility requirements of all those who use, or are affected by, national networks infrastructure, including disabled users. All reasonable opportunities to deliver improvements in accessibility on and to the existing national road network should also be taken wherever appropriate.</p>	<p>Management Plan ('TMP') will incorporate appropriate signage and provision for these facilities.</p> <p>Upgraded layby provision will also be provided during the operation of the Project.</p> <p>The EqIA also considers impacts on temporary changes to walking and public transport routes.</p> <p>The Project is likely to result in temporary impacts on a number of routes used by WCHs potentially resulting in changes to journey times and travel patterns, loss of routes, temporary closures and diversions, and changes to crossing points and safety aspect. The full detail of impacts on routes for WCH's is provided in Chapter 13 (Population and Human Health) of the ES. The majority of the routes are rural routes generally used for recreational walking, and therefore differential or disproportionate effects on equalities groups are likely to be more limited. Annex B6 of the EMP (Application Document 2.7) provides a Public Rights of Way Management Plan. The Plan will detail the proposed diversions and new routes to be put in place before and during construction, which seek to mitigate impacts on the PRoW network. It also sets out a hierarchy of mitigation to help maintain access across the PRoW network during construction, for example using appropriate signage, diversions and/or public liaison where necessary. The preparation and delivery of the detailed Public Rights of Way Management Plan will involve the local community through the appointed Public Liaison Officer (or similar) to ensure the local community needs are met.</p> <p>The construction of the proposed Project is likely to impact on bus routes and services. Any potential impacts will be managed through measures set out in the Construction Traffic Management Plan will (see Annex B14 of the EMP, Application Document 2.7). Temporary relocation of bus stops will be discussed with the Local Planning Authorities and public transport operators before the commencement of the construction phase to ensure that these are suitably</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>relocated in terms of access where necessary. With mitigation in place any disproportionate or differential effects on equalities groups should be limited.</p> <p>Enhancement measures have been incorporated into the design to develop an east-west active travel connection which utilises the de-trunked lengths of the A66 during operation. The design seeks to connect existing WCH provisions and divert them to formal crossing point to increase safety and accessibility across the Project. For example, at Stephen Bank to Carkin Moor, a shared path for horse-riders and pedestrians is proposed alongside the de-trunked A66, connecting into four existing footpaths and four bridleways, which currently either terminate at the A66 or cross it via road verges and at-grade crossings. Proposed safe crossing points at grade-separated junctions and shared underpasses will improve access for walkers and horse riders and reduce the severance caused by the existing A66.</p>
3.21	<p>Applicants are reminded of their duty to promote equality and to consider the needs of disabled people as part of their normal practice. Applicants are expected to conform with any obligations under the Equalities Act 2010.</p>	<p>The Applicant has met its statutory requirements under the PSED, as set out in the Equalities Act 2010.</p> <p>In addition to accessibility issues (considered in the discussions of NNNPS Paragraph 3.20 of this Appendix above), the EqIA (Application Document 3.10) considers the impact on other groups with protected characteristics. This includes those with a disability.</p> <p>In terms of disability, the population within the study area with 'Long-term health problem or disability' and reporting 'Day-to-day activities limited a lot' is low. At the time of the 2011 census, one community in Penrith had a particularly high percentage of the population reporting their 'Day-to-day activities limited a lot' (LSOA Eden 003B) at 16% compared to the national average of 8%. This higher percentage is most likely linked to the higher-than-average percentage of over 65-year-olds located in this community (as reported above) and the propensity for health problems and disability associated with older age.</p>

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		<p>Benefit claimant for disability living allowance information from November 2018 reveals that within the study area, claims are on average lower than the national average. As above, claims for the same population in Penrith (LSOA Eden 003B) are higher than all the other LSOAs in the study area at 3.22%.</p> <p>The construction and operational impacts for those with a disability are set out in the EqlA (Application Document 3.10). The relevant mitigation measures are also set out within this document.</p> <p>Therefore, in summary, the Applicant has conformed with the obligations under the Equalities Act 2010 and has considered the needs of disabled people as part of its practice.</p>
3.22	<p>Severance can be a problem in some locations. Where appropriate applicants should seek to deliver improvements that reduce community severance and improve accessibility.</p>	<p>The Applicant has sought to reduce severance throughout the Project design.</p> <p>Enhancement measures have been incorporated into the design to develop an east-west active travel connection which utilises the de-trunked lengths of the A66 during operation. The design also seeks to connect up existing WCH provisions and divert them to formal crossing point to increase safety and accessibility across the Project.</p> <p>The impact of the Project on severance is assessed in section 13.9 of Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4). Once operational, the Project would overall reduce severance, and benefit WCHs. Appendix BX of the EMP (Application Document 2.7) sets out an expanded essay plan for the PRow Management Plan which sets out the operation mitigation for WCH and other users of rights of way.</p>
<p>4 Assessment principles</p>		

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
4.3	<p>In considering any proposed development, and in particular, when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State should take into account:</p> <p>its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits;</p> <p>its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.</p>	<p>The CftP (Application Document 2.2) sets out the associated transport, social, economic and environmental benefits associated with the Project at Chapter 3.</p> <p>Chapter 15 (Cumulative Effects) of the ES (Application Documents 3.2-3.4) sets out the impact assessment and the assessment of any adverse and cumulative environmental effects caused by the Project. It presents the findings of the combined and cumulative effects assessments, and where required, goes on to identify any design, mitigation and enhancement measures, and any ongoing monitoring requirements.</p> <p>The assessment of cumulative effects confirms that no mitigation above the measures identified and proposed within the ES and stated in the EMP (Application Document 2.7) is necessary. On that basis, there are no adverse cumulative residual significant effects identified and no additional monitoring is required.</p> <p>In summary, there are no significant cumulative effects anticipated which would result in any new or materially different significant effects to those identified in each environmental factor chapter of the ES (Chapters 5-14). No mitigation measures further to those set out in the individual environmental factor chapters (Chapter 5 Air Quality to Chapter 14 Road Drainage and the Water Environment) and the Environmental Management Plan ('EMP') (Application Document 2.7) are required.</p> <p>An assessment of the Project's adverse impacts has been weighed against the Project's benefits as set out within chapter 7 of the CftP. Chapter 7 concludes that the public benefits provided by the Project are clear, founded in factual evidence and significantly outweigh any adverse effects.</p>
4.4	<p>In this context, environmental, safety, social and economic benefits and adverse impacts, should be considered at national,</p>	<p>The environmental, safety, social and economic benefits and adverse impacts have been considered at national, regional and local level. These have been</p>

NPS paragraph	Requirement of the NPS	Compliance with NNPNS
	regional and local levels. These may be identified in this NPS, or elsewhere.	assessed within the CftP (Application Document 2.2), ES (Application Documents 3.2-3.4) and TA (Application Document 3.7).
General principles of assessment: business case		
4.5	<p>Applications for road and rail Projects (with the exception of those for SRFIs, for which the position is covered in paragraph 4.8 below) will normally be supported by a business case prepared in accordance with Treasury Green Book principles. This business case provides the basis for investment decisions on road and rail Projects. The business case will normally be developed based on the Department's Transport Business Case guidance and WebTAG guidance. The economic case prepared for a transport business case will assess the economic, environmental and social impacts of a development. The information provided will be proportionate to the development. This information will be important for the Examining Authority and the Secretary of State's consideration of the adverse impacts and benefits of a proposed development. It is expected that NSIP schemes brought forward through the development consent order process by virtue of Section 35 of the Planning Act 2008 (PA 2008), should also meet this requirement.</p>	<p>The Project's DCO submission is supported by a business case, which assesses the economic, environmental and social impacts of the proposed development.</p> <p>The Project business case has been developed in line with the Government's requirements set out in the HM Treasury's Green Book, as well as DfT's Business Case guidance and WebTAG guidance. This has informed the Economic Case within the Project Outline Business Case (OBC) (see A66 Schemes Business Case in Appendix 6 and A69 Schemes Business Case Appendix 7 of the PDOR (Application Document 4.1)). The OBC provides evidence for the dualling of the six remaining single carriageway sections of the A66. It combines the economic and strategic cases for the Project, alongside the financial, management and commercial cases. The Economic Case has been developed in line with the Government's Transport Appraisal Guidance (TAG) and details the monetised and non-monetised assessment of benefits and dis-benefits of the Project.</p> <p>The OBC demonstrates that there is a strong case for the full dualling of the remaining single carriageway sections of the A66, with the Economic Case addressing a comprehensive range of economic, environmental and social impacts for the Project. It establishes that the Project provides value for money by comparing the consequences of not undertaking the Project with the benefits of completing the Project.</p> <p>The benefits associated with the Project include: a consistent dual carriageway standard for the A66 would provide improved east-west connectivity, improving the reliability of people's journeys between the M6 and the A1(M), providing</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>strategic support to the growth of the Northern Powerhouse, minimising noise levels for people living and working near the route, improving connectivity for local villages, and improving residents' connections to services such as healthcare, workplaces and education.</p> <p>The Economic Case presents an adjusted benefit-cost ratio ('BCR') of 0.92, demonstrating that the Project provides £0.92 of societal benefits for every £1 of public expenditure.</p> <p>The OBC also sets out the Strategic Case which provides the rationale for investing in the Project. It demonstrates the strategic fit of the investment with the national strategic agenda and the aims and objectives of the DfT. It provides evidence of the drivers for change in Cumbria, Yorkshire and the North East, and the key transport, economic and social issues the Project aims to address, both locally and at a national level.</p> <p>The mix of single and dual carriageway lengths of the A66 limit the ability of the route to realise its potential as a strategic route. At lengths of remaining single carriageway, issues of severance and noise adversely impact on local communities along the route. In addition, the existing single carriageway lengths and poor junction layouts mean that safety and journey time reliability for users of the route is poor. During a full closure of the A66, the only alternatives to commuters are via the A69 or M62, which results in significant journey time delays.</p> <p>The need for improvements to the A66 corridor was identified in the NTPRSS announced as part of the RIS1. The study was one of six national strategic studies. Funding for the A66 corridor improvements was committed to in RIS2 in March 2020.</p> <p>Sections of the A66 have been upgraded from single carriageway to dual in a number of stages since the 1970s, with the most recent dual length, the Temple</p>

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		<p>Sowerby Bypass, opening in 2007. However, more than 18 miles of single carriageway remain, making the route accident-prone and unreliable.</p> <p>The main strategic benefits of the investment into improvements to the A66 corridor is the ability to provide more reliable, safer and efficient strategic and local connectivity in the north of England, supporting economic growth and the Northern Powerhouse commitments and aspirations, as well as strengthening Union connectivity between English regions, Scotland and Northern Ireland. It will also improve the impact of the corridor on local communities and habitats.</p> <p>The Strategic Case is supported by feedback from stakeholders, including members of the public, the freight industry and local businesses, who consider that the current condition of the A66 and the lack of alternatives mean that businesses suffer financial and economic impacts. This is particularly the case for businesses that use the route, who experience frequent contractual delay penalties, excessive fuel consumption (leading to additional environmental disbenefits) and limited productivity of human resources, due to congestion issues on the A66.</p> <p>In summary, the Applicant has fulfilled the requirement for a business case to be provided for the Project in accordance with the specified principles/guidance.</p>
Local transport model		
4.6	<p>Applications for road and rail Projects should usually be supported by a local transport model to provide sufficiently accurate detail of the impacts of a Project. The modelling will usually include national level factors around the key drivers of transport demand such as economic growth, demographic change, travel costs and labour market participation, as well as local factors. The Examining Authority and the Secretary of State do not need to be concerned with the national</p>	<p>A local transport model has been produced in line with DfT guidelines. Details are provided in chapter 4 of the Combined Modelling and Appraisal Report (Application Document 3.8).</p> <p>The modelling used throughout the Project is based on the Northern Regional Transport Model ('NRTM'). RTMs, including the NRTM, have been developed for several purposes including:</p> <ul style="list-style-type: none"> Assessing programme level strategies across the regions.

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	<p>methodology and national assumptions around the key drivers of transport demand. We do encourage an assessment of the benefits and costs of schemes under high and low growth scenarios, in addition to the core case. The modelling should be proportionate to the scale of the scheme and include appropriate sensitivity analysis to consider the impact of uncertainty on Project impacts.</p>	<ul style="list-style-type: none"> To provide a starting point for the development of detailed scheme specific models, where availability of networks, volumetric counts and travel demand data can reduce the traffic modelling programme. <p>Traffic analysis of the A66 indicates that 56% of westbound traffic uses the A1(M), 49% of eastbound traffic comes from the M6/A74 (M) with only 20% of all the A66 traffic being forecast to start and end in Cumbria or Yorkshire and the North East. This highlights that traffic is using the A66 as part of a longer route, due to the A66 being one of only two east-west links across the country between the M62 in the south and Scotland in the north (the other being the A69).</p> <p>There are no direct rail alternatives for passenger or freight movements along the A66 corridor and the bus service provision is very limited. This emphasises the reliance on the SRN for local, regional and strategic journeys.</p> <p>The A66 is an important link to local and regional services, employment and education opportunities for communities and towns along the route, as well as providing a commuter link to the Tees Valley and Cumbrian towns. This is particularly important given that there is very little public transport provision along the route, with no comparable rail route and very limited bus service provision.</p> <p>At Chapter 7 of the Combined Modelling and Appraisal Report, the applicant has completed demand sensitivity tests which were undertaken to assess the impact of low and high traffic growth levels on the benefits. In addition, the chapter includes a core scenario sensitivity test around costs.</p>
4.9	<p>The Examining Authority should only recommend, and the Secretary of State should only impose, requirements in relation to a development consent, that are necessary, relevant to planning, relevant to the development to be consented,</p>	<p>The Environmental Management Plan (Application Document 3.2) ("EMP") contains all of the provisions that would normally be contained in an EMP and all of the provisions that would normally be contained in requirements to the DCO. It sets out the parties that are to be consulted, what they are to be consulted on,</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
	enforceable, precise, and reasonable in all other respects. Guidance on the use of planning conditions or any successor to it, should be taken into account where requirements are proposed.	how they are to be consulted and how National Highways must take into account the feedback and how that feedback and consideration is to be reported. The provisions set out in the EMP will meet the same tests of being necessary, relevant, enforceable, precise and reasonable, as required by this paragraph.
4.10	Planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the development	The parameters for any necessary section 106 agreements with the relevant host authorities (NYCC, CCC, DCC, RDC and EDC) may be considered where necessary and will be informed by Statements of Common Ground with the aforementioned Councils. Any obligations which are specified within these agreements will be in conformity with the NNNPS and would be considered capable of being material to the SoS's consideration of this DCO application.
Environmental Impact Assessment		
4.15	All proposals for Projects that are subject to the European Union's Environmental Impact Assessment Directive and are likely to have significant effects on the environment, must be accompanied by an environmental statement (ES), describing the aspects of the environment likely to be significantly affected by the Project. The Directive specifically requires an environmental impact assessment to identify, describe and assess effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 sets out the information that should be included in the environmental statement including a description of the likely significant effects of the proposed Project on the environment, covering the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the	<p>The Project is accompanied by an ES (Application Documents 3.2-3.4), prepared in conformity with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The ES presents a description of the Project, its likely significant environmental effects, the measures to avoid or reduce such effects and the alternatives considered. Chapter 4 (EIA Methodology) of the ES (Application Documents 3.2-3.4) sets out the approach taken to prepare the EIA.</p> <p>The ES chapters consider the following environmental factors in line with the requirements of DMRB and, the EIA Regulations, and the Scoping Opinion in Volume 3 Appendices (EIA Methodology) of the ES:</p> <ul style="list-style-type: none"> • Air quality (Chapter 5); • Biodiversity (Chapter 6); • Climate (Chapter 7); • Cultural heritage (Chapter 8); • Geology and soils (Chapter 9);

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	<p>Project, and also the measures envisaged for avoiding or mitigating significant adverse effects. Further guidance can be found in the online planning portal. When examining a proposal, the Examining Authority should ensure that likely significant effects at all stages of the Project have been adequately assessed. Any requests for environmental information not included in the original environmental statement should be proportionate and focus only on significant effects. In this NPS, the terms 'effects', 'impacts' or 'benefits' should conformingly be understood to mean likely significant effects, impacts or benefits.</p>	<ul style="list-style-type: none"> • Landscape and visual (Chapter 10); • Material assets and waste (Chapter 11); • Noise and vibration (Chapter 12); • Population and human health (Chapter 13); and • Road drainage and water environment (Chapter 14). <p>The Project's ES therefore meets the requirements of paragraph 4.15 of the NNNPS.</p>
4.16	<p>When considering significant cumulative effects, any environmental statement should provide information on how the effects of the applicant's proposal would combine and interact with the effects of other development (including Projects for which consent has been granted, as well as those already in existence). The Examining Authority may also have other evidence before it, for example from a Transport Business Case, appraisals of sustainability of relevant NPSs or development plans, on such effects and potential interactions. Any such information may assist the Secretary of State in reaching decisions on proposals and on mitigation measures that may be required.</p>	<p>The ES has considered significant cumulative effects at Chapter 15 (Cumulative Effects) (Application Documents 3.2-3.4) which sets out the how the effects of the Project would combine and interact with the effects of other development.</p> <p>The cumulative effects assessment has been undertaken in accordance with PINS Advice Note 17: Cumulative Effects Assessment (December 2015).</p> <p>In line with <i>DMRB LA 104 Environmental assessment and monitoring</i>, in-combination and cumulative effects have been assessed based on the conclusions of individual environmental factor assessments. In-combination effects are set out in the relevant environmental factor topic chapters.</p>
4.17	<p>The Examining Authority should consider how significant cumulative effects and the interrelationship between effects might as a whole affect the environment, even though they may be acceptable when considered on an individual basis with mitigation measures in place.</p>	<p>There are no significant cumulative effects anticipated which would result in any new or materially different significant effects to those identified in each environmental factor chapter of the ES (Chapters 5-14).</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>No mitigation measures further to those set out in the individual environmental factor chapters ((Chapter 5 (Air Quality) to Chapter 14 (Road Drainage and the Water Environment)) and the EMP (Application Document 2.7) are required.</p> <p>Therefore, in conclusion to the above, the Applicant has considered any significant cumulative effects as part of the Project design.</p>
4.18	<p>In some instances, it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case.</p>	<p>Reasonable worst case development extents and activities have been identified for the purposes of assessment within the ES (Application Documents 3.2-3.4). These are set out within Chapter 2 (The Project) of the ES and, where applicable, in the relevant topic chapters of the ES: Chapter 5 (Air Quality), Chapter 6 (Biodiversity), Chapter 7 (Climate), Chapter 8 (Cultural Heritage), Chapter 9 (Geology and Soils), Chapter 10 (Landscape and Visual), Chapter 11 (Materials and Waste), Chapter 12 (Noise and Vibration), Chapter 13</p>
4.19	<p>Where some details are still to be finalised, applicants are advised to set out in the environmental statement, to the best of their knowledge, what the maximum extent of the proposed development may be (for example in terms of site area) and assess the potential adverse effects which the Project could have to ensure that the impacts of the Project as it may be constructed have been properly assessed.</p>	<p>(Population and Human Health) and Chapter 14 (Road Drainage and the Water Environment). These assessments have been guided by the necessary limits of deviations as shown on the Works Plans (Application Document 5.16) and a review of the overall design principles set out in Chapter 2 of the ES relating to:</p> <ul style="list-style-type: none"> • Highway and junction design • Climate Change Adaptation • Drainage strategy and drainage design • Flood risk • Walking, cycling and horse-riding • Lighting • Vehicular restraint barriers • Boundary treatment • Road signs and markings • Technology • The existing A66 road

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<ul style="list-style-type: none"> • Embedded mitigation principles <p>This assessment method has been chosen in order to bring forward the DCO application sooner (in line with the Project Speed initiative). Worst case assessments have also been used to offer a level of flexibility for when the Project reaches its detailed design stage where its details will be refined further.</p>
4.20	<p>Should the Secretary of State decide to grant development consent for an application where details are still to be finalised, this will need to be reflected in appropriate development consent requirements in the development consent order. If development consent is granted for a proposal and at a later stage the applicant wishes for technical or commercial reasons to construct it in such a way that it is outside the terms of what has been consented, for example because its extent will be greater than has been provided for in terms of the consent, it will be necessary to apply for a change to be made to the development consent. The application to change the consent may need to be accompanied by environmental information to supplement that which was included in the original environmental statement.</p>	<p>The Project details design as far as is possible at this stage.</p> <p>The Environmental Management Plan (Application Document 3.2) (“EMP”) contains all of the provisions that would normally be contained in an EMP and all of the provisions that would normally be contained in requirements to the DCO. It sets out the parties that are to be consulted, what they are to be consulted on, how they are to be consulted and how National Highways must take into account the feedback and how that feedback and consideration is to be reported.</p> <p>The EMP makes provision for the detailed design of the Project in general conformity with the Works Plans and Engineering section Drawings (Application Documents 5.16, 5.17 and 5.18), subject to any variation agreed in writing by the SoS on the basis that the changes would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES.</p>
Habitats Regulations Assessment		
4.22	<p>Prior to granting a Development Consent Order, the Secretary of State must, under the Habitats Regulations, consider whether it is possible that the Project could have a significant effect on the objectives of a European site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or Projects. Applicants should also refer to paragraphs 5.20 to 5.38 of this national policy statement on biodiversity and geological conservation and to paragraphs 5.3 to 5.15 on air quality. The</p>	<p>The Applicant has taken into account the Habitats Regulations in the development of the Project.</p> <p>A Habitats Regulations Assessment (‘HRA’) (Application Document 3.5) has identified the following European sites which have met the screening criteria as set out in section 2.2 and 4.3 of the Habitats Regulations Assessment Screening Stage 1 Assessment (Application Document 3.5): River Eden Special Area of Conservation (‘SAC’) A Habitats Regulations Assessment (‘HRA’) (Application</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
	<p>applicant should seek the advice of Natural England and, where appropriate, for cross-boundary impacts, Natural Resources Wales and Scottish Natural Heritage to ensure that impacts on European sites in Wales and Scotland are adequately considered.</p>	<p>Document 3.5) has identified the following European sites which have met the screening criteria as set out in section 2.2 and 4.3 of the Habitats Regulations Assessment Screening Stage 1 Assessment (Application Document 3.5):</p> <ul style="list-style-type: none"> • River Eden Special Area of Conservation ('SAC') • Helbeck and Swindale Woods SAC • Moor House- Upper Teesdale SAC • North Pennines Moors SAC • North Pennines Moors SPA
4.23	<p>Applicants are required to provide sufficient information with their applications for development consent to enable the Secretary of State to carry out an Appropriate Assessment if required. This information should include details of any measures that are proposed to minimise or avoid any likely significant effects on a European site. The information provided may also assist the Secretary of State in concluding that an appropriate assessment is not required because significant effects on European sites are sufficiently unlikely that they can be excluded.</p>	<p>The report has been prepared to provide the necessary information for the competent authority (the SoS for Transport) to carry out an HRA under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019. Engagement has been ongoing with Natural England, and this is referenced in the Statements of Common Ground between Natural England and National Highways (Application Document 4.5).</p> <p>Following the Stage 1 assessment, the following European sites have been taken forward to Stage 2 (Appropriate Assessment) (discussed in paragraph 4.23 below):</p> <ul style="list-style-type: none"> • River Eden SAC • North Pennine Moors SAC • North Pennine Moors SPA <p>Full details of these Stage 1 assessments can be found in chapter 4 of HRA Stage 1 Likely Significant Effects Report (Application Document 3.5).</p> <p>In consideration of the three European sites defined above, an Appropriate Assessment has been completed and assessment set out at sections 1.5, 1.6</p>

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		<p>and 1.7 of HRA Stage 2 Statement to Inform Appropriate Assessment (Application Document 3.6).</p> <p>The assessment has been completed in order to assess potential adverse effects from a series of different sources, in order to assess whether the Project will adversely affect the integrity of the sites in view of their conservation objectives. The potential for adverse effects for each qualifying European site are as follows:</p> <p>River Eden SAC</p> <ul style="list-style-type: none"> • Land take/resource requirements/reduction of habitat • Disturbance of mobile species and species fragmentation • Species injury and mortality • Introduction and/or spread of invasive non-native species • Changes in surface and groundwater quality, quantity, and hydrogeology • Changes in hydrology and fluvial geomorphological processes • Changes in air quality <p>North Pennine Moors SAC Changes in air quality during operation (associated with the Affected Road Network (ARN))</p> <p>North Pennine Moors SPA A reduction in suitable habitat (as a result of changes in air quality during operation associated with ARN).</p> <p>The Appropriate Assessment (Application Document 3.6) includes measures that are proposed to minimise or avoid any likely significant effects on the River</p>

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		<p>Eden SAC, North Pennine Moors SAC and North Pennines Moors SPA. In taking these measures and mitigation into account the assessment concludes that no reasonable scientific doubt remains and in 'the light of the best scientific knowledge in the field', the Project will not adversely affect the integrity of any European Site, alone or in combination with other plans or Projects.</p> <p>The HRA Stage 2 Statement of Information Appropriate Assessment (Application Document 3.6) concludes that the Project will not have a significant adverse effect on any qualifying feature of the River Eden SAC, North Pennine Moors SAC or North Pennine Moors SPA, either alone or in combination with other plans and projects. Nor will it have adverse implications for the River Eden SAC, North Pennine Moors SAC or North Pennine Moors SPA site conservation objectives and will not delay or interrupt progress towards achieving the site objectives. It will not adversely affect the integrity of the River Eden SAC, North Pennine Moors SAC or North Pennine Moors SPA, beyond reasonable scientific doubt.</p> <p>As such, the Applicant has considered whether there could be significant effects on the objectives of the aforementioned European sites and has followed the Habitats Regulations accordingly.</p>
4.24	<p>If a proposed national network development makes it impossible to rule out an adverse effect on the integrity of a European site, it is possible to apply for derogation from the Habitats Directive, subject to the proposal meeting three tests. These tests are that no feasible, less-damaging alternatives should exist, that there are imperative reasons of overriding public interest for the proposal going ahead, and that adequate and timely compensation measures will be put in place to ensure the overall coherence of the network of protected sites is maintained.</p>	<p>As concluded in paragraph 4.23 of this appendix above, it is considered that this paragraph of the NNNPS is not applicable to the Project.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
4.25	Where a development may negatively affect any priority habitat or species on a site for which they are a protected feature, any Imperative Reasons of Overriding Public Interest (IROPI) case would need to be established solely on one or more of the grounds relating to human health, public safety or beneficial consequences of primary importance to the environment.	The Appropriate Assessment described in NNNPS paragraph 4.23 of this Appendix has demonstrated that the Project would not have adverse effects on priority habitats or species on a site for which they are a protected feature. Therefore, Stage 4 of the HRA process (Assessment of IROPI) does not apply.
Alternatives		
4.26	<p>Applicants should comply with all legal requirements and any policy requirements set out in this NPS on the assessment of alternatives. In particular:</p> <p>The EIA Directive requires Projects with significant environmental effects to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant’s choice, taking into account the environmental effects.</p> <p>There may also be other specific legal requirements for the consideration of alternatives, for example, under the Habitats and Water Framework Directives.</p> <p>There may also be policy requirements in this NPS, for example the flood risk sequential test and the assessment of alternatives for developments in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB).</p>	<p>The Applicant has complied with the necessary legal and policy requirements set out in the NNNPS on the assessment of alternatives. These are broken down as follows:</p> <p>Chapter 3 (Alternatives) of the ES (Application Documents 3.2-3.4) sets out the main alternatives considered and how the preferred options were determined through consideration of environmental effects. The PDOR report at chapter 5 (Application Document 4.1) also sets out the alternative options considered and how the preferred options for each scheme were determined.</p> <p>A number of the alternative options identified were discounted for the following reasons: unacceptable land take within Scheduled Monuments; direct impacts on Listed Buildings and Listed Structures; damaging crossings of the River Eden Special Area of Conservation (SAC); loss of irreplaceable ancient woodland; unacceptable extent of direct land take and loss of important features of the North Pennines Area of Outstanding Natural Beauty (AONB), loss of heritage railway, and loss of heritage railway. Avoidance of these impacts was a high priority in the options selection process, and where they were not possible to avoid completely, routes were selected that had the lowest possible impacts.</p>

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		<p>In terms of other specific legal requirements for the consideration of alternatives:</p> <p>Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4) and the HRA (Stages 1 and 2) (Application Document 3.5 and 3.6) demonstrates that the Project takes account of the Habitats Regulations and subsequent Appropriate Assessment (Stage 2) forming part of the regulatory requirements.</p> <p>Appendix 14.1: WFD Compliance Assessment of the ES Appendices (Application Document 3.4) demonstrates that the Project has considered its compliance with the WFD. The Project has the potential to have an adverse effect on 9 surface waterbodies which has the potential to cause a deterioration in the current status of the waterbodies. Additional mitigation has been identified comprising ecological mitigation and WFD mitigation comprising low flow channel creation, bank reprofiling, removal of existing structures, wetland habitat creation/improving floodplain connectivity and buffer strips. The additional mitigation measures identified are considered appropriate to mitigate the identified potential adverse effects. As such, the potential for residual adverse overall effects associated with the risk of preventing the future achievement of status objectives of these surface water bodies is not considered to remain at this stage.</p> <p>Appendix 14.2: Flood Risk Assessment of the ES (Application Document 3.4) details the application of the sequential test for areas of the Order Limits which extend into Flood Zones 2 and 3. The scheme results in an increase in impermeable area being discharged to local watercourses. However, existing flow rates have been calculated, and proposed flow rates restricted to ensure that there is no increased flood risk created by the scheme. Water quality mitigation measures have been incorporated in the proposals. JBA flood modelled areas have shown a negligible increase to flooding extents. These extents are shown north of the existing A66 and should not be of risk to</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>properties or any greater risk to the A66. An allowance for flood mitigation has been allowed for in the order limits for review in detailed design.</p> <p>The PDOR (Application Document 4.1) at chapter 5 and chapter 6 of the CftP (Application Document 2.2) also references assessments relating to development within the North Pennines AONB at Bowes Bypass and Appleby to Brough.</p> <p>In conclusion, the Applicant has complied with all legal requirements and policy requirements set out within the NNNPS on the assessment of alternatives.</p>
4.27	<p>All Projects should be subject to an options appraisal. The appraisal should consider viable modal alternatives and may also consider other options (in light of the paragraphs 3.23 to 3.27 of this NPS). Where Projects have been subject to full options appraisal in achieving their status within Road or Rail Investment Strategies or other appropriate policies or investment plans, option testing need not be considered by the examining authority or the decision maker. For national road and rail schemes, proportionate option consideration of alternatives will have been undertaken as part of the investment decision making process. It is not necessary for the Examining Authority and the decision maker to reconsider this process, but they should be satisfied that this assessment has been undertaken.</p>	<p>The Project has been subject to an options appraisal. This is referenced at Chapter 3 (Alternatives) of the ES (Application Documents 3.2-3.4) and in the summary of previous route options assessments, Design development process and Design development of schemes at Chapters 3, 4 and 5 of the PDOR (Application Document 4.1).</p> <p>As part of the feasibility work carried out between 2014-2016 (as part of the NTPRSS), it was concluded that there is no viable alternative mode solution (such as rail) to address the challenges the A66 currently experiences.</p> <p>Some of the following options were considered and discounted:</p> <p>Penrith to Temple Sowerby</p> <p>An underpass was considered at the eastern extent of the scheme, between the Countess Pillar and the B6262 junction. This option was discounted as it would be closer to the River Eden SAC and SSSI and it would encroach into the Settlement 1/3 mile (540m) ENE of Brougham Castle Scheduled Monument (ref. 1007203). An underpass would require digging deeper than an overbridge, therefore with greater risk of damage to archaeology within the SM.</p>

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		<p>The PRA was routed south slightly to avoid the buildings referred to as High Barn. This option was discounted as this would result in the loss of a greater area of agricultural soil and it would go against the wishes of the landowner. During engagement with the landowner, it was established that they preferred to alter the alignment so as to retain more land to the north which would result in the loss of the buildings.</p> <p>Temple Sowerby to Appleby</p> <p>The Green Routes would have been closer to the eastern edge of Kirkby Thore village and could therefore be expected to have more adverse noise and visual impact on residents and businesses. The design of the Green Routes also passed very close to the British Gypsum mine workings, and the geotechnical risk was deemed too great to be acceptable. In addition, it also had the potential to adversely impact the Roman camp 350m east of Redlands Bank Scheduled Monument (ref.1007189).</p> <p>This options appraisal has broadly been carried out using the DfT’s and National Highways Project Control Framework (‘PCF’) approach to managing major infrastructure Projects. The Project has been subject to the following stages:</p> <p>Pre-Project phase – PCF Stage 0 Strategy, shaping and prioritisation</p> <ul style="list-style-type: none"> • <i>Sub-stage 1 – Identification of the issues</i> • <i>Sub-stage 2 – Generating and evaluating a long list of options (to identify a shortlist</i> • <i>Sub-stage 3 – Assessment of the shortlist of options</i> <p>Options phase – PCF Stage 1 Option identification</p> <p>Options phase – PCF Stage 2 Option selection</p> <ul style="list-style-type: none"> • <i>Public consultation 2019</i> • <i>Preferred Route Announcement May 2020</i>

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		<p>The Project is now at PCF Stage 3 (Preliminary Design).</p> <p>In 2014, the DfT announced its five-year investment programme for making improvements to the SRN across England. The Project is one of more than 100 schemes identified as part of RIS1. Funding for delivery of the Project has been confirmed within the RIS2, which covers the period between 2020 and 2025.</p> <p>As such, it is considered that a proportionate option consideration of alternatives has been undertaken and therefore it is not considered necessary for the Examining Authority to reconsider the process of alternatives that has already been executed. Further, the Project has already been subject to full options appraisal in achieving its status within RIS1 and RIS2 and option testing need not be considered further.</p>
<p>Criteria for “good design” for national networks infrastructure</p>		
4.28	<p>Applicants should include design as an integral consideration from the outset of a proposal.</p>	<p>Design has been an integral component/consideration of the Project from the outset of the proposal.</p> <p>The Project is supported by a Project Design Report (Application Document 2.3) which sets out a series of design principles intended to be delivered through the detailed design and implementation of the Project.</p> <p>The Project follows a series of design principles which help to align the Project with the criteria set out within National Highway’s The Road to Good Design (National Highways, 2018) as well as the NNNPS.</p> <p>These principles are as follows:</p> <p>A – Designs that are integrated in context and express character and a sense of place</p> <p>B – Designs to enhance experience for all users and serve the local community</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>C – Designs to restore and enhance habitats and ecological connectivity D – Designs that are climate resilient and resource efficient E – A collaborative approach to design development.</p> <p>The Project also has regard to the strategic principles set out in the National Infrastructure Commission’s Design Principles for National Infrastructure (National Infrastructure Commission, 2020) around context-driven design, and their four key principles of design for climate, people, place and value. Account is also taken of The Design Council’s 2012 publication, A design-led approach to infrastructure (Design Council, 2012), and the National Design Guide.</p>
4.29	<p>Visual appearance should be a key factor in considering the design of new infrastructure, as well as functionality, fitness for purpose, sustainability and cost. Applying “good design” to national network Projects should therefore produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible.</p>	<p>‘Good design’ principles have been applied through the Project to produce sustainable infrastructure which accords with the requirements of the NNNPS.</p> <p>Visual appearance, functionality, fitness for purpose, sustainability and cost were all considered in the design of the Project. These lead on from the series of design principles referenced in paragraph 4.28 of this Appendix above.</p> <p>The Project Design Principles (Application Document 5.11) also defines a series of route wide Project Design Principles as well as Site-specific design principles for each scheme at chapter 5 (A66 site specific design considerations) of the document. Due to the vast geographical area that the Project sits within, it is ensured that each scheme is sensitive to its own sense of place as it traverses varied landscapes and contexts. These design principles will ensure that visual appearance characteristics will be maintained at the Project’s detailed design stage and subsequent construction.</p>
4.31	<p>A good design should meet the principal objectives of the scheme by eliminating or substantially mitigating the identified problems by improving operational conditions and simultaneously minimising adverse impacts. It should also</p>	<p>The Project’s design has aimed to meet the principal objectives of the Project by either eliminating or substantially mitigating the identified problems through improving the operational conditions of the A66 and at the same time minimising adverse impacts.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
	<p>mitigate any existing adverse impacts wherever possible, for example, in relation to safety or the environment. A good design will also be one that sustains the improvements to operational efficiency for as many years as is practicable, taking into account capital cost, economics and environmental impacts.</p>	<p>Reference should also be made to the Project’s response to NNNPS paragraphs 4.28 and 4.29 above of this Appendix which sets out the design principles of the Project.</p> <p>Chapter 2 of the CftP (Application Document 2.2) sets out the objectives of the Project which have been developed to address the identified problems on the A66 and take advantage of the opportunities that the new infrastructure would provide. These include in an economic, transport, community and environmental context.</p> <p>As transport becomes easier and journey times quicker and more reliable, the settlements surrounding and using the A66 will become more attractive to inward investment from the private sector. At a regional scale, businesses will benefit from the improved accessibility of key employment areas across Cumbria, Tees Valley and Tyne and Wear.</p> <p>The Project will improve connectivity for people living and working nearby and create better facilities and east-west connectivity for cyclists and pedestrians, and improve the reliability of people’s journeys between the M6 at Penrith and the A1(M) Scotch Corner and nationwide.</p> <p>A consistent standard of dual carriageway, with a speed of 50mph at Kemplay Bank and 70mph in all other lengths will lead to less accidents. Use of the ‘old’ A66 as part of the local road network will provide better, safer routes for cyclists and pedestrians. Chapter 4 of the CftP (Application Document 2.2) provides further details on the safety benefits of the Project.</p> <p>The Applicant has considered and mitigated any possible adverse impacts as defined and assessed throughout the accompanying ES (Application Documents</p>

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		<p>3.2-3.4) and in reviewing each of the scheme’s designs at chapter 5, Scheme Design of the Project Design Report (Application Document 2.3).</p> <p>Based upon the above, the Applicant has designed a Project which will offers operational efficiency, taking into account capital cost, economics and environmental impacts.</p>
4.33	<p>The applicant should therefore take into account, as far as possible, both functionality (including fitness for purpose and sustainability) and aesthetics (including the scheme’s contribution to the quality of the area in which it would be located). Applicants will want to consider the role of technology in delivering new national networks Projects. The use of professional, independent advice on the design aspects of a proposal should be considered, to ensure good design principles are embedded into infrastructure proposals.</p>	<p>Reference should also be made to the Applicant’s response to NNNPS Paragraphs 4.28 – 4.31 above.</p> <p>Functional design requirements of the Project, as a highways infrastructure Project, have been guided by the relevant technical guidance as defined in Appendix 1 of the Project Design Principles report (Application Document 5.11), such as the relevant DMRB guidance. Utilising the relevant technical guidance ensures that the Project is fit for its purpose.</p> <p>Across all schemes, the design of structures and geotechnical elements such as overbridges and embankments has been refined following Statutory Consultation feedback, further survey information and the wider design development of the Project.</p> <p>Through design development, opportunities have been identified to improve the setting and visual impact of the scheme. As a result, landscaping to provide improved visual screening has been proposed on several schemes. For detail on specific landscaping and environmental mitigation proposals, refer to Chapter 10 (Landscape and Visual) of the ES.</p> <p>Stakeholder engagement was undertaken early in the design process and has formed an integral part of the design development process. The design has developed with input from stakeholders. Chapter 4 of the Project Design Report</p>

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		<p>(Application Document 2.3) and the Consultation Report (Application Document 4.4) cover this on further detail.</p> <p>The Applicant sought advice from the National Highways Design Panel, acting as independent expert design advisors, to help inform the emerging preliminary design. The review process included three separate reviews during the development of the preliminary design in 2019, 2021 and 2022.</p> <p>Following the final review in April 2022, a series of key points were raised which are intended to be developed at the detailed design stage. This includes scoping how Electric Vehicle charging point technology can be strategically placed at destinations across the A66 to allow for new business opportunities. Full details regarding the independent design advice obtained for the Project can be found at chapter 5 of the Project Design Report (Application Document 2.3).</p>
4.34	<p>Whilst the applicant may only have limited choice in the physical appearance of some national networks infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting and design measures relative to existing landscape and historical character and function, landscape permeability, landform and vegetation.</p>	<p>Reference should also be made to the Applicant’s response to NNNPS paragraphs 4.28 - 4.33 above.</p> <p>The Project has incorporated ‘good design’ principles aligned to National Highways’ The Road to Good Design criteria throughout each of the schemes.</p> <p>Specifically, the Project incorporates the following design principles relative to its siting and understanding of the surrounding environment. These design principles will be adhered to in the later stages of design development.</p> <p>Principle A – Designs that are integrated in context and express character and a sense of place.</p> <p>This principle incorporates the following:</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<ul style="list-style-type: none"> • Landscape character • Landscape integration • Identity and placemaking • Respect of existing landscapes, valued features and designations, including the AONB and National Parks • Historic environment and cultural pattern. <p>Principle C – Designs to restore and enhance habitats and ecological connectivity</p> <p>This principle incorporates the following:</p> <ul style="list-style-type: none"> • Biodiversity • Habitat protection, enhancements and connectivity • Management and monitoring of proposed ecological areas • Biodiversity enhancement • Green and blue infrastructure <p>Full details are available within the Project Design Report (Application Document 2.3).</p> <p>Therefore, the Project demonstrates good design in terms of its siting and design measures relating to the existing landscape, historical character and function, landscape permeability, landform and vegetation.</p>
4.35	Applicants should be able to demonstrate in their application how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. The Examining Authority	The Project has been subject to extensive design evolution, and this has been clearly referenced within the PDOR at chapters 4 and 5 (Application Document 4.1).

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
	<p>and Secretary of State should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy.</p>	<p>The final Project route alignment has been favoured for a series of different reasons which can be broadly characterised into engineering, environmental, traffic and economics and stakeholder considerations.</p> <p>These are summarised are as follows:</p> <p>Engineering Across all schemes, the design of structures and geotechnical elements such as overbridges and embankments has been refined following Statutory Consultation feedback, further survey information and the wider design development of the Project. For the key principles driving the design of these elements, including cut/fill balances, integration with the surrounding landscape and ensuring user needs are met, refer to the Project Design Principles (Application Document 5.11).</p> <p>The design of drainage infrastructure such as cut-off ditches and drainage attenuation ponds has also been refined following Statutory Consultation feedback, further survey information and the wider design development of the scheme. For the key principles driving the drainage design, including water quality requirements, refer to Chapter 14 (Road Drainage and Water Environment) of the ES (Application Documents 3.2-3.4).</p> <p>Environmental Environmental mitigation measures have been refined following consultation to reflect alterations to the engineering design, allowing reduction in permanent acquisition of land in some areas. Through design development, opportunities have been identified to improve the setting and visual impact of the scheme. As a result, landscaping to provide improved visual screening has been proposed on several schemes. For detail on specific landscaping and environmental mitigation proposals, refer to Chapter 10 (Landscape and Visual) of the ES.</p> <p>Traffic and Economics Where public rights of way (PRoWs) are severed by, or converge at, the upgraded A66 carriageway, they have been gathered and redirected to the</p>

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		<p>nearest grade-separated crossing facility in order to provide a safe place to cross the dual carriageway. These crossing points may be a new grade-separated junction, an accommodation underpass or overbridge, or a designated WCH underpass or overbridge.</p> <p>Safety and improvements to network capacity and resilience were key drivers for the A66 Northern Trans-Pennine Project. To enable these objectives to be met through delivery, transport modelling has been undertaken during PCF Stage 3 to test the design proposed and identify improvements where practicable. This has been used to review the design against feedback received from Statutory Consultation regarding concerns over potential traffic flows, congestion and disruption during construction.</p> <p>Stakeholder</p> <p>For the Project as a whole, there has been ongoing stakeholder and public engagement throughout, for details see the Consultation Report (Application Document 4.4). This has included engagement with landowners, local planning authorities, Statutory Environmental Bodies, other statutory consultees and other organisations regarding emerging designs, the assessment methodology and baseline data. Design reviews (including with the Design Council, an independent charity and the government’s advisor on design), and topic-specific focus groups have also informed the process.</p> <p>Road Safety Audit feedback was made available to the design teams following Statutory Consultation. This feedback was assessed by the design team and the design updated accordingly as captured in the Road Safety Audit Designer’s Response. Scheme-specific details (where relevant) can be found in Chapter 5 of the PDOR (Application Document 4.1). Otherwise, refer to Chapter 9 of the Transport Assessment (Application Document 3.7).</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>A full review of the of the design development for this DCO application can be reviewed at the aforementioned chapters of the PDOR, including a breakdown of the above on a scheme by scheme level.</p>
Climate change adaptation		
4.38	<p>Adaptation is therefore necessary to deal with the potential impacts of these changes that are already happening. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the provision of green infrastructure.</p>	<p>The Project has incorporated a series of adaptation measures which are intended to be taken forward to detailed design.</p> <p>Chapter 7 (Climate) of the ES (Application Documents 3.2-3.4) assesses the potential climate impacts of the construction and operation of the Project. The chapter details the aspects of embedded mitigation and design measures which are proposed during the operation and construction of the Project to address these impacts. This can be viewed at section 7.10 of the chapter.</p> <p>The Project has been designed to take account of a 60-year appraisal period using the latest climate change Projections (UKCP18, RCP8.5) for the 2080's in the Climate Change Resilience ('CCR') Assessment and the Applicant has assessed the relevant safety critical elements of its design.</p> <p>The Project has incorporated green infrastructure throughout its design as a mitigation measure to ensure the Project's climate change resilience is considered. This includes the restoration of habitats and landscaping measures, earth works and soft-engineered slopes and the design of drainage related mitigation, amongst other things as referenced at section 7.10 of Chapter 7 (Climate) of the ES (Application Documents 3.2-3.4). This section also includes embedded mitigation where the Project could be vulnerable to climate hazards, this includes risks to heavy rain and flooding, high winds and gales, increased temperatures, and prolonged periods of hot weather. These mitigation measures are referenced at Table 7-20 of Chapter 7 (Climate) of the ES (Application Document 3.2).</p>

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4.40	<p>New national networks infrastructure will be typically long-term investments which will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the impacts of climate change when planning location, design, build and operation. Any accompanying environment statement should set out how the proposal will take account of the Projected impacts of climate change.</p>	<p>The Applicant has considered the impacts of climate change at all stages in planning location, design, build and operation. The accompanying ES at Chapter 7 (Climate) (Application Document 3.2-3.4) takes account of the projected impacts of climate change.</p> <p>As defined at Table 7-2 of Chapter 7, it is stated that this is considered in the climate change resilience ('CCR') assessment, which is presented at sections 7.9 of Chapter 7 (Climate). This details the considerations of climate change in planning the location, design, build and operation of the Project.</p> <p>The potential CCR risks are expected to be largely mitigated through the use of appropriate design standards, delivered through quality construction, as well as appropriate asset management procedures during operation. These risks include heavy rain and flooding, high winds and gales and increased temperatures and prolonged periods of hot weather. The embedded mitigation within the Project design is summarised in Table 7-20 of Chapter 7 (Climate) of the ES (Application Documents 3.2-3.4). In addition, the Project has completed a qualitative assessment of CCR measures outlined by other EIA topics such as: habitat and landscaping measures, timing of maintenance works, mitigation measures involving earthworks and soft-engineered slopes, and the design of drainage related mitigation measures.</p> <p>As such, the Project takes account of the Projected impacts of climate change.</p>
4.41	<p>Where transport infrastructure has safety-critical elements and the design life of the asset is 60 years or greater, the applicant should apply the UK Climate Projections 2009 (UKCP09) high emissions scenario (high impact, low likelihood) against the 2080 Projections at the 50% probability level.</p>	<p>The Project incorporates safety-critical elements and assets with a design life of 60 years or greater as stated at Table 7-2 Chapter 7 (Climate) of the ES.</p> <p>As such, an assessment of Project design assets over a 60-year appraisal period using the latest climate change Projections (UKCP18, RCP8.5) for the 2080's in the CCR Assessment is detailed at section 7.7 Baseline Conditions at</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		Chapter 7 (Climate) and section 7.10 Assessment of Likely Significant Effects at Chapter 7 (Climate).
4.42	The applicant should take into account the potential impacts of climate change using the latest UK Climate Projections available at the time and ensure any environment statement that is prepared identifies appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure. Should a new set of UK Climate Projections become available after the preparation of any environment statement, the Examining Authority should consider whether they need to request additional information from the applicant.	<p>The Applicant has taken account of the potential impacts of climate change using the latest UK Climate Projections. This is stated at Table 7-2 of the Chapter 7 (Climate). The latest climate change Projections used are UKCP18 and RCP8.5 – over a 60-year appraisal period (considered to be the predicted lifetime of the new infrastructure) in the CCR assessment. This is considered at section 7.7 Baseline Conditions at Chapter 7 (Climate) of the ES.</p> <p>The CCR assessment also identifies embedded mitigation/adaptation within the proposed design as well as identifying potential additional mitigation measures required to address impacts identified in the CCR Assessment. This is considered at section 7.10 Assessment of Likely Significant Effects at Chapter 7 (Climate) of the ES.</p> <p>In summary, the Applicant has taken account of the potential impacts of climate change using the latest UK Climate Projections available.</p>
4.43	The applicant should demonstrate that there are no critical features of the design of new national networks infrastructure which may be seriously affected by more radical changes to the climate beyond that Projected in the latest set of UK climate Projections. Any potential critical features should be assessed taking account of the latest credible scientific evidence on, for example, sea level rise (e.g., by referring to additional maximum credible scenarios such as from the Intergovernmental Panel on Climate Change or Environment Agency) and on the basis that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime through potential further mitigation or adaptation.	<p>The Applicant has completed a sensitivity test on a series of vulnerable safety critical features of the new proposed infrastructure which may be seriously affected by more radical changes to the climate beyond that Projected in the latest set of UK climate Projections.</p> <p>This is considered by using the H++ scenarios within the CCR assessment, as outlined in <i>DMRB LA 114</i>. This is referenced at Table 7-2 of Chapter 7 (Climate) and set out in further details at section 7.7 Baseline Conditions and section 7.10 Assessment of Likely Significant Effects at Chapter 7 (Climate) of the ES.</p> <p>These vulnerable safety critical features including drainage, earthworks and multi-span bridges at Kirkby Thore and Warcop relating to scenarios including heatwaves, low rainfall, high rainfall, high river flows and windstorms.</p>

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		<p>The sensitivity test of the vulnerable safety critical features against the H++ climate scenarios at this stage in the design indicates that these features could be significantly affected by more radical changes to the climate beyond that Projected in UKCP18. As such, these climate scenarios will continue to be taken into account through detailed design and maintenance to ensure the scheme is designed with resilience to climate change as a key consideration. These climate scenarios represent extreme stress tests and so adapting the design at the point of construction to accommodate these scenarios would be considered precautionary. An alternative approach would be to define adaptation pathways for these vulnerable assets to ensure that the design accommodates increases in resilience at a later date if operational monitoring suggests this is necessary.</p>
4.44	<p>Any adaptation measures should be based on the latest set of UK Climate Projections, the Government's national Climate Change Risk Assessment and consultation with statutory consultation bodies. Any adaptation measures must themselves also be assessed as part of any environmental impact assessment and included in the environment statement, which should set out how and where such measures are proposed to be secured.</p>	<p>Reference should also be made to the Applicant's response to NNNPS paragraphs 4.38 - 4.43 above.</p> <p>As set out in Table 7-2 at Chapter 7 (Climate) of the ES, the Project's adaptation measures are based upon the latest set of UK Climate Projections (UKCP18, RCP8.5), the Government's national Climate Change Risk Assessment and consultation with statutory consultation bodies. For example, Over a 60-year appraisal period, the CCR assessment assesses the environmental impact of any embedded mitigation (adaptation) within the design (that is, the Order Limits). The CCR assessment also identifies proposed additional mitigation where impacts are identified through the assessment. This mitigation also has the potential to cause environmental impacts, which are considered at section 7.9 Essential Mitigation and Enhancement Measures at Chapter 7 (Climate) of the ES. Further details are also set out at section 7.7 Baseline Conditions.</p> <p>As such, the Project incorporates the necessary adaptation measures which have been based upon the latest set of UK Climate Projections, the</p>

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		Government's national Climate Change Risk Assessment and consultation with statutory consultation bodies.
4.45	If any proposed adaptation measures themselves give rise to consequential impacts the Secretary of State should consider the impact in relation to the application as a whole and the impacts guidance set out in this part of this NPS (e.g., on flooding, water resources, biodiversity, landscape and coastal change).	<p>The qualitative assessment of the climate change resilience of mitigation measures outlined by other EIA topics has identified several classes of mitigation measures that may be vulnerable to climate change. These classes are set out in section 7.9.20 of Chapter 7 (Climate) of the ES. The implementation of these mitigation measures should ensure their resilience to climate change resilience is considered.</p> <p>The assessment is based on the Project as it is described in Chapter 2 (The Project), includes embedded mitigation inherent in the design that is presented. The assessment also considers mitigation measures within the Order Limits associated with changes to biodiversity units as outlined in Chapter 6 (Biodiversity). It is noted that these would be expected to have a positive impact on net GHG emissions through the sequestration of carbon in the operational phase of the project, following habitat creation in construction phase. However, the assessment takes a conservative approach by excluding this benefit from the evaluation of significance, although the quantification of these benefits are presented in the assessment results tables.</p>
4.46	Adaptation measures can be required to be implemented at the time of construction where necessary and appropriate to do so.	<p>The CCR assessment within Chapter 7 (Climate) of the ES (Application Documents 3.2-3.4) does not scope out the assessment of vulnerability from climate change during construction. However, the UKCP18 climate Projections for the 2020s (construction period) suggest that, whilst the climate will have changed by the construction period, climate change will not significantly increase the vulnerability of the Project to climatic impacts during the construction period.</p> <p>Therefore, the detailed CCR assessment only covers the operational phase of the Project.</p>

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		<p>Extreme events are a feature of the baseline climate, however, and the EMP sets out specific measures for the Project that the Principal Contractor(s) will employ in order to provide resilience to extreme weather during construction, which builds on existing National Highways standard construction processes.</p>
4.47	<p>Where adaptation measures are necessary to deal with the impact of climate change, and that measure would have an adverse effect on other aspects of the Project and/or surrounding environment (e.g. coastal processes), the Secretary of State may consider requiring the applicant to ensure that the adaptation measure could be implemented should the need arise, rather than at the outset of the development (e.g. reserving land for future extension, increasing the height of an existing sea wall, or requiring a new sea wall).</p>	<p>The qualitative assessment of the climate change resilience of mitigation measures outlined by other EIA topics has identified several classes of mitigation measures that may be vulnerable to climate change. These classes are set out in section 7.9.20 of Chapter 7 (Climate) the ES. The implementation of these mitigation measures should ensure their resilience to climate change resilience is considered.</p> <p>The assessment is based on the Project as it is described in Chapter 2 (The Project), includes embedded mitigation inherent in the design that is presented. The assessment also considers mitigation measures within the Order Limits associated with changes to biodiversity units as outlined in Chapter 6 (Biodiversity). It is noted that these would be expected to have a positive impact on net GHG emissions through the sequestration of carbon in the operational phase of the project, following habitat creation in construction phase. However, the assessment takes a conservative approach by excluding this benefit from the evaluation of significance, although the quantification of these benefits are presented in the assessment results tables.</p>
Pollution control and other environmental protection regimes		
4.48	<p>Issues relating to discharges or emissions from a proposed Project which affect air quality, water quality, land quality and the marine environment, or which include noise and vibration, may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes. Relevant permissions will need to be obtained for any activities</p>	<p>Details of the relevant regulatory consents to be sought for the Project are set out in the Consents and Agreements Position Statement (Application Document 5.4).</p>

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	within the development that are regulated under those regimes before the activities can be operated.	
4.50	In deciding an application, the Examining Authority and the Secretary of State should focus on whether the development itself an acceptable use of the land is, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. They should assess the potential impacts of processes, emissions or discharges to inform decision making, but should work on the assumption that in terms of the control and enforcement, the relevant pollution control regime will be properly applied and enforced. Decisions under the Planning Act should complement but not duplicate those taken under the relevant pollution control regime.	This document, and the CftP (Application Document 2.2), demonstrate that the Project conforms to planning policy and is an acceptable use of the land. These impacts are considered throughout the ES (Application Documents 3.2-3.4). Details of other regulatory consents to be sought for the Project are set out in The Consents and Agreements Position Statement (Application Document 5.4).
4.52	There is a statutory duty on applicants to consult the Marine Management Organisation (MMO) on nationally significant Projects which would affect, or would be likely to affect, any relevant marine areas as defined in the Planning Act (as amended by section 23 of the Marine and Coastal Access Act 2009). The Secretary of State's consent may include a deemed marine licence and the MMO will advise on what conditions should apply to the deemed marine licence. Where appropriate, the MMO should actively participate in examinations, and Examining Authorities engage with such matters, to help ensure that nationally significant infrastructure Projects are licensed in accordance with environmental legislation, including European directives.	The Marine Management Organisation has not been consulted. The Project does not affect any relevant marine areas as defined in the PA 2008.

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4.54	<p>Applicants are encouraged to begin pre-application discussions with the Environment Agency as early as possible. It is however expected that an applicant will have first thought through the requirements as a starting point for discussion. Some consents require a significant amount of preparation; as an example, the Environment Agency suggests that applicants should start work towards submitting the permit application at least 6 months prior to the submission of an application for a Development Consent Order, where they wish to parallel track the applications. This will help ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the Examining Authority.</p>	<p>As described within the Consents and Agreement Position Statement (Application Document 5.4), the approach to discharging Environmental Permits after the grant of the DCO has been discussed with the Environment Agency.</p> <p>Discussion around the following environmental permits are ongoing:</p> <ul style="list-style-type: none"> • Discharge to controlled waters as a water discharge activity under the Environmental Permitting (England and Wales) Regulations 2016 • Abstraction under section 24 of the Water Resources Act 1991. <p>National Highways will continue to engage with the consent granting body ahead of main construction works and continue to review the list of other required consents to be reviewed against environmental information once available.</p> <p>A Statement of Common Ground (Application Document 4.5) has been progressed with the Environment Agency to record the matters that have been agreed between both parties and to identify any matters where comments still need to be resolved.</p>
4.55	<p>The Secretary of State should be satisfied that development consent can be granted taking full account of environmental impacts. This will require close cooperation with the Environment Agency and/or the pollution control authority, and other relevant bodies, such as the MMO, Natural England, Drainage Boards, and water and sewerage undertakers, to ensure that in the case of potentially polluting developments:</p> <p>the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and</p>	<p>As described in the Applicant's response to NNNPS paragraph 4.54 above, close cooperation with the Environment Agency on pollution control requirements is ongoing and will ensure that potential releases will be adequately regulated, either under the relevant pollution control frameworks or, subject to the Environment Agency's agreement, will be disapplied and the pollution control requirements will be addressed within the DCO.</p> <p>The Consents and Agreements Positions Statement (Application Document 5.4) states that the necessary European Protected Species licensing are being discussed with Natural England under the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations") or the Wildlife and Countryside Act 1981.</p>

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	<p>the effects of existing sources of pollution in and around the Project are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits.</p>	<p>As to the possible cumulative effects of the Project, Chapter 15 (Cumulative Effects) of the ES (Application Documents 3.2-3.4) takes account of the cumulative effects of the Project and concludes that there are no significant cumulative effects anticipated which would result in any new or materially different significant effects to those identified in each environmental factor chapter of the ES (Chapters 5-14).</p>
<p>Common law nuisance and statutory nuisance</p>		
4.58	<p>It is very important that during the examination of a nationally significant infrastructure Project, possible sources of nuisance under section 79(1) of the 1990 Act, and how they may be mitigated or limited are considered by the Examining Authority so they can recommend appropriate requirements that the Secretary of State might include in any subsequent order granting development consent. More information on the consideration of possible sources of nuisance is at paragraphs 5.81-5.89.</p>	<p>A Statement of Statutory Nuisance (Application Document 5.5) details how the possible sources of nuisance under section 79(1) of the Environmental Protection Act 1990 relating to the Project are to be mitigated or limited.</p>
<p>Safety</p>		
4.60	<p>New highways developments provide an opportunity to make significant safety improvements. Some developments may have safety as a key objective, but even where safety is not the main driver of a development the opportunity should be taken to improve safety, including introducing the most modern and effective safety measures where proportionate. Highway developments can potentially generate significant accident reduction benefits when they are well designed.</p>	<p>One of the Project's key objectives is to improve road safety during construction, operation and maintenance for all, including road users, Non-Motorised Users ('NMFU'), road workers, local businesses and local residents.</p> <p>In considering this in the design, the Project will comprise of a consistent standard of dual carriageway, with the same speed limit throughout (with the exception of a short section of 50mph dualling between M6 Junction 40 and east of Kemplay Bank), leading to fewer accidents. The use of the 'old' A66 as part of the local road network will provide better, safer routes for cyclists and pedestrians.</p>

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		<p>An analysis of the Projects predicted accidents and casualties for a 60-year period highlights that within the whole study area, the Project saves 281 accidents over the 60-year period, resulting in 368 fewer casualties. Full details of the assessment are at chapter 9 of the TA (Application Document 3.7).</p> <p>See also the Applicant's response to NNNPS paragraph 4.61 below.</p>
4.61	<p>The applicant should undertake an objective assessment of the impact of the proposed development on safety including the impact of any mitigation measures. This should use the methodology outlined in the guidance from DfT (WebTAG) and from the Highways Agency.</p>	<p>A Stage 1 Road Safety Audit ('RSA') has been completed for the Project. Additional Road Safety Audits will be conducted in accordance with DfT and National Highways guidance at the detailed design stage of the Project. This is detailed at chapter 9 of the TA (Application Document 3.7), which provides an analysis of road accidents.</p> <p>A Cost and Benefit to Accidents – Light Touch (COBALT) assessment has been undertaken in conformity with the DfT's WebTAG guidance. The results are also reported within the TA at chapter 9 and are summarised below.</p> <p>Within the whole study area, the Project will save 281 accidents over the 60-year period, resulting in 368 fewer casualties. The breakdown of fatal and serious accidents can be considered within the following manner:</p> <p>For those sections that are to be improved as part of the Project, 15 fatalities and 123 serious casualties are forecast to be saved on the new A66 scheme sections. However, as traffic flows on the whole A66 between Penrith and Scotch Corner, it also increases due to these improvements (that is, including on the non-improved sections) and a net saving of 9 fatalities and 83 serious injuries is forecast to occur.</p> <p>The increase flow on the improved A66 also removes traffic from other roads on the surrounding road network (that is, rural links with a poorer safety record)</p>

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		therefore in total 14 fatalities, and 148 serious accidents are saved by the Project for both connecting rural roads traffic which would otherwise use the A66 and the A66.
4.62	They should also put in place arrangements for undertaking the road safety audit process. Road safety audits are a mandatory requirement for all trunk road highway improvement schemes in the UK (including motorways).	<p>The Project has been subject to a Stage 1 RSA – see chapter 9 of the TA (Application Document 3.7).</p> <p>The design team have considered each recommendation provided by the Audit Team and have accepted the recommendations where appropriate, with agreement from National Highways as the Overseeing Organisation.</p> <p>All responses to the RSA recommendations were taken through a decision log process with the Overseeing Authority. The Overseeing Authority is National Highways for the trunk road network and is the Local Highway Authority for local roads and the old de-trunked A66, where it will be adopted.</p> <p>Where recommendations may have altered the red line boundary, those design changes were agreed with National Highways and were implemented within the design. Additional changes to the design within the red line boundary will be made at Detailed Design stage as required ahead of the Stage 2 RSA.</p>
4.64	<p>The applicant should be able to demonstrate that their scheme is consistent with the Highways Agency's Safety Framework for the Strategic Road Network and with the national Strategic Framework for Road Safety. Applicants will wish to show that they have taken all steps that are reasonably required to:</p> <ul style="list-style-type: none"> • minimise the risk of death and injury arising from their development; • contribute to an overall reduction in road casualties; • contribute to an overall reduction in the number of unplanned incidents; and 	<p>An analysis of the Project predicted accidents and casualties within the 60-year economic appraisal period 2029-2088 inclusive shows a saving of 281 accidents across the total study area, resulting in 368 fewer casualties. Full details of the assessment are in chapter 9 of the TA (Application Document 3.7) and chapter 6 of the Combined Modelling and Appraisal document ('comMA') (application Document 3.8).</p> <p>As stated regarding walking, cycling and horse-riding facilities in chapter 10 of the TA <i>"all schemes have some level of betterment compared with the provision on the existing single carriageway sections."</i> This is due to the extensive new provision of multi-user routes in the form of paths adjacent to the dualled A66 or</p>

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	<ul style="list-style-type: none"> contribute to improvements in road safety for walkers and cyclists. 	<p>along the 'old' A66 and safe places to cross the dual carriageway where appropriate. This is also defined in the Walking, Cycling and Horse Riding Proposals (Application Document 2.4)</p> <p>The Applicant has therefore taken all reasonable steps to minimise the risk of death, contributed to an overall reduction in road casualties and unplanned incidents and contribute to the improvements in road safety for walkers and cyclists.</p>
4.65	<p>They will also wish to demonstrate that:</p> <ul style="list-style-type: none"> they have considered the safety implications of their Project from the outset; and they are putting in place rigorous processes for monitoring and evaluating safety. 	<p>The dualling of the A66 has been committed to within RIS1 and RIS2. RIS2 <i>"...sets a long-term strategic vision for the network. With that vision in mind, it then: specifies the performance standards Highways England (now National Highways) must meet."</i></p> <p>As part of the performance specification, the RIS2 sets out that the <i>"Safety of everyone who uses or interacts with the SRN is the first responsibility for both the Department and National Highways, informing all aspects of the design of RIS2."</i></p> <p>The Project objective to "Improve road safety, during construction, operation and maintenance for all, including road users, Non-Motorised Users (NMU), road workers, local businesses and local residents" clearly demonstrates the Applicant's commitment to safety from the outset, which is to "Improve road safety,</p> <p>Within the chapter 9 of the TA (Application Document 3.7) the safety benefits of the Project have been evaluated and assessed with the methodology laid out.</p> <p>The Applicant has demonstrated that safety implications of the Project have been considered from the outset and that rigorous processes for monitoring and</p>

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		<p>evaluating safety during construction has been put in place. The impacts identified within the TA (Application Document 3.7) will help inform the potential issues that may arise during construction such that mitigation can be considered and implemented where possible. A Construction Traffic Management Plan, which forms Annex B13 of Environmental Management Plan (EMP) (Document Reference 2.7) will be completed on an iterative basis by the Principal Contractor (PC) as the Project progresses through detailed design and will be used to agree the final temporary traffic management measures for implementation during the construction of the Project. Traffic monitoring sensors may be used to recognise if traffic is using inappropriate local routes to avoid delays on the A66. The project team will monitor the journey times on the A66 to ensure excessive delays are not occurring due to the works. If delays on the A66 are causing inappropriate local routes to be used, then the project team will consider if any adjustments can be made to the Temporary Traffic Management with the aim of reducing the delays.</p>
4.66	<p>The Secretary of State should not grant development consent unless satisfied that all reasonable steps have been taken and will be taken to:</p> <ul style="list-style-type: none"> • minimise the risk of road casualties arising from the scheme; and • contribute to an overall improvement in the safety of the Strategic Road Network. 	<p>Please see the Applicant’s response to NNNPS paragraphs 4.60 - 4.65 above.</p> <p>The design principles of the Project have been informed by the Design Manual for Road and Bridges (‘DMRB’) and other relevant technical design standards. The DMRB forms the basis of a safe highway design.</p> <p>The Project would result in a reduction in road casualties. Within the whole study area, the Project saves 281 accidents over the 60-year period, resulting in 368 fewer casualties. This assessment is set out in chapter 9 of the TA (Application Document 3.7). Accident reductions occur across the whole network as the increased flow on the improved A66 also removes traffic from other roads on the surrounding road network (for example rural links with a poorer safety record) therefore in total 14 fatalities, and 148 serious accidents are saved by the Project. The Project will therefore minimise the risk of road casualties as a result of its implementation.</p>

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		<p>The Project meets its objective of safety (as referenced in the response to NNNPS paragraph 4.60 of this Appendix above) and will comprise of a consistent standard of dual carriageway with the same speed limit throughout (with the exception of a short length of 50mph dualling between M6 Junction 40 and east of Kemplay Bank), leading to fewer accidents.</p> <p>The use of the 'old' A66 as part of the local road network will provide better, safer routes for cyclists and pedestrians.</p> <p>The Projects objectives were originally borne out of National Highways' three priorities. In reference to safety – this includes the below:</p> <p><i>“By 2040, we aim for no one to be killed or seriously injured while travelling or working on our network.”</i></p> <p>Based upon the above, the Project will contribute to an overall improvement in the safety of the SRN, through its projected reduction of accidents on the network.</p> <p>The Applicant has therefore taken and will take all reasonable steps to minimise the risk of road casualties and contribute to the overall improvements in the safety of the SRN.</p>
Security considerations		
4.76 – 4.77	Where national security implications have been identified, the applicant should consult with relevant security experts from CPNI and the Department for Transport, to ensure that physical, procedural and personnel security measures have been adequately considered in the design process and that adequate consideration has been given to the management of security risks. If CPNI and the Department for Transport (as	The Applicant has carefully considered any potential physical, procedural and personnel security measures within the design process. As a result of this process, no national security issues have been identified in developing the Project. As such, it has not been necessary to consult the CPNI.

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	<p>appropriate) are satisfied that security issues have been adequately addressed in the Project when the application is submitted, they will provide confirmation of this to the Secretary of State, and the Examining Authority should not need to give any further consideration to the details of the security measures during the examination.</p> <p>The applicant should only include such information in the application as is necessary to enable the Examining Authority to examine the development consent issues and make a properly informed recommendation on the application.</p>	<p>The Ministry of Defence has been consulted given their land interests and ownership at Warcop Training Area ('WTA') at Appleby to Brough. The design of the Project has included all requirements for the MoD in terms of operational requirements.</p>
Health		
4.80	<p>New or enhanced national network infrastructure may have indirect health impacts; for example, if they affect access to key public services, local transport, opportunities for cycling and walking or the use of open space for recreation and physical activity.</p>	<p>The Project offers both new and enhanced national network infrastructure which has resulted in opportunities which indirectly and directly benefit access to key public services, local transport, opportunities for cycling and walking or the use of open space for recreation and physical activity. For example, through reducing severance and improving connectivity and local travel patterns through provision of new walking and cycling routes; and changes to journey times for WCHs accessing community resources, through the provision of new WCH routes, connections and crossing provisions, leading to positive effects on wellbeing, quality of life, physical activity, social interaction and contact with nature.</p> <p>This is set out in section 13.9 of Chapter 13 (Population and Human Health) of the ES.</p> <p>All necessary precautions have been taken to minimise and mitigate against the risk of health implications arising from delivery and use of the infrastructure improvements.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>During operation, the Project is likely to bring beneficial impacts to population and human health receptors:</p> <ul style="list-style-type: none"> • For residential, commercial and community receptors, it is likely that the Project will result in beneficial impacts due to enhanced accessibility and a general reduction in congestion across the A66 and associated local road network. Benefits for WCH will include a reduction in severance and an improvement in connectivity and local travel patterns through the provision of new walking and cycling routes. • Reduced congestion and journey times across the A66 will give rise to potential beneficial effects on human health as a result of improved access to facilities, services (including health care), open space and employment sites. <p>Overall, delivery of the Project will not result in significant negative health impacts and therefore the Project has the opportunity to offer indirect health impacts.</p>
4.81 – 4.82	<p>As described in the relevant sections of this NPS, where the proposed Project has likely significant environmental impacts that would have an effect on human beings, any environmental statement should identify and set out the assessment of any likely significant adverse health impacts. The applicant should identify measures to avoid, reduce or compensate for adverse health impacts as appropriate. These impacts may affect people simultaneously, so the applicant, and the Secretary of State (in determining an application for development consent) should consider the cumulative impact on health.</p>	<p>The Project has taken account of any likely significant environmental impacts that would have an effect on human beings.</p> <p>Avoidance of adverse health outcomes has been an integral part of the design process (for example, avoiding populated areas and sensitive receptors, mitigating noise and visual impacts). Health outcomes associated with the environmental and social impacts of the Project have been assessed and mitigation measures have been identified and secured. These details are set out of section 13.9 (Essential mitigation and enhancement measures) and section 13:10 Assessment of likely significant effects at Chapter 13 (Population and Human Health) of the ES.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>The cumulative effects of the development on human health have been assessed and set out in the ES in Chapter 15 (Cumulative Impacts) of the ES. This chapter concludes that there are no significant cumulative effects anticipated which would result in any new or materially different significant effects to those identified in each environmental factor chapter of the ES (Chapters 5-14). This includes population and human health.</p> <p>Therefore, the Project has demonstrated and taken account of any likely significant environmental impacts it may have on human beings.</p>
5 Generic impacts		
Air quality		
5.6 – 5.9	<p>Where the impacts of the Project (both on and off-scheme) are likely to have significant air quality effects in relation to meeting EIA requirements and / or affect the UK's ability to comply with the Air Quality Directive, the applicant should undertake an assessment of the impacts of the proposed Project as part of the environmental statement.</p> <p>The environmental statement should describe:</p> <ul style="list-style-type: none"> • existing air quality levels; • forecasts of air quality at the time of opening, assuming that the scheme is not built (the future baseline) and taking account of the impact of the scheme; and • any significant air quality effects, their mitigation and any residual effects, distinguishing between the 	<p>The Applicant has taken into account air quality at all stages of its development, in close vicinity of the Order Limits, but also over the wider area likely to be affected. All sensitive receptors have been considered within 200m of the Order Limits.</p> <p>This is detailed in Chapter 5 (Air Quality) of the ES (Application Documents 3.2-3.4), including, at Table 5-2, which sets out how the Project has adhered to the requirements of the NNNPS and where this is documented.</p> <p>The Applicant has taken into account air quality impacts in close vicinity of the Order Limits, but also over the wider area likely to be affected. All sensitive receptors have been considered within 200m of the Order Limits.</p> <p>In summary, an assessment has been carried out to determine if there is a risk of affecting the UK's ability to achieve compliance with the Air Quality Directive and this has been documented at section 5.10 Chapter 5 (Air Quality) of the ES (Application Documents 3.2-3.4).</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
	<p>construction and operation stages and taking account of the impact of road traffic generated by the Project.</p> <p>Defra publishes future national Projections of air quality based on evidence of future emissions, traffic and vehicle fleet. Projections are updated as the evidence base changes. Applicant's assessment should be consistent with this but may include more detailed modelling to demonstrate local impacts.</p> <p>In addition to information on the likely significant effects of a Project in relation to EIA, the Secretary of State must be provided with a judgement on the risk as to whether the Project would affect the UK's ability to comply with the Air Quality Directive.</p>	<p>Air quality thresholds are detailed in Table 54 of the ES Chapter 5 (Air Quality) for No₂, PM₁₀, PM_{2.5}, NO_x.</p> <p>As detailed in the ES, the Project has adhered to the NNNPS in so far that:</p> <ul style="list-style-type: none"> • The existing air quality levels across the Project have been described, reviewed and summarised at section 5.7 (Baseline Conditions) and ES Appendix 5.3 (Baseline Monitoring). • Forecasts of air quality at the time of opening have been provided for the future baseline and taking account of the impact of the Project at ES Appendix 5.5 – Results. <p>The likely significant effects associated with the Project, including taking account of road traffic generated by the Project, during the construction and operation stages of the Project have been determined at section 5.10 (Assessment of likely significant effects). It concludes that the construction phase and operational phase effects are both predicted to be not significant. Therefore, it is predicted the effects on air quality at human and ecological receptors would be not significant.</p>
5.10	<p>The Secretary of State should consider air quality impacts over the wider area likely to be affected, as well as in the near vicinity of the scheme. In all cases the Secretary of State must take account of relevant statutory air quality thresholds set out in domestic and European legislation. Where a Project is likely to lead to a breach of the air quality thresholds, the applicant should work with the relevant authorities to secure appropriate mitigation measures with a view to ensuring so far as possible that those thresholds are not breached.</p>	<p>This is following mitigation and enhancement measures presented at section 5.9 (Air Quality) of the ES which include:</p> <ul style="list-style-type: none"> • Minimisation of areas to be stripped of vegetation. • Dampening down of dust generating activities and materials, including site roads, during dry weather, in addition to site monitoring (e.g., periodic visual inspections within and along site boundaries). • Ensuring vehicles entering and leaving sites are covered to prevent escape of materials during transport. • As far as possible temporary roads should be hard surfaced to reduce dust generation.

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<ul style="list-style-type: none"> • Road sweeping to be carried out on access roads and local roads to remove any material tracked out of the site. • Management of stockpiled materials with the potential to generate dust by rolling, covering and/or revegetating as soon as appropriate. <p>The assessment has used the most recent information from Defra for future background Projections and National Highways for vehicle emissions (version 11) and the ammonia tool. The impact of emissions has been assessed using detailed modelling as discussed at section 5.4 (Assessment methodology) and ES Appendix 5.4 (Air Quality Assessment) (Application Document 3.4).</p> <p>An assessment has been carried out to determine if there is a risk of affecting the UK's ability to conform with the Air Quality Directive and the Air Quality Standards objectives. The results are provided in section 5.10 (Assessment of likely significant effects) at Chapter 5 (Air Quality) of the ES (Application Documents 3.2-3.4).</p> <p>As documented in section 5.10 (Assessment of likely significant effects), Chapter 5 (Air Quality) of the ES, a judgement has been provided which has assessed whether there is a risk of effecting the UK's ability to conform with the Air Quality Directive and the Air Quality Standards objectives. The results are provided in section 5.10 (Assessment of likely significant effects) at Chapter 5 (Air Quality) of the ES (Application Documents 3.2-3.4).</p> <p><i>DMRB LA 105</i> sets the method which has been followed to assess compliance with the Air Quality Directive based on Pollution Climate Mapping data provided by Defra.</p> <p>Based on the results of this assessment, the compliance testing indicates that the Project is low risk as defined in <i>DMRB LA 105</i>. None of the schemes are at risk of becoming non-compliant as a result of the Project, the date for achieving</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>compliance will not be affected, and there will be no increase in the length of roads in exceedance of the zones.</p>
5.11	<p>Air quality considerations are likely to be particularly relevant where schemes are proposed:</p> <ul style="list-style-type: none"> • within or adjacent to Air Quality Management Areas (AQMA); roads identified as being above Limit Values or nature conservation sites (including Natura 2000 sites and Sites of Special Scientific Interest (SSSI), including those outside England); and • where changes are sufficient to bring about the need for a new AQMAs or change the size of an existing AQMA; or bring about changes to exceedances of the Limit Values, or where they may have the potential to impact on nature conservation sites. 	<p>The Applicant has considered air quality considerations within the specified areas identified in paragraph 5.10.</p> <p>AQMAs and nature conservation sites present within the Affected Road Network ('ARN') study area have been identified, together with any areas potentially at risk of exceeding AQS objectives or Limit Values.</p> <p>Forecasts of air quality at the time of opening have been provided for the future baseline and taking account of the impact of the Project. Where changes have been identified that meet the relevant criteria, these have been described. There are no likely significant effects associated with the Project.</p> <p>Air quality in the area around the Project is considered to be good. This is confirmed by the fact that there are no Air Quality Management Areas close to the project, with the nearest being over 30km from the A66.</p> <p>To summarise, the review of AQMAs concludes as follows:</p> <ul style="list-style-type: none"> • DCC has designated two AQMAs (Durham and Chester-le-Street), however these are located over 30km from the A66, outside of the ARN and are unlikely to be affected by the Project. • EDC and RDC have not designated any AQMAs; however, EDC have been considering the potential for a future AQMA to be declared at Castlegate, Penrith. At the time of writing, no AQMA has been declared

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>at Castlegate and timescales are unknown for when this is likely to be brought forward.</p> <p>As such, the Project would not result in the need for new AQMAs or extensions to existing ones.</p> <p>A review of the nature conservations sites listed below has been carried out to determine if there is a risk of significant air quality effect, and there are no likely effects associated with the Project.</p> <ul style="list-style-type: none"> • North Pennine Moors Special Protection Area ('SPA') • Asby Complex Special Area of Conservation ('SAC') • North Pennine Moors SAC • Lightwater Alluvial Forest part of the River Eden and Tributaries Special Site of Scientific Interest ('SSSI') • Crooks Beck Alluvial Forest part of the River Eden and Tributaries SSSI • Crosby Ravensworth Fell SSSI • Argill Woods and Pastures SSSI • Augill Valley Pasture SSSI • Temple Sowerby Moss SSSI • Bowes Moor SSSI • Local Wildlife Sites (various) • Biological Heritage Site (Local Wildlife Site) (Docks Acres North and Lancaster Canal) • Special Roadside Verge (County Wildlife Site) (various) • Morecambe Bay Limestones and Wetlands Nature Improvement Area • Ancient Woodland (various) (see Applicant's responses to NNNPS para 5.32 below) • Ancient and Veteran Trees (various) (as above)

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>Based on the Project design and associated construction activities, prior to mitigation the Project has the potential to impact upon air quality during both construction and operation. During construction, potential air quality effects arise from emissions of construction dust and particulate matter (PM). These emissions occur as a result of construction activities such as demolition, earthworks, construction and trackout. The quantities of each depend on the scale and intensity of the construction works. During operation, changes to the road network will result in changes to traffic flow, speed and fleet composition. Traffic flows are likely to increase due to the improved desirability of the route, and speeds are likely to increase due to increased capacity and reduced congestion.</p> <p>These changes will impact on emissions of the main traffic related pollutants, NOX, PM10 and PM2.5. As a result, pollutant concentrations at human and sensitive ecological receptors in the vicinity of the Project alignment, and in the wider study area near the ARN will be affected by the Project. These changes may result in permanent improvements and deteriorations in local air quality.</p> <p>Following essential mitigation and enhancement measures presented at section 5.9 (Air Quality) of the ES, there will be no significant effects during construction or operation on nature conservation sites. As such, the aforementioned nature conservation sites would not be impacted.</p>
5.12	<p>The Secretary of State must give air quality considerations substantial weight where, after taking into account mitigation, a Project would lead to a significant air quality impact in relation to EIA and / or where they lead to a deterioration in air quality in a zone/agglomeration.</p>	<p>The Applicant has completed an assessment to determine whether there is a risk of significant air quality impacts and also taken into account mitigation. The results are provided in section 5.10 (Assessment of likely significant effects), Chapter 5 (Air Quality) of the ES (Application 3.4).</p>

NPS paragraph	Requirement of the NPS	Compliance with NNPNS
5.13	<p>The Secretary of State should refuse consent where, after taking into account mitigation, the air quality impacts of the scheme will:</p> <p>result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant; or</p> <p>affect the ability of a non-compliant area to achieve compliance within the most recent timescales reported to the European Commission at the time of the decision.</p>	<p>An assessment has been carried out to determine if there is a risk of non-compliance with the Air Quality Directive. The results of this area provided in section 5.10 (Assessment of likely significant effects) at Chapter 5 (Air Quality) of the ES.</p> <p>Following the implementation of mitigation set out in the EMP (Application Document 2.7), during construction, no significant effects due to emissions of dust from construction activities are likely, no significant effects for human health due to traffic emissions and no significant effects for ecological receptors due to traffic emissions. During operation there are no significant effects for human health due to traffic emissions and no significant effects for ecological receptors due to traffic emissions.</p> <p>Following the implementation of mitigation set out in the EMP (Application Document 2.7), the significance of the construction phase and operational phase effects are both predicted to be not significant. Therefore, the chapter concludes that it is predicted the effects on air quality at human and ecological receptors would not be significant.</p> <p><i>DMRB LA 105</i> sets the method which has been followed to assess compliance with the air quality directive based on Pollution Climate Mapping (PCM) data provided by Defra.</p> <p>There are eight PCM links in the study area; all of which are located around Penrith. There are no exceedances of the NO₂ air quality objective as a result of the Project at PCM receptors.</p> <p>Four locations are predicted to have an increase in concentration greater than 0.4µg/m³, these are: C5, C6, C7 (0.6µg/m³) and C8 (0.5µg/m³). The greatest concentrations in these locations are predicted to be 14.5µg/m³ at C5 and C7 and are not at risk of exceeding or delaying compliance with the LV.</p>

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		<p>The remaining four locations are predicted to have a reduction in concentration greater than 0.4µg/m³: C1 and C2 (-2.5µg/m³), C3 (-1.0µg/m³) and C4 (-0.8µg/m³).</p> <p>All other changes in concentrations at locations 4m from PCM links are in-line with those set out above (increases and reductions >+/- 0.4µg/m³), with the exception of C8_4m, which is predicted to experience an increase in 0.4µg/m³.</p> <p>Based on the results of this assessment, the compliance testing indicates that the Project is low risk as defined in <i>DMRB LA 105</i>. None of the links are at risk of becoming non-compliant as a result of the Project, the date for achieving compliance will not be affected, and there will be no increase in the length of roads in exceedance in the zones.</p>
5.14 – 5.15	<p>The Secretary of State should consider whether mitigation measures put forward by the applicant are acceptable. A management plan may help codify mitigation at this stage. The proposed mitigation measures should ensure that the net impact of a Project does not delay the point at which a zone will meet compliance timescales. Mitigation measures may affect the Project design, layout, construction, operation and/or may comprise measures to improve air quality in pollution hotspots beyond the immediate locality of the scheme. Measures could include, but are not limited to, changes to the route of the new scheme, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to trap or better disperse emissions and speed control. The implementation of mitigation measures may require working with partners to support their delivery.</p>	<p>Chapter 5 (Air Quality) of the ES (Application Documents 3.2-3.4) sets out the essential mitigation measures for the Project in reference to air quality.</p> <p>During construction there is the potential for changes in air quality due to dust emissions from construction activity, emissions from site plant equipment and HGVs and also from changes in traffic flows along the Project and wider road network with traffic management in place.</p> <p>Best practice mitigation measures to reduce effects from construction dust are included in the EMP (Application Document 2.7).</p> <p>These measures include the following:</p> <ul style="list-style-type: none"> • Minimisation of areas to be stripped of vegetation.

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		<ul style="list-style-type: none"> • Dampening down of dust generating activities and materials, including site roads, during dry weather, in addition to site monitoring (for example, periodic visual inspections within and along site boundaries). • Ensuring vehicles entering and leaving sites are covered to prevent escape of materials during transport. • As far as possible temporary roads should be hard surfaced to reduce dust generation. • Road sweeping to be carried out on access roads and local roads to remove any material tracked out of the site. • Management of stockpiled materials with the potential to generate dust by rolling, covering and/or revegetating as soon as appropriate. <p>No essential mitigation is considered necessary during the operational phase of the Project.</p> <p>Therefore, the mitigation measures would ensure that the net impact of the Project would not delay the point in which a zone would meet compliance timescales.</p> <p>As such, the Applicant has put forward the necessary mitigation measures through the use of an EMP which will be used as a point of reference at detailed design stage.</p>
Carbon emissions		
5.17	Carbon impacts will be considered as part of the appraisal of scheme options (in the business case), prior to the submission of an application for DCO. Where the development is subject to EIA, any Environmental Statement will need to describe an assessment of any likely significant climate factors in accordance with the requirements in the EIA Directive. It is very unlikely that the impact of a road Project will, in isolation, affect	Carbon impacts are a consideration in the appraisal of options within the business case for the Project as outlined within the appendix of the PDOR. In reference to the ES, the Applicant has considered carbon impacts as defined at Table 7-2 of Chapter 7 (Climate). GHG emissions associated with the construction and operation of the Project have been assessed as part of the

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
	the ability of Government to meet its carbon reduction plan targets. However, for road Projects applicants should provide evidence of the carbon impact of the Project and an assessment against the Government's carbon budgets.	GHG emissions assessment at section 7.7. An assessment of likely significant effects is made by comparing Project emissions with the relevant UK Government carbon budgets (up to the Sixth Carbon Budget (2033-2037), which is the Carbon Budget furthest most in the future available for comparison). The conclusions are set out at section 7.10 (Application Documents 3.2-3.4).
5.18	Any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets.	<p>As per <i>NNNPS</i> and the requirement of <i>DMRB LA 114</i>, the GHG emissions assessment concludes no likely significant effect, as the <i>DMRB LA 114</i> states: "<i>assessment of Projects on climate shall only report significant effects where increases in GHG emissions will have a material impact on the ability of Government to meet its carbon reduction targets</i>".</p> <p>As such, the Applicant has considered carbon impacts as part of its appraisal of scheme options.</p> <p>In addition, as per <i>DMRB LA 114</i>, GHG emissions associated with the Project have been benchmarked against other road Projects as a comparison of Project performance. As per <i>NNNPS</i> and the requirement of <i>DMRB LA 114</i>, the GHG emissions assessment concludes no likely significant effect, as the <i>DMRB LA 114</i> states: "<i>assessment of Projects on climate shall only report significant effects where increases in GHG emissions will have a material impact on the ability of Government to meet its carbon reduction targets</i>".</p> <p>Based upon the above, the carbon emissions associated with the Project would not be so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets.</p>
5.19	Evidence of appropriate mitigation measures (incorporating engineering plans on configuration and layout, and use of materials) in both design and construction should be presented. The Secretary of State will consider the effectiveness of such	The Project has incorporated appropriate mitigation measures within its design and construction, as shown on the engineering plans (Application Documents 5.17, 5.18), in the Environmental Management Plan ('EMP') (Application

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
	<p>mitigation measures in order to ensure that, in relation to design and construction, the carbon footprint is not unnecessarily high. The Secretary of State's view of the adequacy of the mitigation measures relating to design and construction will be a material factor in the decision making process.</p>	<p>Document 2.7) and stated within Chapter 7 (Climate) of the ES (in particular Table 7-2).</p> <p>Mitigation measures to address GHG emissions associated with the construction and operation of the Project are set out at section 7.9 (Essential Mitigation and Enhancement Measures) of Chapter 7 (Climate) of the ES. Mitigation relating to construction activities is contained within the EMP (see Appendix 4.1 – EMP Application Document 2.7).</p> <p>As shown in Table 7-19 in Chapter 7, these measures (addressing configuration, layout and use of materials) include:</p> <ul style="list-style-type: none"> • Lighting • Utilising existing carriageways where possible • Reprofilng of embankments • Masonry arches were rejected as an option for culverts on a number of schemes due to higher embodied carbon • Discounting a two-span bridge option with a pier support at Cross Lanes to Rokeby • Discounting a steel bowstring, tied arch or cable-stayed structures for viaducts at Appleby to Brough • The least carbon intensive option was chosen as the preferred option for 24 structures assessed in the SORs • Carbon steel has been discounted from use on overbridges on a number of schemes in order to minimise durability concerns associated with corrosion and to eliminate the need for repainting • The Principal Contractors selected to construct the Project will develop a carbon strategy to identify and implement opportunities to reduce carbon from existing proposals or compared to business-as-usual approaches.

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		As such, it is concluded that the Applicant has evidenced the appropriate adequate mitigation measures required in bringing the Project forward, which will ensure that the carbon footprint of the project is not unnecessarily high.
Biodiversity and ecological conservation		
5.22 – 5.23	Where the Project is subject to EIA the applicant should ensure that the environmental statement clearly sets out any likely significant effects on internationally, nationally and locally designated sites of ecological or geological conservation importance (including those outside England) on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity and that the statement considers the full range of potential impacts on ecosystems. The applicant should show how the Project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.	<p>The Applicant has fully considered biodiversity matters, and these are addressed in detail in section 6.9 of Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4). An assessment has been carried out to determine likely significant effects on internationally, nationally and locally designated sites and all potential ecological receptors. This concluded that following implementation of mitigation measures, no significant effects during the construction phase or operational stage on any designated sites or sites of geological conservation importance.</p> <p>There are likely to be significant adverse impacts on habitats throughout the Project in construction, however these will be mitigated through replacement planting that will establish through the operation phase. No significant residual effects are likely.</p> <p>With mitigation embedded in the design and establishment of mitigation planting and habitat replacement, there is one likely permanent significant effect on barn owl at Temple Sowerby to Appleby and Stephen Bank to Carkin Moor. This is a result of new carriageway increasing barn owl mortality in areas known to be used by foraging and commuting barn owl.</p> <p>Opportunities to conserve and enhance biodiversity have been considered as part of the Project and this is demonstrated within the Biodiversity chapter at section 6.8 (Essential mitigation and enhancement measures) and the EMP (Application Document 2.7).</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>Equally, the Applicant has fully considered any designated sites of geological conservation importance which have been identified at an international, national, and local level through the review of desk-based information sources. This is referenced at Table 9.2 of Chapter 9 (Geology and Soils) of the ES. The Project has been identified in Chapter 10 (Landscape and Visual) of the ES as running through the North Pennines AONB and UNESCO Global Geopark. The likely effects imposed by the Project within the Geopark area have been set out in further detail at section 9.8 (Potential impacts) in Chapter 9 of the ES.</p> <p>Where potential impacts have been identified from the desk-based information, enhancement and conservation measures have been established to ensure any potential impact is appropriately mitigated. Where remedial works are required, as a result of contamination risk, remediation could act as an enhancement and beneficial impact if contamination levels are reduced below those present at baseline. Earthworks, such as cuttings and borrow pits, can have the potential to offer an opportunity for the enhancement of geodiversity, where excavations create temporary or permanent exposures of scientific interest. Full details are set out section 9.9 (Essential mitigation and enhancement measures) in Chapter 9 of the ES.</p> <p>As such, the Project accords with NNNPS paragraphs 5.22-5.23 in taking account of biodiversity within the accompanying ES, setting out any potential significant likely effects and opportunities to conserve and enhance biodiversity and geodiversity conservation interests.</p>
5.25	<p>As a general principle, and subject to the specific policies below, development should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. The applicant may also wish to make use of biodiversity offsetting in devising compensation proposals to counteract any impacts on biodiversity which cannot be avoided or mitigated.</p>	<p>The Applicant has fully considered biodiversity matters, and these are addressed in detail in Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4).</p> <p>An assessment has been carried out to determine likely significant effects on internationally, nationally and locally designated sites and all potential ecological receptors (refer to section 6.10 in Chapter 6 (Biodiversity)).</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
	<p>Where significant harm cannot be avoided or mitigated, as a last resort, appropriate compensation measures should be sought.</p>	<p>Opportunities to conserve and enhance biodiversity have been considered as part of the Project and this is demonstrated within the Biodiversity chapter at section 6.8 (Essential mitigation and enhancement measures) and the EMP (Application Document 2.7).</p> <p>Equally, the Applicant has further considered any designated sites of geological conservation importance have been identified at an international, national, and local level through the review of desk-based information sources.</p> <p>In summary, potential adverse impacts on designated sites and ecological receptors have been avoided where possible. Where this has not been possible, adverse impacts have been mitigated or bespoke compensation proposed. The Project includes measures to mitigate severance impacts and reduce mortality risk through the provision of a number of safe crossing points for species, including culverts, underpasses and green bridges. Many of these are supported with the provision of fencing to guide species to these safe crossing points and encourage their use.</p> <p>The Project includes the provision of several structures which will facilitate species movement. These include otter culverts, mammal underpasses, green bridges and bat houses, which will provide connectivity across the Project.</p> <p>The Project will also include wider measures to mitigate impacts or enhance existing biodiversity through extensive habitat creation and enhancement</p>
5.26	<p>In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national and local importance, protected species, habitats and other species of principal importance for the</p>	<p>The Applicant has fully considered biodiversity matters and these are addressed in detail in Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4).</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
	<p>conservation of biodiversity, and to biodiversity and geological interests within the wider environment.</p>	<p>An assessment has been carried out to determine likely significant effects on internationally, nationally and locally designated sites and all potential ecological receptors.</p> <p>Opportunities to conserve and enhance biodiversity has been considered as part of the Project and this is demonstrated within the Biodiversity chapter at section 6.8 Essential mitigation and enhancement measures and EMP (Application Document 2.7).</p> <p>The Applicant has further considered any designated sites of geological conservation importance which have been identified at an international, national, and local level through the review of desk-based information sources.</p>
5.27	<p>The most important sites for biodiversity are those identified through international conventions and European Directives. The Habitats Regulations provide statutory protection for European sites (see also paragraphs 4.22 to 4.25). The National Planning Policy Framework states that the following wildlife sites should have the same protection as European sites:</p> <p>potential Special Protection Areas and possible Special Areas of Conservation;</p> <p>listed or proposed Ramsar sites; and</p> <p>sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation and listed or proposed Ramsar sites.</p>	<p>Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4) and the Habitats Regulation Assessment (Stages 1 and 2) (Application Documents 3.5 and 3.6) accurately describe the Project and its association with designated sites at a European, National and Local level. The Zone of Influence ('Zol') extends to a 2km radius from the Order Limits for international sites of nature conservation importance (or 30km for SACs where bats are noted as one of the qualifying interests).</p> <p>The HRA screens the relevant SPAs and SACs at Stage 1 of the assessment and completes an appropriate assessment where relevant.</p> <p>In summary, the Applicant has considered the relevant sites identified through international conventions and European Directives and they have been properly considered by the Applicant in accordance with the requirements of the NNNPS.</p>
Biodiversity SSSIs		

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
5.28	<p>Many Sites of Special Scientific Interest (SSSIs) are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. All National Nature Reserves are notified as SSSIs.</p>	<p>The Applicant has identified and taken consideration of all SSSIs within a 2km radius from the Order Limits, the locations of/impacts on which are set out in Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4).</p> <p>There are 12 SSSIs within 2km of the Project as follows: River Eden and Tributaries SSSI; Cowraik Quarry SSSI; Udford Low Moss SSSI; Temple Sowerby Moss SSSI; George Gill SSSI; Appleby Fells SSSI; Helbeck Wood SSSI; Swindale Wood SSSI; Bowes Moor SSSI; Kilmond Scar SSSI; Brignall Banks SSSI; and Black Scar Quarry SSSI. Cowraik Quarry SSSI is also partly designated as a Local Nature Reserve.</p>
5.29	<p>Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect on the site's notified special interest features is likely, an exception should be made only where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs. The Secretary of State should ensure that the applicant's proposals to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest, are acceptable. Where necessary, requirements and/or planning obligations should be used to ensure these proposals are delivered.</p>	<p>The Applicant has identified and taken consideration of all SSSIs (list of which provided in 5.28 above) and the Project will not have an adverse effect on land either inside or outside of a SSSI.</p> <p>All potential adverse impacts designated sites and ecological receptors have been avoided in the first instance. Where this has not been possible, adverse impacts have been mitigated such as the provision of safe crossing points for species and structures to facilitate species movement in addition to the opportunities to enhance biodiversity, such as the extensive habitat creation proposed. Further details on mitigation in section 6.9 of Chapter 6 (Biodiversity) in the ES (Application Document 3.2).</p> <p>Section 6.7.2 of Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4) details the location and impacts to the SSSI's within 2km of the Order Limits.</p> <p>The Applicant has duly considered the potential effects to SSSIs which would arise during the construction and operation phase. The following sites were identified within 250m of the Order Limits and are subsequently most likely to be directly or indirectly impacted:</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<ul style="list-style-type: none"> • Bowes Moor SSSI • River Eden Tributaries SSSI • Temple Sowerby Moss SSSI <p>The other SSSIs listed above at 5.28 are more than 250m outside the Order Limits and therefore will not be directly or indirectly impacted.</p> <p>Impacts that may occur during construction on these designated sites include habitat loss, habitat or species fragmentation, habitat damage/degradation and disturbance, however mitigation will reduce any impacts but in any event the benefits outweigh impacts as set out below.</p> <p>Section 6.1 of the CftP (Application Document 2.2) presents the case for each scheme, including the benefits each scheme will deliver. Specifically, the following paragraphs within the CftP should be referred to in reference to each of the SSSI's to be directly or indirectly impacted:</p> <ul style="list-style-type: none"> • From M6 Junction 40 to Kemplay Bank Roundabout is currently an Accident Cluster Site with the proposed scheme improving safety at this junction. The proposed road upgrades in this location promote journey time savings through improvements to access to the A66 route network, while futureproofing the junction for the expected growth in users of the road resulting from improved resilience along the route. • Penrith to Temple Sowerby scheme will result in improvements for users of the local traffic network are expected including significant new WCH infrastructure benefits. Access provision to existing heritage assets has been included within the scheme design, providing significant local benefit and tourism opportunities. The Center Parcs junction improvements will also result in significant improvement to tourism opportunities along this route.

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<ul style="list-style-type: none"> For the Temple Sowerby to Appleby scheme, the introduction of a proposed bypass will bring significant improvement in amenity for the community of Kirkby Thore and will improve connections within the village, currently severed by the volume of traffic running through the village. Again, there will be improvements for users of the local traffic network are expected including significant new WCH infrastructure benefits. <p>Overall, the Project will increase the capacity of the A66, improve resilience along the route in case of accidents or slow-moving vehicles while also providing a suite of safety improvements along the route.</p> <p>Furthermore, the following embedded mitigation measures, as secured within the EMP for the Project (Application Document 2.7) will be implemented which result in non-significant effects to the SSSIs:</p> <ul style="list-style-type: none"> Measures to be implemented to minimise potential noise, vibration and lighting include the following: instream works resulting in species fragmentation will be undertaken outside of the key salmonid breeding season; construction activities resulting in excess noise and vibration will be sensitively timed to reduce disturbance impacts on migrating fish; night working will be avoided where practicable adjacent to watercourses and will only be implemented where traffic management on a road necessitates it for safety;; construction sites will not be illuminated at night, where possible (where this is not possible (e.g. due to security considerations in non-green field locations), lighting will be sensitive to nocturnal species using the river and riparian corridor and face away from the watercourse, thus reducing disturbance of nocturnal migrants) Habitat damage/degradation - an Invasive Species Management Plan will be produced by the Contractor(s) as specified in the EMP

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>(Application Document Number 2.7). Site-specific measures regarding surface and groundwater quality, quantity and hydrogeology, dust and pollution prevention are secured within the EMP. Modelling data predicts the design of Trout Beck Viaduct does not affect the fluvial geomorphological processes both within the channel and on the floodplain</p> <ul style="list-style-type: none"> • Disturbance - as outlined in habitat or species fragmentation within the EMP. <p>Through the implementation of embedded mitigation measures as set out in section 6.8 of Chapter 6 (Biodiversity) of the ES, there will be no significant effect on the named SSSI's during the construction or operation phase of the Project.</p>
5.31	<p>Sites of regional and local biodiversity and geological interest (which include Local Geological Sites, Local Nature Reserves and Local Wildlife Sites and Nature Improvement Areas) have a fundamental role to play in meeting overall national biodiversity targets, in contributing to the quality of life and the well-being of the community, and in supporting research and education. The Secretary of State should give due consideration to such regional or local designations. However, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent.</p>	<p>Please see the Applicant's response to NNNPS paragraphs 5.11 and 5.22 - 5.29 above.</p> <p>Full consideration has been given to all designated sites (including both regional and local designations) located within the defined study areas surrounding the Order Limits.</p> <p>This concluded that following implementation of mitigation measures, no significant effects during the construction phase or operational stage on any designated sites or sites of geological conservation importance.</p> <p>There are likely to be significant adverse impacts on habitats throughout the Project in construction, however these will be mitigated through replacement planting that will establish through the operation phase. No significant residual effects are likely.</p>

NPS paragraph	Requirement of the NPS	Compliance with NNNPS
		<p>Potential adverse impacts on designated sites and ecological receptors have been avoided where possible. Where this has not been possible, adverse impacts have been mitigated or bespoke compensation proposed. The Project includes measures to mitigate severance impacts and reduce mortality risk through the provision of a number of safe crossing points for species, including culverts, underpasses and green bridges. Many of these are supported with the provision of fencing to guide species to these safe crossing points and encourage their use.</p> <p>This is set out in full details at Appendix 6:1 (Designated sites); section 6.6 (Baseline Conditions); section 6.7 (Potential Impacts); section 6.9 (Assessment of likely significant effects) and section 6.8 (Essential mitigation and enhancement measures) of Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4).</p>

Biodiversity – irreplaceable habitats including ancient woodland and veteran trees		
5.32	<p>Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this.</p>	<p>The Project has duly considered the potential effects to ancient woodland which would arise during the construction and operation phase. Particular consideration has been given to Skirsgill Wood, Chapel Wood and Graham’s Gill/Jack Wood. Anticipated construction related impacts on the designated sites include:</p> <ul style="list-style-type: none"> • Habitat loss - compaction of soil and damage to, or loss of ground flora, or damage to adjacent trees as a result of construction activities. • Habitat damage/degradation - construction activities have the potential to generate pollution e.g. dust, fine sediments, fuels and oils. Potential for dust deposition from dust emitting activities which may smother vegetation and affect evapotranspiration and photosynthesis. • Potential spread of non-native invasive species which have been recorded within the woodland. <p>Habitat Loss: For the purposes of the environmental assessment, as detailed in Table 6-1 (Chapter 6 Biodiversity of the ES), it is assumed that all habitats within the indicative site clearance boundary will be removed. This equates to an area of approximately 687.6ha. It is assumed that areas within the Order Limits outside the indicative site clearance boundary will be retained and enhanced for ecological mitigation. Should this assumption change at detailed design stage, this assessment will need to be reviewed and the required mitigation adjusted accordingly. The largest areas of habitat removal will be of improved grassland, poor semi-improved grassland, arable land and woodland.</p> <p>Habitat Degradation : There are likely to be significant temporary adverse impacts on priority habitats within the Order Limits during construction due to direct loss and habitat degradation, however these effects will be temporary as replacement planting will be carried out within the construction phase. This planting will establish through the operational phase to the point that it will have replaced the habitat lost in the construction phase</p> <p>Ancient Woodland: The Project has been designed to avoid all impact on ancient woodland except where this has been unavoidable. There would be no loss of ancient woodland or aged or veteran trees as a result of the Project. Full consideration has been given to ancient woodland sites and known ancient, veteran and notable trees</p>

		<p>located outside ancient woodland located within the defined study areas surrounding the Project. This is set out in Figure 6.2 Ancient Woodland, Ancient Tree Inventory and Habitats of Priority Importance, to be considered alongside Chapter 6 (Biodiversity) of the ES.</p> <p>There are 16 Ancient Woodland Sites within 1km of the Project. Of these 16 ancient woodlands, five are also located within the ARN. A further 15 ancient woodlands are located within 200m of the ARN.</p> <p>Potential pollution pathways have been identified within the following: Skirsgill Wood CWS Chapel Wood CWS Graham's Gill/ Jack Wood</p> <p>There are also 69 known veteran, ancient or notable trees within 1km of the Project (10 ancient, 38 veteran and 21 notable). All are outside the Order Limits and therefore retained as part of the Project.</p> <p>The Case for the Project (Application Document 2.2) presents the need for and benefits the Project will bring. In relation to the Ancient Woodland Sites which could be impacted, the CftP identifies the overall need and benefit for the schemes wherein the sites are located. Skirsgill Wood is located within the M6 Junction 10 to Kemplay Bank Roundabout scheme, with benefits the scheme will deliver presented in paragraph 6.2.16. Chapel Wood CWS is located within the Temple Sowerby to Appleby scheme, with the benefits the scheme will deliver presented in paragraph 6.4.24. Graham's Gill/ Jack Wood is located within Cross Lanes to Rokerby scheme, with benefits the scheme will deliver presented in paragraph 6.7.19.</p> <p>Through the implementation of embedded mitigation measures as set out in section 6.8 of Chapter 6 (Biodiversity) of the ES, namely:</p>
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		<ul style="list-style-type: none"> • Habitat loss - Where the Project results in the removal of habitat on either a temporary or permanent basis, this will be replaced on a like-for-like or better basis. Some areas of habitat present at baseline will be replaced by smaller areas of higher quality habitat to provide mitigation. Approximately 648ha of replacement habitats will be provided during the construction phase to mitigate for baseline habitat losses. The Environmental Mitigation Maps (Application Document 2.8) show an illustration of how the proposed habitat replacement can be achieved within the Order Limits, based on the illustrative design. This is subject to change during detailed design, however the replacement ratios described in Table 6.20 (Chapter 6 Biodiversity) must be achieved to ensure the mitigation measures relied on within this assessment are achieved. The ratios provided in Table 6.20 inform the quantum of habitat mitigation that might be required to off-set additional habitat losses that are introduced at detailed design stage. The ratios assume the target condition of created habitat will be moderate and managed for the benefit of wildlife over a minimum 30-year period. Ratios have been based on the prevailing guidance within the <i>Natural England Biodiversity Metric 3.0</i> and achieve a no-net-loss outcome. Environmental mitigation also takes account of the potential minor loss of or damage to trees required for drainage. Fencing to be used will also ensure no accidental encroachment on habitats outside of the area required for construction activities; • Habitat damage/degradation - an Invasive Species Management Plan will be produced by the Contractor(s) as specified in the EMP (Application Document Number 2.7). Site-specific measures regarding surface and groundwater quality, dust and pollution prevention are secured within the EMP (Application Document Number 2.7). Should permanent fencing be required, fence posts are to be hand dug to avoid heavy machinery being used. If machinery is required, low pressure vehicles and vehicle mats/pads are to be used to avoid ground compaction; • Should permanent fencing be required within Graham's Gill/Jack Wood ancient replanted woodland or Skirsgill Wood CWS, fence posts will be hand dug to avoid heavy machinery being used which may result in ground compaction. In
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		<p>addition, low pressure vehicles and vehicle mats or pads to avoid ground compaction will be used where required.</p> <p>In conclusion there will be no significant effect (loss or deterioration) on the named ancient woodlands during the construction or operation phase of the Project.</p> <p>To conform with this policy of the NNNPS 'habitats of principal importance' have been considered and measures to ensure these habitats are protected from adverse impacts have been included, where appropriate. Biodiversity and nature conservation has been assessed in accordance with the DMRB LA 108 and the mitigation measures will form part of the EMP (Application Document 2.7) which will be secured as part of the DCO application or secured through the DCO and certified documents. Where the Project results in the removal of habitat on either a temporary or permanent basis, this will be replaced on a like-for-like or better basis. Where harm on habitats is unavoidable through the construction or operation of the Project, it has been demonstrated through careful and comprehensive assessment (as set out within the preceding sections of this document) that the substantial, long lasting and comprehensive set of benefits outweigh any harm.</p>
5.33	<p>Development proposals potentially provide many opportunities for building in beneficial biodiversity or geological features as part of good design. When considering proposals, the Secretary of State should consider whether the applicant has maximised such opportunities in and around developments. The Secretary of State may use requirements or planning obligations where appropriate in order to ensure that such beneficial features are delivered.</p>	<p>The Applicant has taken account of opportunities to maximise beneficial biodiversity or geological features as part of its design. Opportunities for enhancing and maximising biodiversity net gains and benefits as a result of the Project have been considered where appropriate.</p> <p>Section 6.89 of Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4 and 2.7) sets out design mitigation and enhancement measures that are considered essential in order to minimise potential impacts of the Project. Such mitigation is also presented through the EMP (Application Document 2.7).</p> <p>The majority of potential impacts affecting biodiversity features will occur during the construction phase. These impacts can be broadly summarised into the following:</p> <ul style="list-style-type: none"> • Habitat loss permanently or temporarily under the road itself or where it is removed as a result of working area and compounds

		<ul style="list-style-type: none"> • Fragmentation of populations and habitats where changes to noise, air quality, hydrological regimes and human presence may change the movement of mobile species • Disturbance to species by changes to noise, light and human activity that may affect the behaviour of sensitive species, particular breeding or wintering birds • Habitat damage or degradation that might arise from changes to water quality or air quality • Incidental species mortality as a result of construction activities such as vegetation clearance, tree felling, vehicle movements and top soil stripping. <p>Operational impacts of the Project can be summarised into the following:</p> <ul style="list-style-type: none"> • Fragmentation of populations and habitats as a result of the east-west alignment of the Project resulting in severance of north-south movement • Disturbance as a result of changes to operational traffic flows and resulting changes to noise, air quality, light and human disturbance • Habitat damage can occur as a result of changes to hydrological regimes, or long term changes to nitrogen content affecting plant life • Incidental species mortality due to animals having to cross the road and being hit by vehicles <p>The Project includes measures to mitigate severance impacts and reduce mortality risk through the provision of a number of safe crossing points for species, including culverts, underpasses and green bridges. Many of these are supported with the provision of fencing to guide species to these safe crossing points and encourage their use.</p> <p>The Project includes the provision of several structures which will facilitate species movement. These include otter culverts, mammal underpasses, green bridges and bat houses, which will provide connectivity across the Project.</p> <p>The Project will also include wider measures to mitigate impacts or enhance existing biodiversity through extensive habitat creation and enhancement.</p>
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		<p>Habitats lost to the Project will be replaced on a like-for-like or better basis. Whilst biodiversity net gain is not currently a requirement within the policy set out in the NNNPS, the principles of net gain have been applied to the Project mitigation in order to maximise biodiversity within the footprint of the Project.</p> <p>Therefore to summarise, the Applicant has demonstrated that it has considered how to maximise opportunities for building in beneficial biodiversity or geological features through its design of the Project.</p>
Biodiversity – protection of other habitats and species		
5.34- 5.35	<p>Many individual wildlife species receive statutory protection under a range of legislative provisions.</p> <p>Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales and therefore requiring conservation action. The Secretary of State should ensure that applicants have taken measures to ensure these species and habitats are protected from the adverse effects of development. Where appropriate, requirements or planning obligations may be used in order to deliver this protection. The Secretary of State should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits of the development (including need) clearly outweigh that harm.</p>	<p>The Applicant has taken measures to ensure species and habitats being of principal importance are protected from the adverse effects of development.</p> <p>Section 6.3 of Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4) sets out the range of key legislation which is applicable to the assessment and provides an overview to the levels of protection provided and/ or species in which the legislation protects. Table 648 of Chapter 6 (Biodiversity) of the ES presents importance of ecological features following Table 3.9 of DMRB LA 108.</p> <p>Section 6.9 of Chapter 6 (Biodiversity) of the ES presents essential mitigation for species and habitats of principal importance and mitigation measures to ensure these species and habitats are protected from adverse impacts have been included, where appropriate.</p> <p>To conform with these policies of the NNNPS species and 'habitats of principal importance' have been considered and measures to ensure these species and habitats are protected from adverse impacts have been included, where appropriate. Biodiversity and nature conservation has been assessed in accordance with the DMRB LA 108 and the mitigation measures will form part of the EMP (Application Document 2.7) which will be secured as part of the DCO application or secured through the DCO and certified documents. Where the Project results in the removal of habitat on either a</p>

		<p>temporary or permanent basis, this will be replaced on a like-for-like or better basis. Where harm on habitats and species is unavoidable through the construction or operation of the Project, it has been demonstrated through careful and comprehensive assessment (as set out within the preceding sections of this document) that the substantial, long lasting and comprehensive set of benefits outweigh any harm.</p> <p>The CftP (Application Document 2.2), presents that the Project has been identified as the best option to meet the defined need and objectives, including the delivery of a comprehensive set of benefits. It offers an effective solution to the key challenges of the A66 and delivers real benefits. Where harm is generated by the construction or operation of the Project, it has been demonstrated through careful and comprehensive assessment that the substantial and long lasting benefits outweigh any harm.</p> <p>Therefore, in summary, the Applicant has demonstrated the relevant measures to ensure species and habitats being of principal importance are protected from the adverse effects of development.</p>
Biodiversity mitigation		
5.36	<p>Applicants should include appropriate mitigation measures as an integral part of their proposed development, including identifying where and how these will be secured. In particular, the applicant should demonstrate that:</p> <p>during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works;</p> <p>during construction and operation, best practice will be followed to ensure that risk of disturbance or damage</p>	<p>The Project incorporates appropriate mitigation measures which are considered as an integral part of the proposed development.</p> <p>Outline details of appropriate mitigation (both inbuilt into the design, standard and bespoke mitigation measures) have been set out in: Chapter 6 (Biodiversity) of the ES at section 6.8: (Essential mitigation and enhancement measures); the EMP (Application Document 2.7); and Environmental Mitigation Maps (Application Document 2.8). These have been agreed with key stakeholders including Natural England, the Environment Agency and all relevant Local Authorities.</p> <p>During construction, it is assumed that areas within the Order Limits outside the indicative site clearance boundary will be retained and enhanced for ecological mitigation. The assessment has assumed that all habitats within the indicative site</p>

	<p>to species or habitats is minimised (including as a consequence of transport access arrangements);</p> <p>habitats will, where practicable, be restored after construction works have finished;</p> <p>developments will be designed and landscaped to provide green corridors and minimise habitat fragmentation where reasonable;</p> <p>opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals, for example through techniques such as the 'greening' of existing network crossing points, the use of green bridges and the habitat improvement of the network verge.</p>	<p>clearance boundary (shown in Figure 2.2: Indicative site clearance boundary (Application Document 3.3)) will be lost as a result of construction with the exception of watercourses, where the assessment assumes that this habitat will be retained and protected where not required for the construction of the road itself. Table 6-18 in Chapter 6 (Biodiversity) of the ES shows the areas of habitats within the Order limits and within the indicative site clearance boundary.</p> <p>Habitats lost to the Project will be replaced on a like-for-like or better basis. Whilst biodiversity net gain is not currently a requirement within the policy set out in the NNNPS, the principles of net gain have been applied to the Project mitigation in order to maximise biodiversity within the footprint of the Project. Ratios for habitat replacement have been based on the prevailing national guidance within the Natural England Biodiversity Metric 3.0 and aim to achieve a no-net-loss outcome on a habitat replacement basis.</p> <p>Section 6.9 of Chapter 6 (Biodiversity) of the ES presents essential mitigation and enhancement measures for both the construction and operation phase to ensure the risk of habitats being disturbed or damaged by the Project has been minimised.</p> <p>Section 6.8 and Section 6.9 of Chapter 6 (Biodiversity) of the ES also present details of embedded and essential mitigation which support the minimisation of the effects of fragmentation. This includes the construction of green bridges which incorporate a minimum 1m wide strip of trees or wooded scrub along one road verge, with connective planting to the north and south approaches of the bridge, providing a continuous green corridor across the live carriageway.</p> <p>In summary, the Applicant has demonstrated appropriate mitigation measures will be implemented, including to provide a like-for-like or better basis habitat replacement during and following construction.</p>
5.37	The Secretary of State should consider what appropriate requirements	The Project has incorporated appropriate requirements to ensure that the necessary biodiversity mitigation measures set out within the ES are achievable. This is set out at: section 6.8 (Essential mitigation and enhancement measures) at Chapter 6 (Biodiversity

	<p>should be attached to any consent and/or in any planning obligations entered into in order to ensure that mitigation measures are delivered.</p>	<p>of the ES (Application Documents 3.2-3.4); EMP (Application Document 2.7); and Environmental Mitigation Maps (Application Document 2.8).</p> <p>These mitigation measures will be adhered to through the use of the EMP and management plans that sit within it at detailed design stage in order to ensure that mitigation measures are delivered.</p>
5.38	<p>The Secretary of State will need to take account of what mitigation measures may have been agreed between the applicant and Natural England and/or the MMO, and whether Natural England and/or or the MMO has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences.</p>	<p>Consideration in relation to relevant protected species mitigation and mitigation licences which may be required as a result of the Project have been set out within the ES in consultation with Natural England. This is set out at section 6.8 (Essential Mitigation and Enhancement Measures).</p> <p>In addition, the Consents and Agreements Position Statement (Application Document 5.4) indicates that the necessary discussions are underway to discuss protected species licensing under the Habitats Regulations or the Wildlife and Countryside Act 1981.</p> <p>The Marine Management Organisation has not been consulted. The Project does not affect any relevant marine areas as defined in the PA 2008.</p>
Waste management		
5.40	<p>Sustainable waste management is implemented through the “waste hierarchy”:</p> <ul style="list-style-type: none"> · prevention; · preparing for reuse; · recycling; · other recovery, including energy recovery; and · disposal 	<p>Sustainable waste management and the waste hierarchy are key elements of the Materials Assets and Waste assessment. Full details are set out at section 11.3 of Chapter 11 (Materials and Waste) of the ES and Plate 11.2 Waste Hierarchy (Application Document 3.2).</p> <p>Mitigation measures to reduce the impacts of material assets and waste from the Project follow the principles of sustainable resource and waste management in conformity with the waste hierarchy as described in the NPS for NN and <i>DMRB LA 110</i>.</p>
5.42	<p>The applicant should set out the arrangements that are proposed for managing any waste produced. The</p>	<p>The Project includes the necessary arrangements for managing any waste produced as set out in Chapter 11 (Materials and Waste) of the ES and the Site Waste Management</p>

	<p>arrangements described should include information on the proposed waste recovery and disposal system for all waste generated by the development. The applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that the alternative is the best overall environmental outcome.</p>	<p>Plan ('SWMP') in the EMP (Application Document 2.7) being submitted as part of the DCO application.</p> <p>Waste prevention is a key part of the assessment and is promoted through the implementation of the waste hierarchy as described in the NPS for NN and <i>DMRB LA 110</i>.</p> <p>The Project design will take into considerations the upper tiers of the waste hierarchy (referenced in paragraph 5.40 above) with a view of minimising the overall volume of waste arisings via designing out waste and maximising efficient use of materials, ultimately to prevent and minimise waste sent to landfill.</p> <p>Section 11.8 of Chapter 11 (Materials and Waste) of the ES sets out the essential mitigation and enhancement measures embedded into the Project's design to reduce the potential impacts relating to material assets and waste. Design for re-use and recovery, disposal, design for materials optimisation, design for off-site construction and design for waste efficient procurement all present opportunities to reduce waste and waste recovery.</p>
5.43	<p>The Secretary of State should consider the extent to which the applicant has proposed an effective process that will be followed to ensure effective management of hazardous and non-hazardous waste arising from the construction and operation of the proposed development. The Secretary of State should be satisfied that the process sets out:</p> <p>any such waste will be properly managed, both on-site and off-site;</p>	<p>The Applicant confirms that waste will be managed in line with the waste hierarchy. Waste and materials management is addressed in the SWMP and Materials Management Plan in Annex B of the EMP (Application Document 2.7). The assessment of materials and waste has illustrated there will be no significant impacts on the waste infrastructure capacity in the study area.</p> <p>The SWMP identifies key waste streams that are likely to be produced from the Project and appropriate waste management and minimisation options, with an aim to encourage resource efficiency and sustainable waste management. The outline SWMP is also used to record how waste is prevented, minimised, re-used, recycled and disposed of during design and on a construction site.</p>

	<p>the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and</p> <p>adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal, except where an alternative is the most sustainable outcome overall.</p>	<p>As set out in the Materials Management Plan (Annex B8 of the EMP) (Application Document 2.7), where technically, financially and environmentally practicable, principles and measures to be implemented during design and construction should include:</p> <ul style="list-style-type: none"> • Designing out and preventing waste arising • Re-using excavated earthworks within each scheme and across the Project • Recycling demolition materials that arise from construction • Diverting unwanted material from landfill through offsite recycling and recovery • Using recycled and secondary materials in the construction of the Project. <p>Therefore, through the use of these documents, it is considered that the Project has considered how waste will be properly managed, how waste can be dealt with properly so as not to have an adverse effect on existing waste management facilities, and, highlights how adequate steps will be taken to minimise the volume of waste arisings.</p>
Civil and military aviation and defence interests – assessment		
5.55	<p>Where the proposed development may have an effect on civil or military aviation and/or other defence assets, an assessment of potential effects should be carried out.</p>	<p>The Applicant has completed an assessment of potential effects at Warcop Training Area ('WTA') which is a long-term core defence site, used for small arms, artillery and dry training purposes and which will be impacted by Appleby to Brough (see the Applicant's response to NNNPS paras 5.57 - 5.62 below).</p> <p>An assessment of the potential effects at this site has been completed at Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4).</p> <p>Alongside this, a Statement of Common Ground (Application Document 4.5) has been prepared between the Defence Infrastructure Organisation of the MoD ('DIO') and National Highways as applicant.</p>
5.56	<p>The applicant should consult the MoD, CAA, National Air Traffic Services (NATS) and any aerodrome – licensed or otherwise – likely to be affected by the proposed development in preparing an assessment of the proposal on aviation or other defence interests.</p>	<p>National Highways has consulted with the MoD throughout the evolution of the Project in relation to the potential effects on WTA. Given the Project's geographical location out with of safeguarding areas for licensed aerodromes, it has not been considered necessary to consult the CAA, NATS or any licensed aerodrome.</p>

<p>5.57</p>	<p>Any assessment on aviation or other defence interests should include potential impacts during construction and operation of the Project upon the operation of CNS infrastructure, flight patterns (both civil and military), other defence assets and aerodrome operational procedures.</p>	<p>The operational and construction impacts for Appleby to Brough have been considered at Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4).</p> <p>The following infrastructure will be affected by the design of Appleby to Brough. The replacement of this infrastructure has been agreed with the DIO as part of pre-application engagement and all infrastructure required will be re-provided on land within the existing MoD estate at WTA. As such, the applicant has assessed the impacts of the proposed development on defence interests and has designed the Project to minimise and mitigate any adverse impacts.</p> <p>The MoD infrastructure considerations are as follows:</p> <ol style="list-style-type: none"> 1. The football pitch and sports pavilion, and Helicopter Landing Site located to the west of the existing Warcop junction. This will be re-provided on land between the B6259 and Castlehill Road on land within the existing MoD estate. A replacement sports pavilion will include changing facilities and classrooms and be multi-purpose to include the Bivouac requirements. 2. The bivouac facility to the east of the existing Warcop junction. This will be re-provided on land between the B6259 and Castlehill Road on land within the existing MoD estate. 3. The tank park and filling station located to the north of the existing Warcop junction (including waste transfer facility). This will be re-provided on land to the rear of the existing Landmark Compound north of the A66. 4. The construction of replacement access points to MoD sites north and south of the A66. The junctions and the access routes have been designed to facilitate access by the Oshkosh 1070F Heavy Equipment and Tank Transporter used by the MoD.
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5.59	<p>The Secretary of State should be satisfied that effects on civil and military aviation and other defence assets have been addressed by the applicant and that any necessary assessment of the proposal on aviation or defence interests has been carried out. In particular, it should be satisfied that the proposal has been designed to minimise adverse impacts on the operation and safety of aerodromes and that reasonable mitigation is carried out. It may also be appropriate to expect operators of the aerodrome to consider making reasonable changes to operational procedures. The Secretary of State will have regard to the necessity, acceptability and reasonableness of operational changes to aerodromes, and the risks or harm of such changes when taking decisions. When making such a judgement in the case of military aerodromes, the Secretary of State should have regard to interests of defence and national security.</p>	<p>The following infrastructure will be affected by the construction and operation of Appleby to Brough. The replacement of this infrastructure has been agreed with the DIO as part of pre-application engagement and all infrastructure required will be re-provided on land within the existing MoD estate at Warcop. As such, the applicant has assessed the proposal on defence interests and has been designed to minimise any adverse impacts.</p> <p>These infrastructure considerations are as follows:</p> <ol style="list-style-type: none"> 1. The football pitch and sports pavilion, and Helicopter Landing Site located to the west of the existing Warcop junction. This will be re-provided on land between the B6259 and Castlehill Road on land within the existing MoD estate. A replacement sports pavilion will include changing facilities and classrooms and be multi-purpose to include the Bivouac requirements. 2. The bivouac facility to the east of the existing Warcop junction. This will be re-provided on land between the B6259 and Castlehill Road on land within the existing MoD estate.

		<p>3.The tank park and filling station located to the north of the existing Warcop junction (including waste transfer facility). This will be re-provided on land to the rear of the existing Landmark Compound north of the A66.</p> <p>4.The construction of replacement access points to MoD sites north and south of the A66. The junctions and the access routes have been designed to facilitate access by the Oshkosh 1070F Heavy Equipment and Tank Transporter used by the MoD.</p> <p>5. The replacement of the warning flag on land to the north of the Sandford junction.</p> <p>The extent of land required for the construction of Appleby to Brough and the replacement of infrastructure has been agreed between the DIO and National Highways. This detail is set out in the Statement of Commonality and Statements of Common Ground between the DIO (MoD) and National Highways (Application Document 4.5).</p>
5.60	<p>If there are conflicts between the Government’s national networks policies and military interests in relation to the application, the Secretary of State expects the relevant parties to have made appropriate efforts to work together to identify realistic and pragmatic solutions to the conflicts. In so doing, the parties should seek to protect the aims and interests of the other parties as far as possible.</p>	<p>The Applicant has assessed as to whether there are conflicts between the Government’s national networks policies and military interests.</p> <p>The Statement of Common Ground (Application Document 4.5) has been prepared with the DIO (‘MoD’) which sets out the matters agreed and for further discussion. The Project has been developed to minimise impact on the operational activity at WTA. Discussions between the applicant and the MoD are ongoing in the context of overall appropriate efforts to work together. These are referenced in the Statement of Commonality and Statement of Common Ground</p>
5.62	<p>Where, after reasonable mitigation, operational changes and planning obligations and requirements have been proposed, development consent should not be granted if the Secretary of State considers that:</p>	<p>The Project (at Appleby to Brough) has been developed in discussion with the MoD to ensure it does not compromise the safe and effective use of defence assets or significantly limit military training at WTA. Dialogue will continue with the MoD through construction to ensure that operational activities are not impeded by construction activities.</p>

	<p>a development would prevent a licensed aerodrome from maintaining its licence;</p> <p>the benefits of the proposed development are outweighed by the harm to aerodromes serving business, training or emergency service needs; or</p> <p>the development would significantly impede or compromise the safe and effective use of defence assets or significantly limit military training.</p>	<p>The discussions and areas of agreement to date between the applicant and the MoD are set out in the Statement of Common Ground with the Defence Infrastructure Organisation (MoD) and National Highways (Application Document 4.5).</p> <p>The Project would not impact upon any licensed aerodrome, nor harm any aerodrome serving business, training or emergency needs due to the Project not being located in the geographical area of these types of infrastructure.</p>
Dust, odour, artificial light, smoke, steam		
5.82	<p>Because of the potential effects of these emissions and in view of the availability of the defence of statutory authority against nuisance claims described previously, it is important that the potential for these impacts is considered by the applicant in their application, by the Examining Authority in examining applications and by the Secretary of State in taking decisions on development consents.</p>	<p>The Applicant has taken account of the potential effects of emissions created by dust, artificial light, smoke and steam. Odour was scoped out of the ES following <i>DMRB LA 112</i> guidance as set out at Appendix 4.2 (scoping opinion) of Chapter 4 (EIA Methodology) of the ES (Application Document 3.4).</p> <p>The Statement of Statutory Nuisance (Application Document 5.5) provides an explanation of the matters set out in section 79(1) of the Environmental Protection Act 1990 ('EPA 1990') in respect of statutory nuisance, the potential implications of the Project and the measures that have been incorporated into the Project design to limit any such potential nuisances.</p>
5.83	<p>For nationally significant infrastructure Projects of the type covered by this NPS, some impact on amenity for local communities is likely to be unavoidable. Impacts should be kept to a minimum and should be at a level that is acceptable.</p>	<p>The impact of the Project on local communities has been assessed as set out in Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4). The relevant mitigation will be secured via the EMP (Application Document 2.7) in order to ensure that impacts of the Project are kept to a minimum and at a level that is acceptable.</p>
5.84 – 5.87	<p>Where the development is subject to an Environmental Impact Assessment, the applicant should assess any likely significant effects on amenity from emissions of</p>	<p>The Applicant has assessed the likely significant effects on amenity from emissions of dust, steam, smoke and artificial light.</p>

	<p>odour, dust, steam, smoke and artificial light and describe these in the Environmental Statement.</p> <p>In particular, the assessment provided by the applicant should describe:</p> <ul style="list-style-type: none"> • the type and quantity of emissions; • aspects of the development which may give rise to emissions during construction, operation and decommissioning; • premises or locations that may be affected by the emissions; • effects of the emission on identified premises or locations; and • measures to be employed in preventing or mitigating the emissions. <p>The applicant is advised to consult the relevant local planning authority and, where appropriate, the Environment Agency about the scope and methodology of the assessment.</p> <p>The Secretary of State should be satisfied that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from emissions of odour, dust, steam, smoke and artificial light. This includes the impact of light pollution from</p>	<p>No potential construction and operational impacts are identified in relation to odour included in <i>DMRB LA 112</i> and therefore these issues have been scoped out of the assessment.</p> <p>Steam, smoke and dust have been described and assessed in Chapter 5 (Air Quality) of the ES, and artificial light has been considered in Chapters 11 (Landscape and Visual) and 8 (Cultural Heritage) of the ES (Application Documents 3.2-3.4). The landscape and visual chapter has also considered artificial light and light spill affecting the character of the night sky within the AONB. Chapter 6 (Biodiversity) considers light spill on nature conservation and how this has been considered and embedded within the Project's mitigation.</p> <p>No construction or operational significant effects for any scheme are predicted for air quality. For a breakdown of the likely significant construction and operational effects in reference to Biodiversity, Landscape and Visual and Cultural Heritage, please see Table 16-1 at Chapter 16 (Summary) of the ES (Application Documents 3.2-3.4).</p> <p>The EMP sets out the procedures to be followed to ensure that impacts from these emissions are reduced as far as reasonably practicable to minimise impacts on local communities during the construction phase. The EMP (Application Document 2.7) would be secured as part of this DCO application.</p> <p>The applicant maintains ongoing consultation with the five host authorities of the Project and the Environment Agency in discussing the scope and methodology of these assessments.</p> <p>In summary, the Applicant has carried out the required assessments and has taken and will continue to take all reasonable steps to minimise the likely significant effect of the above emissions.</p>
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	artificial light on local amenity, intrinsically dark landscapes and nature conservation.	
5.89	The Secretary of State should ensure the applicant has provided sufficient information to show that any necessary mitigation will be put into place. In particular, the Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning emissions of odour, dust, steam, smoke, artificial light from the development to reduce any loss to amenity which might arise during the construction and operation of the development. A construction management plan may help codify mitigation.	Please see the Applicant's response to NNNPS paragraphs 5.82 and 5.84-5.87 above.
Flood risk		
5.90	Climate change over the next few decades is likely to mean milder wetter winters and hotter drier summers in the UK, while sea levels will continue to rise. Within the lifetime of nationally significant infrastructure Projects, these factors will lead to increased flood risks in areas susceptible to flooding, and to an increased risk of flooding in some areas which are not currently thought of as being at risk. The applicant, the Examining Authority and the Secretary of State (in taking decisions) should take account of the policy on climate change adaptation in paragraphs 4.36 to 4.47.	<p>The Project has taken account of the NNNPS policy on climate change adaptation.</p> <p>As set out in the response to NNNPS paragraph 4.38 above, the need to adapt to climate change has been taken into consideration as part of the Project assessment and design. The assessment has considered a range of weather conditions which might arise, including increased temperatures and increased precipitation. This methodology is detailed within section 14.9 of Chapter 14 (Road Drainage and Water Environment) of the ES (Application Documents 3.2-3.4).</p> <p>As set out in the response to NNNPS paragraphs 4.40, 4.41, 4.42, and 4.32, a Flood Risk Assessment ('FRA') detailed within Appendix 14.2 (Application Document 3.4) has been undertaken to consider the potential future increase in flood risk (both in areas which are currently susceptible, or in areas which are not currently at risk) as a result of climate change, and any necessary design requirements to respond to this increased risk.</p>

		<p>The optioneering process (as detailed in ES Chapter 3 (Assessment of Alternatives) (Application Document 3.2)), has identified offline routes to minimise impacts on the floodplain (minimise crossing distance, minimise land take within floodplain, increasing distance from sensitive receptors) and hydromorphology.</p>
5.91	<p>The National Planning Policy Framework (paragraphs 100 to 104) makes clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. But where development is necessary, it should be made safe without increasing flood risk elsewhere. The guidance supporting the National Planning Policy Framework explains that essential transport infrastructure (including mass evacuation routes), which has to cross the area at risk, is permissible in areas of high flood risk, subject to the requirements of the Exception Test.</p>	<p>The development of the Project is necessary to improve the existing transport conditions of the A66.</p> <p>Appendix 14.2 (FRA) of the ES (Application Document 3.4) identifies that the Project is located within areas at risk of flooding and details on a scheme-by-scheme basis the Order Limits as Flood Zone 2 or 3, indicating that there are areas at medium or high probability of flooding. These areas are generally located where the Project crosses valley saddles and along Main River (River Greta and River Eden) and tributary corridors. Since the Project is partially located in Flood Zones 3a and 3b, the Exception Test must be satisfied.</p> <p>The schemes which are subject to the Exception Test are as follows:</p> <ul style="list-style-type: none"> • M6 Junction 40 to Kemplay Bank • Penrith to Temple Sowerby • Temple Sowerby to Appleby • Appleby to Brough <p>As set out in paragraph 14.2.2.55 of the FRA, the Exception Test is only required for elements of proposed 'essential infrastructure' development located in Flood Zone 3 as defined within <i>DMRB LA 113, NI/1.7</i>.</p> <p>The two parts of the test require the Project to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.</p>

		<p>The Project satisfies the Exception Test criteria as follows:</p> <p><u>Part 1</u></p> <p>For all schemes referenced above, the Project meets part one of the test insofar that that it will deliver wider sustainability benefits (social, economic and environmental) as set out within chapter 3 of the CtfP (Application Document 2.2). This includes, <i>inter alia</i>, through the social value initiatives, environmental and heritage enhancements and economic benefits through improved east-west connectivity.</p> <p><u>Part 2</u></p> <p>In reference to part 2 of the test, the Project meets the exception test relating to the below schemes as follows:</p> <ul style="list-style-type: none"> • M6 Junction 40 to Kemplay Bank – The proposed alignment to the east of the Carleton Underpass is identified as being within the maximum extent of flooding from reservoirs. The proposed design will be constructed to remain operational and safe in all times of flooding from fluvial, surface water and groundwater sources. In respect of the risk associated with flooding from reservoirs, the FRA details how the management of large raised reservoirs is governed by the Reservoirs Act 1975. • Penrith to Temple Sowerby – The proposed alignment to the west of Whinfell Park Cottages is identified as being within the maximum extend of flooding from reservoirs. The proposed design will be constructed to remain operational and safe in all times of flooding from fluvial, surface water and groundwater sources. The improvements to the A66 will provide wider sustainability benefits to the community that outweigh the flood risk posed by the exceptional circumstances that would result in a reservoir breach scenario. In respect of the risk associated with flooding from reservoirs, the FRA details how the management of large raised reservoirs is governed by the Reservoirs Act 1975. • Temple Sowerby to Appleby. The proposed scheme is located in flood zone 3. The proposed design will be constructed to remain operational and safe in times of flooding from fluvial, surface water and groundwater sources. The proposed design results in no net loss of flood plain storage which has been achieved using level for level compensatory storage for locations where the alignment has been raised outside of the flood level.
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		<ul style="list-style-type: none"> • Appleby to Brough. The proposed scheme incorporates new road infrastructure in flood zone 3b and significantly increases the impermeable area being discharged to local watercourses. Flood storage lost due to the new road infrastructure will be compensated for by the construction of new, compensatory storage areas. Surface water run-off will be attenuated, and proposed flow rates restricted to ensure that there is no increased flood risk as a result of the scheme. <p>Based upon the above, it is demonstrated that the Project will not have a detrimental impact on flooding, to the satisfaction of the Exception Test.</p>
5.92 – 5.94	<p>Applications for Projects in the following locations should be accompanied by a flood risk assessment (FRA):</p> <p>Flood Zones 2 and 3, medium and high probability of river and sea flooding;</p> <p>Flood Zone 1 (low probability of river and sea flooding) for Projects of 1 hectare or greater, Projects which may be subject to other sources of flooding (local watercourses, surface water, groundwater or reservoirs), or where the Environment Agency has notified the local planning authority that there are critical drainage problems.</p> <p>This should identify and assess the risks of all forms of flooding to and from the Project and demonstrate how these flood risks will be managed, taking climate change into account.</p> <p>In preparing an FRA the applicant should:</p>	<p>The Project is accompanied by an FRA at Appendix 14.2 of the ES (Application Document 3.4), meeting the requirements of the NNNPS.</p> <p>The FRA assesses the risk of all forms of flooding to and from the Project. The approach presented in the FRA is based on the Source-Pathway-Receptor model. As part of following this model the causes or ‘sources’ of flooding to and from the Project are considered based on an assessment of local conditions and consideration of the effects of climate change using Environment Agency guidance. The nature and likely extent of flooding arising from any one source has also been considered, for example, whether such flooding is likely to be localised or widespread. The FRA demonstrates how flooding risks posed by/to each scheme of the Project and demonstrates how those risks will be managed, allowing for climate change scenarios. Mitigation measures, including existing and proposed drainage, presented will manage and reduce the flood risks identified.</p> <p>As presented in paragraph 14.2.2.53 of Appendix 14.2 (FRA) of the ES, in conformity with <i>DMRB LA 113, NI/1.7</i>, the development is classified as “Essential Infrastructure”. The development is therefore permitted providing it is located within Flood Zones 1 or 2; or, if it is located in Flood Zones 3a or 3b that the requirements of the Exception Test are satisfied.</p>

	<ul style="list-style-type: none"> consider the risk of all forms of flooding arising from the Project (including in adjacent parts of the United Kingdom), in addition to the risk of flooding to the Project, and demonstrate how these risks will be managed and, where relevant, mitigated, so that the development remains safe throughout its lifetime; take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made; consider the vulnerability of those using the infrastructure including arrangements for safe access and exit; include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular Project; consider if there is a need to remain operational during a worst case flood event over the development's lifetime; provide the evidence for the Secretary of State to apply the Sequential Test and Exception Test, as appropriate. 	<p>On a scheme-by-scheme basis, the FRA considers the risk of all forms of flooding to and from the Project and sets out the information needed to apply the Sequential and Exception tests. The FRA sets out how any risks will be managed / mitigated, demonstrating that the Project will remain safe from flooding through its lifetime (taking into account over a 1 in 100-year event + climate change uplift).</p> <p>The following schemes have been subject to the sequential and exceptions test:</p> <ul style="list-style-type: none"> M6 Junction 40 to Kemplay Bank Penrith to Temple Sowerby Temple Sowerby to Appleby Appleby to Brough <p>The Sequential Test compares the proposed site with other available sites to find out which has the lowest flood risk. The Project satisfies the sequential test as follows:</p> <ul style="list-style-type: none"> M6 Junction 40 to Kemplay Bank – The design team considered alternative alignments which would still meet the Project requirements. These are reviewed in the PDOR (Application Document 4.1). The review identifies the proposed route is the most favourable with the least environmental impacts, impacts on landowners, buildability, design safety, whilst maintaining Project design principles. It also considers reasons in discounting alternative options for the Schemes Penrith to Temple Sowerby – The scheme is in Flood Zone 1 and at low risk of fluvial flooding. However, flood risk must be considered from all potential sources. The scheme is shown to be at low risk of surface water and groundwater flooding. However, the mapping indicates that the scheme to the west of Whinfell Park Cottages is within the maximum extent of flooding from reservoirs. Therefore, the design team considered alternative routes or combination routes and concluded that the schemes preferred route alignment is most favourable with the least environmental impacts, impacts on landowners, buildability, design safety, whilst maintaining Project design principles. A full review of alternative alignments is described in the PDOR (Application Document 4.1).
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		<ul style="list-style-type: none"> • Temple Sowerby to Appleby - The design team considered 15 principal alternative routes or combination of routes. As described within the PDOR (Application Document 4.1), the review identifies that the proposed route is the most favourable with the least environmental impacts, impacts on landowners, buildability, design safety, whilst maintaining Project design principles. . It also considers reasons in discounting alternative options for the Schemes • Appleby to Brough - The route of the A66 between Appleby and Brough is generally located within agricultural land bounded by a MoD training camp and firing range to the north and follows the southern edge of the North Pennines AONB from Moor House Lane all the way to Brough in the east. Following completion of the feasibility study in May 2020 the Preferred Route (the Black Route) was announced. This route marginally encroached into the AONB at the eastern end hence at this preliminary design stage four end-to-end refined plan alignments were considered to balance the impact on the AONB against the impacts that alternative routes outside of the AONB might have on the local environment, property, and communities. The four routes were formed through the combination of three component sections: western, central, and eastern. The western section sits entirely with Flood Zone 1 and Sequential and Exception Tests do not apply. An assessment for the central and eastern sections were considered and described in full detail at paragraphs 14.2.5.70 – 14.2.5.75 of the FRA. It is concluded that the alignment developed at this preliminary design stage is the best viable option for minimising flood impact. <p>As set out in the response to NNNPS 5.91 above, the Exception Test is satisfied in relation to the relevant areas of the Project.</p> <p>The design of the aforementioned schemes will remain operational and safe during periods of fluvial, groundwater and surface flooding.</p> <p>Residual risks associated with the drainage/ flood risk are also assessed in the FRA. With embedded mitigation the residual risk which the temporary and permanent</p>
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		<p>features of the Project would generate for other receptors is considered to be low. This demonstrates that this would be acceptable for the Project.</p> <p>The need for safe access and egress routes is considered within Paragraph 14.2.1.14 of the FRA.</p>
5.96	<p>Applicants for Projects which may be affected by, or may add to, flood risk are advised to seek sufficiently early pre-application discussions with the Environment Agency, and, where relevant, other flood risk management bodies such as lead local flood authorities, Internal Drainage Boards, sewerage undertakers, highways authorities and reservoir owners and operators. Such discussions can be used to identify the likelihood and possible extent and nature of the flood risk, to help scope the FRA, and identify the information that will be required by the Secretary of State to reach a decision on the application once it has been submitted and examined. If the Environment Agency has concerns about the proposal on flood risk grounds, the applicant is encouraged to discuss these concerns with the Environment Agency and look to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the Environment Agency's concerns, preferably before the application for development consent is submitted.</p>	<p>National Highways has undertaken pre-application discussions with the Environment Agency, Lead Local Flood Authorities ('LLFAs') (CCC, NYCC and DCC) and Natural England.</p> <p>Consultation undertaken as part of the assessment of flood risk is set out in Paragraph 14.2.1.22 of Appendix 14.2 (FRA) of the ES (Application Document 3.4).</p> <p>There are several key local stakeholders and/or approving authorities associated with the development of the Project in addition to those referenced above including Natural England. Consultation with these stakeholders is recorded in the respective Statements of Common Ground (Application Document 4.5). These discussions have included details which have scoped the FRA to allow the SoS to reach a decision.</p> <p>The Statement of Common Ground with the Environment Agency details the relevant points of agreement with the Applicant, and where remaining areas of agreement are sought. As such, where concerns have previously been raised by the Environment Agency, the applicant has taken steps to resolve these issues as part of the DCO Application, where practicable.</p> <p>As such, the Applicant has taken the necessary steps in engage with the Environment Agency and LLFAs as early in the process as possible.</p>
5.97	<p>For local flood risk (surface water, groundwater and ordinary watercourse flooding), local flood risk management strategies and surface water management plans provide useful sources of information for consideration in Flood Risk</p>	<p>The Applicant has completed a review of local flood risk management strategies and surface water management plans in the FRA (Appendix 14.2 of the ES (Application Document 3.4)).</p>

	<p>Assessments. Surface water flood issues need to be understood and then account of these issues can be taken, for example flow routes should be clearly identified and managed.</p>	<p>As presented in paragraph 14.3.6 of section 14.6 of Chapter 14 (Road Drainage and Water Environment) of the ES (Application Documents 3.2-3.4), such regional and local level policies have been considered as part of the Road Drainage and the Water Environment assessment and have informed the identification of receptors and resources and their sensitivity; the assessment methodology; the potential for likely significant environmental effects; and required mitigation.</p> <p>In summary, the Applicant has taken account of local flood risk.</p>
<p>5.98</p>	<p>Where flood risk is a factor in determining an application for development consent, the Secretary of State should be satisfied that, where relevant:</p> <p>the application is supported by an appropriate FRA;</p> <p>the Sequential Test (see the National Planning Policy Framework) has been applied as part of site selection and, if required, the Exception Test (see the National Planning Policy Framework).</p>	<p>An FRA for the Project has been prepared and is provided at Appendix 14.2 of the ES (Application Document 3.4).</p> <p>As stated in the Applicant’s response to NNNPS paragraphs 5.91 - 5.94 above, flood risk is a factor in determining the application and the Sequential Test and the Exception Test must be applied.</p> <p>The approach regarding the Sequential Test and Exception Test is set out in paragraphs 14.2.56 to 14.2.2.59 of Appendix 14.2 Flood Risk Assessment of the ES.</p> <p>The tests were applicable to the following schemes:</p> <ul style="list-style-type: none"> • M6 Junction 40 to Kemplay Bank • Penrith to Temple Sowerby • Temple Sowerby to Appleby • Appleby to Brough <p>As set out in the response to paragraph 5.92 – 9.94 of this appendices, the aforementioned schemes pass the necessary sequential test.</p> <p>As set out in the response to paragraph 5.91 of this appendix, the aforementioned schemes pass the necessary exception test.</p>

<p>5.99</p>	<p>When determining an application, the Secretary of State should be satisfied that flood risk will not be increased elsewhere and only consider development appropriate in areas at risk of flooding where (informed by a flood risk assessment, following the Sequential Test and, if required, the Exception Test), it can be demonstrated that:</p> <p>within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and</p> <p>development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and priority is given to the use of sustainable drainage systems.</p>	<p>This Project satisfies the requirements set out in paragraph 5.99. The FRA at Appendix 14.2 of the ES addresses the following points:</p> <p>In accordance with DMRB LA113, NI/1/7, the development is classified as ‘Essential Infrastructure’ as depicted on the flood risk vulnerability classification. The development is therefore permitted providing it is located within Flood Zones 1 and 2, with a sequential and exception test required if located in Flood Zones 3a and 3b. The sequential and exception tests for the Project have been discussed in the response to paragraphs 5.92-5.94 and 5.91 of this Appendix. The tests further confirm that flood risk will not be increased elsewhere as a result of the Project.</p> <p>The Project has accounted for climate change within its design to ensure that the Project is flood resilient and resistant in the future. The need for safe access and egress routes has been considered within paragraph 14.2.2.102 of the FRA, which states that the proposed design is constructed to remain operational and safe in times of flooding from fluvial, surface water and ground water sources.</p> <p>The FRA sets out the residual risks for each scheme under headings 14.2, which conclude that residual risk can be safely managed in the event of drainage or flood risks.</p> <p>The Project has taken account of guidance relating to SuDS, and the design of the Project incorporates attenuation basins and flow control devices in order to accommodate surface water run off.</p> <p>It is concluded that the Project has taken flood risk into account in its design and that the FRA addressing both the Sequential and Exception Tests demonstrates that the development remains safe from flooding through its lifetime (taking climate change into account) and that flood risk will not be increased beyond existing conditions. In addition, with embedded mitigation the residual risk which the temporary and permanent features of the Project would generate for other receptors is considered to be low, The FRA indicates that for elements of the Project in Flood Zone 3 (M6 Junction 40 to Kemplay Bank, Penrith to Temple Sowerby, Temple Sowerby to Appleby and Appleby to Brough)</p>
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		<p>the Project will not have a detrimental impact on flooding and in some cases will provide wider sustainability benefits to the community that outweigh the flood risk posed, which meet the Exception Test. This is achieved for example through any flood storage lost due to the new road infrastructure being compensated for by the construction of new compensatory storage areas. In addition, surface water run-off will be attenuated, and proposed flow rates restricted to ensure that there is no increased flood risk as a result of the scheme.</p>
<p>5.100</p>	<p>For construction work which has drainage implications, approval for the Project's drainage system will form part of any development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under Paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. In addition, the development consent order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any Sustainable Drainage Systems (SuDS), including any necessary access rights to property. The Secretary of State, should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the applicant, the landowner, the relevant local authority, or another body such as the Internal Drainage Board.</p>	<p>The Project has considered drainage implications through its design.</p> <p>Section 14.3 of Chapter 14 (Road Drainage and Water Environment) of the ES, demonstrates that the Applicant has reviewed and taken account of the National Standards set under the Flood and Water Management Act 2010, such as the DMRB. The applicant has also considered guidance for sustainable drainage systems, which will be adopted and maintained for the Project, and guidance from the Construction Industry Research and Information Association, CCC, DCC and NYCC.</p> <p>In summary, the carriageway drainage to be used on the Project consists of a multi-stage treatment drain measures to collect, store, convey and treat routine runoff. These include measures such as grassed swales (dry), catch-pits and detention basins to remove and retain soluble and suspended pollutants to ensure discharges to groundwater or local watercourses are to acceptable levels.</p> <p>The drainage design will also incorporate measures to control and contain spillages, where required. Any spillages on the scheme following road accidents would be routinely managed by National Highways, which is responsible for the maintenance of trunk road assets. The SuDS along the A66 route will also be managed by National Highways or in partnership with CCC within the Warcop area (see section 14.2 of the FRA (Appendix 14.1) (Application Document 3.4).</p> <p>Discharges from the proposed drainage system, including any treatment requirements, will be compliant with relevant standards (<i>DMRB LA 113, CG 501 and CG 532</i>) and</p>

		have been assessed using the Highways England Water Risk Assessment Tool ('HEWRAT').
5.101	If the Environment Agency continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the Environment Agency to try and resolve the concerns.	<p>As described within Paragraph 14.2.1.24 of the FRA at Appendix 14.2 of the ES (Application Document 3.4), consultation with the Environment Agency has been ongoing throughout the design of the Project.</p> <p>The Environment Agency does not object to the Project, with any concerns in relation to flood risk having been addressed.</p> <p>Therefore, based upon the conclusions presented in the FRA, as set out in the response to NNNPS Paragraph 5.91 above, no such grounds for an objection are anticipated. A full record of engagement with the Environment Agency can be found within the associated Statements of Common Ground (Application Document 4.5)</p>
5.102	<p>The Secretary of State should expect that reasonable steps have been taken to avoid, limit and reduce the risk of flooding to the proposed infrastructure and others. However, the nature of linear infrastructure means that there will be cases where:</p> <ul style="list-style-type: none"> • upgrades are made to existing infrastructure in an area at risk of flooding; • infrastructure in a flood risk area is being replaced; • infrastructure is being provided to serve a flood risk area; and • infrastructure is being provided connecting two points that are not in flood risk areas, but where 	<p>The Applicant has taken reasonable steps to avoid, limit and reduce the risk of flooding to the proposed infrastructure and others through its design and the measures adopted. In areas of flood risk, the schemes that sit within them have passed the necessary Exception and Sequential Tests. The Project falls into the first / second case described in paragraph 5.102 of the NNNPS, as the upgrades/replacements proposed to the existing A66 would be carried out within areas which are at risk of flooding.</p> <p>A FRA has been prepared to support Chapter 14 (Road Drainage and the Water Environment) of the ES (see Appendix 14.2) (Application Document 3.4) and confirms in paragraph 14.2.2.113 that, providing the proposed measures are adopted within the design of the scheme, flood risk will not be increased beyond existing conditions.</p>

	the most viable route between the two passes through such an area.	
5.103	The design of linear infrastructure and the use of embankments in particular, may mean that linear infrastructure can reduce the risk of flooding for the surrounding area. In such cases the Secretary of State should take account of any positive benefit to placing linear infrastructure in a flood-risk area.	<p>The Project has considered the impact of existing embankments at various lengths of the Project, as part of the flood risk mitigation. As detailed in the FRA at Appendix 14.2 of the ES (Application Document 3.4), there are no proposals to construct new embankments as part of this Project.</p> <p>As set out within chapter 3 of the CftP (Application Document 2.2), the Project offers a suite of social, economic and environmental benefits which have been considered as part of the Project's design. These offer a positive benefit of placing linear infrastructure at individual schemes in a flood-risk area.</p>
5.104	Where linear infrastructure has been proposed in a flood risk area, the Secretary of State should expect reasonable mitigation measures to have been made, to ensure that the infrastructure remains functional in the event of predicted flooding.	<p>The Applicant has taken account of flood risk, and mitigation measures have been incorporated into the Project's design to ensure that the infrastructure remains functional in the event of predicted flooding. These measures are set out at section 14.8 of Chapter 14 (Road Drainage and Water Environment) and Appendix 14.2 (FRA and Outline Drainage Strategy) of the ES (Application Document 3.4)</p> <p>These include flood compensatory storage, including at schemes Temple Sowerby to Appleby and Appleby to Brough which are intended to mitigate any loss of floodplain and ensure that there is no increase in flood risk downstream of the Project.</p>
Flood risk – mitigation		
5.110	To satisfactorily manage flood risk and the impact of the natural water cycle on people, property and ecosystems, good design and infrastructure may need to be secured using requirements or planning obligations. This may include the use of sustainable drainage systems but could also include vegetation to help to slow runoff, hold back peak flows and make	<p>Please see the Applicant's response to NNNPS paragraphs 5.92 - 5.94, 5.100, 5.102 and 5.104 above.</p> <p>Good design principles have been incorporated into the Project's design in order to manage flood risk. These principles include 'theme C' defined within the Project Design Principles (Application Document 5.1) which considers designs to restore and enhance habitats and ecological connectivity. This includes planting required for landscape integration and water attenuation. Drainage design will also ensure road run-off is channelled into a suitable system to protect retained and newly created habitats.</p>

	<p>landscapes more able to absorb the impact of severe weather events.</p>	<p>Wetland/non-attenuation ponds are to be designed as a biodiversity resource with draw-down zones, shallow sides and shelving to maximise opportunities for aquatic wildlife. All ponds are to be surrounded by either wetland planting, species-rich grassland or a scrub/grassland mosaic to maximise opportunities for a range of species. These measures will help to manage flood risk through the use of SuDs and their associated vegetation and planting.</p> <p>Sustainable drainage systems have been included as set out in the FRA and Outline Drainage Strategy (see Appendix 14.2 of the ES (Application Document 3.4)).</p>
<p>5.112 – 5.115</p>	<p>Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.</p> <p>The surface water drainage arrangements for any Project should be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed Project, unless specific off-site arrangements are made and result in the same net effect.</p> <p>It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration attenuation storage to be provided outside the Project site, if necessary, through the use of a planning obligation.</p> <p>The sequential approach should be applied to the layout and design of the Project. Vulnerable uses should be located on parts of the site at lower</p>	<p>The Project has surface water drainage arrangements incorporated within its design.</p> <p>The drainage systems for Project are designed to minimise the risk of it flooding elsewhere by incorporating current design standards and future climate change allowances.</p> <p>Attenuation and drainage design is considered in detail in Chapter 14 (Road Drainage and the Water Environment) (Application Document 3.2) and Appendix 14.2 (FRA and Outline Drainage Strategy) of the ES (Application Document 3.4). In accordance with DMRB CG 501, a 20% increase to peak rainfall intensity shall be considered the minimum accommodated within the drainage design in order to account for potential climate change. The Project has considered Environment Agency guidance for allowances that should be made for climate change whereby both the central and upper end allowances should be assessed to understand the level of impact. Equally, in the Cumbria area, a 50% climate change allowance has been included as a sensitivity check, having been advised by the Environment Agency. On this basis, the Project's surface water drainage arrangements ensure that there will be no increase to runoff rates as a result of the proposals.</p> <p>The Projects' proposed drainage design has assessed existing run off rates and flow control devices have been incorporates into the drainage systems. Storage for surplus flows has generally been provided using attenuation ponds. The proposed drainage design makes an allowance for potential climate change. A 40% increase to rainfall</p>

	<p>probability and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities can be taken to lower flood risk by improving flow routes, flood storage capacity and using SuDS.</p>	<p>intensity has been included when considering surface water storage, and attenuation ponds designed to ensure no flooding occurs during the critical 1 in 100-year storm. These attenuation ponds are situated within the Order Limits.</p> <p>The sequential approach has been taken to the layout and design of the Project and is referenced in the aforementioned FRA. The FRA also sets out specific design and mitigation measures for each scheme relating to drainage as set out under each scheme heading within section 14.2.</p> <p>On the vulnerability classification scale, the Project is considered to be essential infrastructure instead of being considered as a 'more' or 'less' vulnerable land use within Flood Zone 3.</p> <p>No likely significant adverse effects during the construction or operational stages are identified for flood risk.</p> <p>As such, the Project has demonstrated its consideration for surface water drainage arrangements within its design.</p> <p>See also the response to NNNPS paragraph 5.231 below.</p>
<p>Land instability</p>		
<p>5.117 – 5.118</p>	<p>Where necessary, land stability should be considered in respect of new development, as set out in the National Planning Policy Framework and supporting planning guidance. Specifically, proposals should be appropriate for the location, including preventing unacceptable risks from land instability. If land stability could be an issue, applicants should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on</p>	<p>The Applicant has considered land stability, as set out in the NNNPS, NPPF and supporting planning guidance.</p> <p>In conformity with <i>DMRB LA 109</i>, geotechnical risk associated with land stability is assessed within Appendix 9.2 (Ground investigation reports) ('GIRs') (Application Document 3.4) of Chapter 9 (Geology and Soils) of the ES (Application Documents 3.2-3.4) and the associated Preliminary Sources Study Report (PSSR) (National Highways, 2019) (Appendix 9.4) (Application Document 3.4). Where considered necessary, stability assessments will be undertaken at relevant points along each scheme and</p>

	<p>sites where subsidence, landslides and ground compression is known or suspected. Applicants should liaise with the Coal Authority if necessary.</p> <p>A preliminary assessment of ground instability should be carried out at the earliest possible stage before a detailed application for development consent is prepared. Applicants should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development. The site needs to be assessed in context of surrounding areas where subsidence, landslides and land compression could threaten the development during its anticipated life or damage neighbouring land or property. This could be in the form of a land stability or slope stability risk assessment report.</p>	<p>further surveys will take place during the detailed design phase to ensure that land stability does not cause a risk to the Project.</p> <p>Through the above approach, the Applicant has taken steps to identify land stability risks and that the necessary investigations are undertaken.</p>
Historic Environment		
5.124	<p>Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments, should be considered subject to the policies for designated heritage assets. The absence of designation for such heritage assets does not indicate lower significance.</p>	<p>The Applicant has identified and reviewed any non-designated heritage assets of archaeological interest that sit along the Project's route.</p> <p>Section 8.4 of Chapter 8 (Cultural Heritage) of the ES (Application Documents 3.2-3.4) sets out the criteria used to assess the value of non-designated archaeological remains (i.e. to enable comparison against the value of Scheduled Monuments); in DMRB terminology value equates to significance in the NPS. Where appropriate, non-designated assets have been attributed a higher value, which has ensured their significance is reflected in the assessment.</p>

		As such, non-designated assets of archaeological interest that are demonstrably of equivalent value to Scheduled Monuments have been identified as such and subject to the policies for designated heritage assets.
5.125	The Secretary of State should also consider the impacts on other non-designated heritage assets (as identified either through the development plan process by local authorities, including 'local listing', or through the nationally significant infrastructure Project examination and decision making process) on the basis of clear evidence that the assets have a significance that merit consideration in that process, even though those assets are of lesser value than designated heritage assets.	<p>The Project has undergone considerable levels of stakeholder engagement, as detailed in paragraph 8.4.38 of Chapter 8 (Cultural Heritage) of the ES. Local authorities along the route have not identified any non-designated assets through local listing (although this process has started and is ongoing in Cumbria). Assets which fall into the category set out in NNNPS paragraph 5.125 have been identified in the assessment process and the impacts upon them considered.</p> <p>Non-designated assets of archaeological interest that are demonstrably of equivalent value to Scheduled Monuments have been identified as such and subject to the policies for designated heritage assets.</p> <p>The Cultural Heritage assessment detailed in Chapter 8 (Cultural Heritage) of the ES considers non-designated heritage resources within 300m of the Order Limits. This study area is based upon professional judgement and that non-designated resources are less likely to experience significant adverse effects as a result of changes to their settings beyond this distance, because of their lower environmental value (sensitivity). This does not mean that non-designated heritage resources cannot be of greater than a low environmental value (sensitivity), just that this is less common.</p> <p>A strategy for mitigating effects on the heritage resources with opportunities for increasing understanding has been developed. These resources include non-designated archaeological sites.</p>
5.126 – 5.127	Where the development is subject to EIA the applicant should undertake an assessment of any likely significant heritage impacts of the proposed Project as part of the Environmental Impact Assessment and describe these in the environmental statement.	<p>The Applicant has undertaken an assessment to assign significance to heritage assets, and assess impacts on those assets.</p> <p>Section 8.4 of Chapter 8 (Cultural Heritage) of the ES describes the approach taken to assessing effects on heritage within the EIA using appropriate expertise. This ES</p>

	<p>The applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant Historic Environment Record should have been consulted and the heritage assets assessed using appropriate expertise. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the applicant should include an appropriate desk-based assessment and, where necessary, a field evaluation.</p>	<p>chapter is the primary document which reports the Project impacts and effects upon heritage assets. It reports the impacts on all designated and non-designated heritage assets. Section 8.4 paragraphs 8.4.3 to 8.4.21 (Baseline Conditions) describes the Assessment Methodology.</p> <p>The following Historic Environment Records have been consulted from the relevant Local Authorities along the route, in addition to the National Heritage List for England (‘NHLE’) record which is compiled and maintained by Historic England, containing information on all of the protected sites and buildings in England. These include:</p> <ul style="list-style-type: none"> • CCC Historic Environment Record (‘CHER’) - lists all sites of archaeological or historical interest within Cumbria (excluding the Lake District National Park). • DCC Historic Environment Record (‘DHER’) - lists all sites of archaeological or historical interest within DCC. • NYCC Historic Environment Record (‘NYHER’) - lists all sites of archaeological or historical interest within North Yorkshire. • Conservation area data for EDC and DCC. <p>Consultation is being undertaken with Historic England, Conservation Officers and Archaeological Officers in Cumbria, Durham and North Yorkshire to inform the project design. Engagement is ongoing and is documented in a Statement of Common Ground (Application Document 4.5).</p> <p>Consultation has also taken place with the Roman Roads Research Association (‘RRRA’), the Milestone Society and the Churches Conservation Trust.</p> <p>In the assessment of the Historic Environment, due to the density of scheduled monuments and associated non-designated archaeological remains along the route of the Project, the study area encompasses a corridor extending 1km either side of</p>
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		<p>the DCO boundary for designated heritage assets and 300m either side of the DCO boundary for non-designated heritage assets. This allows for potentially significant impacts on the assets and their setting of designated and non-designated heritage assets to be identified.</p> <p>As described within section 8.4 (Assessment Methodology) of Chapter 8 (Cultural Heritage) of the ES, the baseline has been informed by prior archaeological evaluations and excavations. In addition to desk-based assessment, field work has been undertaken to inform the Project design.</p> <p>To summarise, the Applicant has taken the relevant measures in assessing the significance of heritage assets along the Project's route.</p>
5.128	<p>In determining applications, the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise from:</p> <ul style="list-style-type: none"> relevant information provided with the application and, where applicable, relevant information submitted during examination of the application; any designation records; the relevant Historic Environment Record(s), and similar sources of information; representations made by interested parties during the examination; and expert advice, where appropriate, and when the need to understand the significance of the heritage asset demands it. 	<p>The Project has been developed taking into consideration the full suite of legislative, policy and information materials relevant to the protection of heritage assets.</p> <p>Section 8.3 of Chapter 8 (Cultural Heritage) of the ES details the national, regional and local level policies which have been considered as part of the Cultural Heritage assessment where these have informed the identification of receptors (heritage resources) and their sensitivity, the assessment methodology, the potential for likely significant environmental effects and required mitigation.</p> <p>The key sources of data used to identify baseline conditions are those listed in the response to NNNPS paragraphs 5.126 - 5.127 above (i.e. the NHLE, CHER, DHER, NYHER and EDC and DCC conservation data).</p> <p>The assessment of likely significant effects is presented in section 8.9 of Chapter 8 (Cultural Heritage) of the ES (see the response to NNNPS paragraph 5.131 below for a summary of these).</p>

5.129	<p>In considering the impact of a proposed development on any heritage assets, the Secretary of State should take into account the particular nature of the significance of the heritage asset and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal.</p>	<p>As set out in the response to NNNPS paragraphs 5.124 - 5.128 above, the Applicant has considered the impact of the proposed development, with regard to the significance of the heritage assets identified and their value to current and future generations.</p> <p>Section 8.6 of Chapter 8 (Cultural Heritage) of the ES presents the full range of route wide heritage resources.</p> <p>The Project assessment and design has responded to the sensitivity and the value of designated and non-designated heritage assets, particularly during the construction and operation phases. Section 8.8 of Chapter 8 (Cultural Heritage) of the ES presents mitigation and enhancement measures, detailing how essential measures to mitigate construction impacts would consist of measures to reduce direct impacts (physical damage), and indirect impacts (changes to setting that affect the significance of the resources). Mitigation of direct impacts on archaeological remains would take the form of 'preservation by record', that is, the investigation of archaeological remains prior to construction, and the analysis of artefacts and publication of results following the construction of the Project. Essential mitigation of construction impacts includes measures to reduce indirect impacts, for example removing or mitigating visual intrusion (or other indirect impacts) upon the setting of heritage features, allowing for improved appreciation, and understanding of these assets.</p>
5.130	<p>The Secretary of State should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities – including their economic vitality. The Secretary of State should also take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height,</p>	<p>The Applicant has considered the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution of conservation to communities.</p> <p>As presented in section 8.9 of Chapter 8 (Cultural Heritage) of the ES, the assessment of likely significant effects details how, although there would be some adverse impacts of the Project on heritage assets (see the response to NNNPS paragraph 5.131 below), the operational phase of the Project would lead to beneficial effects on the setting of cultural heritage assets, including:</p>

	<p>massing, alignment, materials, use and landscaping (for example, screen planting).</p>	<ul style="list-style-type: none"> • A new amenity parking area and footway access for the Scheduled Monument and Grade II* listed Countess Pillar (03-0006) and the associated Grade II* listed Alms Table (03-0007) will enable better access to the site. This would be a minor beneficial impact on these high value assets, resulting in a moderate beneficial effect. • The Scheduled Monument of St Ninian's (03-0005), including the buried remains of the pre-Conquest monastic site and the deserted Medieval settlement, and the Grade II listed Church of St Ninian (03-0012) built in 1660 on the Medieval site are both beyond the Order Limits to the north. The church is screened by surrounding trees from the Project, although part of the larger surrounding landscape of the Scheduled area of St Ninian's falls within the ZVI. A new accommodation overbridge will be constructed at the eastern end of this scheme, but at a far distance from the Ninekirks site and would not alter the contribution of the setting towards the significance of these assets. A new priority left-in/left-out junction will enable access to the road leading to the car park and PRow 311/013 to St Ninian's Church from the A66 eastbound carriageway. The existing car park will be relocated within the site. This will improve accessibility to the St Ninian's site which will have a minor beneficial impact resulting in a moderate beneficial effect on both the listed church and the Scheduled site at St Ninian's. <p>With regards the design of the Project, earthworks have been refined at specific locations throughout the scheme to allow them to better integrate with the alignment, junctions, and their surroundings. This has resulted in reductions to the visual intrusion of the Project within the landscape and allows for additional areas of land to be returned to agricultural use following construction. Around Long Marton, the change in alignment during design development has removed the potential negative impacts on the Roman camp, 350m east of Redlands Bank, Scheduled Ancient Monument.</p> <p>The Project has demonstrated that enhancement of heritage assets has been achieved where possible.</p>
5.131	<p>When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important</p>	<p>As set out in the responses to NNNPS paragraphs 5.124 - 5.130 above, the Applicant has considered the Project's impact upon the heritage assets which sit within the DCO Order Limits.</p>

	<p>the asset, the greater the weight should be. Once lost, heritage assets cannot be replaced, and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including World Heritage Sites, Scheduled Monuments, grade I and II* Listed Buildings, Registered Battlefields, and grade I and II* Registered Parks and Gardens should be wholly exceptional.</p>	<p>It is acknowledged that the A66 has considerable historic importance, as evidenced by Roman remains and the Scheduled Monuments along the route, particularly the fortifications. Two Cultural Heritage resources are common to more than one scheme study area - the Roman road running between Scotch Corner and Penrith (Brougham) via Bowes identified by Margary as RR82 (00-0001) (Margary, 1957) and its Post Medieval turnpiked successor (00-0002). Whilst individual sections of these will see impacts from the Project none are deemed to be significant following implementation of mitigation and the Roman road and its turnpiked successor are not predicted to be subject to significant effects. Details of all heritage assets are presented in Chapter 8 (Cultural Heritage) of the ES.</p> <p>For the purposes of the cultural heritage assessment, the construction phase is defined as the temporary activities involved in building the Project, and the subsequent permanent presence of the Project once constructed. The operational phase comprises the situation when the Project is being used by traffic.</p> <p>Within the CftP (Application Document 2.2) it is recognised that both the construction phase and the operation will have impacts, both beneficial and adverse, upon designated and non-designated heritage assets. All preliminary effects are reported as being either significant or not significant after an assessment of the effectiveness of the design and mitigation measures (i.e. the residual effect).</p> <p>No significant effects are predicted to result from the operation of the Project upon any heritage assets identified. The operational effects from the Project on heritage resources have been considered and as a result the proposed design incorporates screening and noise barriers which serve to mitigate as far as possible the effects on heritage resources. Details are presented in Chapter 10 (Landscape and Visual) and Chapter 12 (Noise and Vibration).</p> <p>In summary, there will be no substantial harm to or loss of any heritage assets as a result of the Project.</p>
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<p>5.132</p>	<p>Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for any loss.</p>	<p>The Applicant has fully considered the potential impact of the Project on designated and non designated heritage assets.</p> <p>Section 8.9 of Chapter 8 (Cultural Heritage) of the ES presents the assessment of likely significant effects. It is during the construction phase and operational phase that some adverse effects on heritage assets are sustained (as summarised in the response to NNNPS paragraph 5.131 above). During construction there is the potential for the presence of as-yet unknown archaeological remains that would have previously been substantially or wholly removed. However, where the Project requires excavation below the existing ground surface within previously undeveloped areas archaeological remains may exist.</p> <p>Construction activity, including movements of plant, temporary lighting and temporary compounds, would take place within the setting of listed buildings, conservation areas and upstanding non-designated heritage resources within the study area. These are detailed in ES Appendix 8.10 Impact Assessment Table (Application Document 3.4). However, these works would be temporary, of limited duration and reversible. No significant impacts are expected to arise in the operational phase.</p> <p>Essential mitigation of construction impacts would include measures that reduce the likelihood of physical damage as well as changes to the setting that affect the significance of the heritage assets. An investigation of archaeological remains prior to construction and the analysis of artefacts and publication of results following the construction would minimise the direct impacts on archaeological remains. The type and location of mitigation required will be agreed with Historic England and the Cumbria, County Durham and North Yorkshire Archaeological Officers by means of an Historic Environment Mitigation Strategy, to be submitted as part of the EMP.</p> <p>The operational phase of the Project could lead to beneficial effects as set out at 5.130 above, and adverse effects on the setting of cultural heritage assets through traffic noise and the visibility of moving vehicles on the road. The operational effects from the Project on heritage resources have been considered and as a result the proposed design incorporates screening and noise barriers which serve to mitigate as far as</p>
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		<p>possible the effects on heritage resources. These proposals are presented in Chapter 10 (Landscape and Visual) and Chapter 12 (Noise and Vibration).</p> <p>The need for the Project has been established and set out in the CftP (Application Document 2.2).</p>
5.133	<p>Where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm, or alternatively that all of the following apply:</p> <p>the nature of the heritage asset prevents all reasonable uses of the site; and</p> <p>no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</p> <p>conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and</p> <p>the harm or loss is outweighed by the benefit of bringing the site back into use.</p>	<p>The Applicant has assessed the impact of scheme design on heritage assets within Chapter 8 (Cultural Heritage) of the ES.</p> <p>The operational phase of the Project could lead to beneficial and adverse effects on the setting of cultural heritage assets as well as the assets themselves, through traffic noise and the visibility of moving vehicles on the road. There will be no substantial harm/total loss of designated heritage assets as per the ES Chapter 8 (Cultural Heritage) Assessment.</p> <p>Chapter 3 of the CftP (Application Document 2.2) summarises the transport, economic, environmental and social benefits that the Project will deliver.</p>
5.134	<p>Where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against</p>	<p>This Applicant has fully considered the impact of the Project on designated and non-designated heritage assets during the construction and operation phase.</p>

	<p>the public benefits of the proposal, including securing its optimum viable use.</p>	<p>The CftP (Application Document 2.2) and NNNPS paragraph 2.9 above summarises the transport, economic, environmental and social benefits that the Project will deliver. The Applicant has avoided substantial harm through making changes to the design or the route alignment where appropriate. For those parts of the route that effect designated areas, a route alignment and sensitive design is proposed which respects the character and quality of these designations and their purpose.</p> <p>Section 8.9 of Chapter 8 (Cultural Heritage) of the ES presents the assessment of likely significant effects of the Project. This is confined to during the construction phase, adverse impacts during operation will be no different to the permanent impacts that have occurred as part of the construction phase, the findings of which are summarised in the response to NNNPS, paragraph 5.131 above.</p> <p>As presented in the Assessment of likely significant effects of Chapter 8 (Cultural Heritage) of the ES, permanent adverse effects after mitigation will impact upon the following assets:</p> <ul style="list-style-type: none"> • Brougham Roman fort (Brocauvm) and civil settlement and Brougham Castle Scheduled Monument and Brougham Vicus Roman settlement site Scheduled Monument • The ring ditches at Brougham as recorded on the Cumbria Historic Environment Record • Two areas of peat deposits likely associated with nearby palaeochannels • An Enclosure and other features north-west of Kirkby Thore identified during trial trenching • A Prehistoric round house drip gully and associated features identified during trial trenching • Warcop Roman Camp Scheduled Monument • Sandford Moor Barrows group, should any evidence of them remain in situ • A group of three Grade II listed buildings, Stone Bridge Farmhouse, Loose boxes, 5 metres east of Stone Bridge Farmhouse, and linked farm buildings and gin-gang attached to south of Stonebridge Farmhouse
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		<ul style="list-style-type: none"> • Roman Fort and Prehistoric enclosed settlement 400m west of Carkin Moor Farm Scheduled Monument <p>Additional operational significant effects expected include:</p> <ul style="list-style-type: none"> • A new amenity parking area and footway access for the SM and Grade II* listed Countess Pillar and the associated Grade II* listed Alms table will offer better access to these assets. This results in a moderate beneficial effect to these assets overall. A new footway to the site of the Countess Pillar and associated Alms Table is proposed on the site of the former Llama Kama Kafe, as a new amenity parking area. This will provide better access to the site for visitors, representing a beneficial effect to both resources. • The SM of St Ninian's and the Grade II listed Church of St Ninian are situated beyond the scheme Order Limits to the North. A new accommodation overbridge will be constructed at a far distance from the Ninekirks site and it would not alter the contribution of the setting towards the significance of these heritage assets. Accessibility will be improved to the St Ninian's site which will result in a moderate beneficial effect on both heritage assets. New parking facilities are proposed, and this will be made more accessible via the creation of a new left-in / left-out junction, which will also make the turn-in easier to find. • A group of three Grade II listed buildings (high value), Stone Bridge Farmhouse, Loose boxes, 5 metres east of Stone Bridge Farmhouse impacted by increase in noise and busyness of increased traffic volume. Although it is expected to result in significant permanent adverse effects to the three heritage assets the overall impact of the Bowes Bypass scheme is considered to result in less than substantial harm to the significance of designated heritage assets and is outweighed by the public benefits of the scheme as set out below. <p>The operational effects from the Project on heritage resources have been considered and as a result the proposed design incorporates screening and noise barriers which serve to mitigate as far as possible the effects on heritage resources. These proposals are presented in Chapter 8 (Cultural Heritage) Chapter 10 (Landscape and Visual) and Chapter 12 (Noise and Vibration).</p>
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	<p>The assessment of heritage assets has found that impacts equate to less than substantial harm and where harm does exist it is outweighed by the public benefits, as set out in the CftP (Application Document 2.2). To conclude, the assessment of heritage assets has found that impacts equate to less than substantial harm and where harm does exist it is out weighted by the public benefits, as set out in the CftP (Application Document 2.2).</p> <p>The Project will bring many benefits and will reduce congestion and improve the reliability of people's journeys between the M6 at Penrith and the A1(M) Scotch Corner and nationwide. Freight and transport businesses will benefit from improvements to journey time reliability across the A66. Faster journeys lead to less wasted time idling and waiting for congestion to clear, freeing time for more productive activities that produce economic value, or leisure activities. The increased capacity of the A66 and improved journey times will stimulate the local economy as people travel to employment centres and to community, hospitality and retail facilities.</p> <p>All the schemes proposed to be dualled will have some level of betterment for WCH (formerly described as NMUs) compared with the provision on the existing single carriageway lengths. For most schemes, this includes a parallel shared multi-user route segregated from the dual carriageway. This parallel provision is in the form of either a new path adjacent to the dualling or has been provided along the verge of the old de-trunked A66, where it remains. Detail on the WCH provision for each scheme is provided in Chapter 6 of this document and set out in detail within the WCH Design Proposals (Application Document 2.4).</p> <p>The project will Improve connectivity for people living and working nearby and create better facilities and east-west connectivity for cyclists and pedestrians. It also improves connectivity between the key employment areas of Cumbria, Tees Valley, Durham and Tyne and Wear. Chapter 4 of this document further provides the connectivity benefits of the Project.</p>
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		<p>The Project improvements represent a significant opportunity to boost east-west connectivity and drive economic growth. Full detail on the economic benefits of the Project is provided in Chapter 5 of the CftP (Application Document 2.2).</p> <p>The A66 improvements are expected to boost connectivity in around 35% of the Government's priority areas (defined by the Levelling Up Fund Index), with total economic efficiency benefits of over £500m as a result of additional capacity and reduced delay, alongside over £62m of wider economic benefits.</p> <p>In summary, the overall impact of the Project on heritage assets is considered to result in less than substantial harm to the significance of designated heritage assets and is outweighed by the public benefits of the scheme as evidenced above and documents referenced.</p>
5.135	<p>Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. The Secretary of State should treat the loss of a building (or other element) that makes a positive contribution to the site's significance either as substantial harm or less than substantial harm, as appropriate, taking into account the relative significance of the elements affected and their contribution to the significance of the Conservation Area or World Heritage Site as a whole.</p>	<p>The Project does not impact upon any World Heritage Sites (WHS) including the Lake District national Park World Heritage Site.</p> <p>The Project impacts upon Conservation Areas, such as Bowes Bypass, where it runs through the Conservation Area or indirectly at Penrith Conservation Area where the route runs within 500m from the Conservation Area (M6 Junction 40 to Kemplay Bank) However, there will be no loss of buildings or other elements as a result of the Project.</p> <p>Where the Project is going to impact upon a Conservation Area, the type and location of mitigation required will be agreed with Historic England and the Cumbria, County Durham and North Yorkshire Archaeological Officers by means of an Historic Environment Mitigation Strategy, to be submitted as part of the EMP (Application Document 2.7).</p>
5.136	<p>Where the loss of significance of any heritage asset has been justified by the applicant based on the merits of the new development and the significance of the asset in question, the Secretary of State should</p>	<p>The Project has presented in section 8.9 of Chapter 8 (Cultural Heritage) of the ES the Assessment of likely effects.</p>

	<p>consider imposing a requirement that the applicant will prevent the loss occurring until the relevant development or part of development has commenced.</p>	<p>Two Cultural Heritage resources are common to more than one scheme study area - the Roman road running between Scotch Corner and Penrith (Brougham) via Bowes. Whilst individual sections of these will see impacts from the Project none are deemed to be significant following implementation of mitigation and the Roman road and its turnpiked successor are not predicted to be subject to significant effects.</p> <p>A new amenity parking area and footway access for the Scheduled Monument and Grade II* listed Countess Pillar (03-0006) and the associated Grade II* listed Alms Table (03-0007) will enable better access to the site.</p> <p>The Scheduled Monument of St Ninian's (03-0005), including the buried remains of the pre-Conquest monastic site and the deserted Medieval settlement, and the Grade II listed Church of St Ninian (03-0012) are both beyond the Order Limits to the north. The church is screened by surrounding trees from the Project, although part of the larger surrounding landscape of the Scheduled area of St Ninian's falls within the ZVI. A new accommodation overbridge will be constructed at the eastern end of this scheme, but at a far distance from the Ninekirks site and would not alter the contribution of the setting towards the significance of these assets. A new priority left-in/left-out junction will enable access to the road leading to the car park and PRoW 311/013 to St Ninian's Church from the A66 eastbound carriageway. The existing car park will be relocated within the site.</p> <p>The EMP (Application Document 2.7) sets out the post consent determinations that are required to be made before the Project can proceed. It is required for the Project and the process by which those determinations in relation to that environmental management are to be made. It replaces the "standard" pre-commencement requirements that are typically included in National Highways' development consent orders. It does not abandon the substance of those provisions; instead, they are provided through the EMP and compliance with the substance of the EMP and the process through which post consent determinations are to be made is secured through streamlined provisions of the DCO.</p>
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5.137	<p>Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.</p>	<p>The Project has considered opportunities to enhance or better reveal the significance of heritage assets by new development.</p> <p>Section 8.9 of Chapter 8 (Cultural Heritage) of the ES presents the opportunities to enhance heritage assets impacted by the Project.</p> <p>Additional operational significant effects expected include:</p> <ul style="list-style-type: none"> • New footway and parking area for the Countess Pillar Scheduled Monument and associated Alms Table • Improved junction and parking area for St Ninian's Church Scheduled Monument and Listed Building. <p>Therefore, in conclusion, the Project where possible makes a positive contribution to heritage assets.</p>
Landscape and visual impacts		
5.144 – 5.146	<p>Where the development is subject to EIA the applicant should undertake an assessment of any likely significant landscape and visual impacts in the environmental impact assessment and describe these in the environmental assessment. A number of guides have been produced to assist in addressing landscape issues. The landscape and visual assessment should</p>	<p>The Applicant has undertaken an assessment of the likely significant landscape and visual impacts within the ES (Application Documents 3.2-3.4).</p> <p>In terms of reference material, paragraph 10.7.29 of Chapter 10 (Landscape and Visual Impact Assessment) of the ES lists all landscape character assessments and associated studies considered as follows:</p> <ol style="list-style-type: none"> a) Cumbria Landscape Character Guidance and Toolkit (CCC, 2011)

	<p>include reference to any landscape character assessment and associated studies, as a means of assessing landscape impacts relevant to the proposed Project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England.</p> <p>The applicant's assessment should include any significant effects during construction of the Project and/or the significant effects of the completed development and its operation on landscape components and landscape character (including historic landscape characterisation).</p> <p>The assessment should include the visibility and conspicuousness of the Project during construction and of the presence and operation of the Project and potential impacts on views and visual amenity. This should include any noise and light pollution effects, including on local amenity, tranquillity and nature conservation.</p>	<ul style="list-style-type: none"> b) County Durham Landscape Character Assessment (DCC, 2008) c) Lake District National Park Landscape Character Assessment and Guidelines (Chris Blandford Associates, 2008) d) North Pennines AONB Management Plan 2019-24 (North Pennines AONB Partners, 2019) e) North Yorkshire & York Landscape Character Assessment (NYCC, 2011) <p>Section 10.6 of Chapter 10 (Landscape and Visual Impact Assessment) of the ES includes an assessment of the existing baseline conditions and section 10.10 assesses the likely significant landscape and visual impacts of the Project both during construction and operation. The approach to this assessment follows the Scoping Report (June 2021) and the methodology set out in <i>DMRB LA 107, Landscape and Visual Effects</i> (National Highways, 2020).</p> <p>To avoid double counting of effects, the assessment of landscape and visual effects during the construction phase identifies and assesses only temporary effects which arise as a result of activities and elements that are unique to the construction phase.</p> <p>For example, the permanent removal of built form or vegetation is assessed as part of the operational phase, but the works such as the disruption cause by construction plant used during demolition and site clearance are assessed as part of the construction phase. A further example would be proposed landforms or structures, which would form permanent features and have been assessed as part of the operational phase, but the earthworks required to form them, including excavation, aggregate, earth movements and stock piling are assessed as construction effects</p> <p>During construction the potential impacts on views and visual amenity would be caused by construction plant used during demolition and site clearance, earthworks, including excavation, aggregate, earth movements, stock piling. Night-time lighting (year round) is assessed as a construction effect.</p> <p>From an operational perspective, potential impacts on views and visual amenity are likely to occur as a result of the loss of or changes to existing landscape features or</p>
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		<p>characteristics, or the addition of new infrastructure or features within the landscape or view.</p>
<p>5.147-5.148</p>	<p>Any statutory undertaker commissioning or undertaking works in relation to, or so as to affect land in a National Park or Areas of Outstanding Natural Beauty, would need to comply with the respective duties in section 11A of the National Parks and Access to Countryside Act 1949 and section 85 of the Countryside and Rights of Way Act 2000</p> <p>For significant road widening or the building of new roads in National Parks and the Broads applicants also need to fulfil the requirements set out in Defra’s English national parks and the broads: UK government vision and circular 2010 or successor documents. These requirements should also be complied with for significant road widening or the building of new roads in Areas of Outstanding Natural Beauty.</p>	<p>The Applicant has given due consideration to the Project’s impact upon National Parks and Areas of Outstanding Natural Beauty (‘ANOBs’).</p> <p>The Appleby to Brough scheme is partially located within the North Pennines AONB in a section to the north of Warcop and in a length to the east of Warcop.</p> <p>Paragraph 10.7.39 of section 10.7 (Baseline Conditions) of Chapter 10 (Landscape and Visual Impact Assessment) of the ES outlines the consideration given to The National Parks and Access to Countryside Act 1949 and paragraph 10.7.40 refers to the Countryside and Rights of Way Act 2000.</p> <p>The Project complies with the duties by improving access to key tourist and recreation destinations including the AONB to the north of Warcop, encouraging more visits to these destinations and more tourist related income for local businesses. Incorporating shared cycle/footways will benefit local people and visitors to the AONB for active travel to work as well as recreational use.</p> <p>Defra advises in Circular 2010 that major development should not take place within a National Park except in exceptional circumstances. The Project is expected to provide wider network resilience benefits, allowing for other routes on the adjacent strategic and local road network to recover to normal operating conditions faster after an incident. Overall access for walking, horse riding or cycling will be improved with the introduction of approximately 33km of additional walking, horse riding or cycling route having been brought into the scope of the Project. All schemes have some level of betterment compared with the provision on the existing single carriageway. The overall magnitude of noise reductions outweighs noise uplifts, meaning the Project will provide a net environmental benefit, in part due to the A66 bypassing properties on the existing route but also encouraging traffic to divert on to the A66 from adjacent minor roads.</p>

		As presented in section 10.7 (Baseline Conditions) of Chapter 10 of the ES, all AONB planning guidelines have been consulted in addition to engagement with relevant stakeholders.
5.149	Landscape effects depend on the nature of the existing landscape likely to be affected and nature of the effect likely to occur. Both of these factors need to be considered in judging the impact of a Project on landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints, the aim should be to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.	<p>The Applicant has fully considered the receiving environment and the Project's impacts upon it.</p> <p>Section 10.7 (Baseline Conditions) of Chapter 10 (Landscape and Visual Impact Assessment) of the ES describes in full the existing landscape and nature of it, with section 10.8 identifying the potential impacts the Project would have on the landscape, prior to mitigation being in place.</p> <p>Section 10.9 sets out the embedded and essential mitigation and enhancement measures. The purpose of landscape mitigation is to avoid, minimise, restore or offset potential landscape and visual impacts of the Project. The principal means of mitigation is embedded in the design of each scheme through considered alignment and associated earthworks to achieve the best fit with topography and sensitive landscape features. Additional mitigation is described in Appendix 10.7 (Landscape Mitigation Schedule) of the ES.</p> <p>To conclude, the Applicant has taken into consideration the receiving environment and the landscape and visual impacts of the Project and has proposed reasonable mitigation where possible and appropriate to the existing nature of the landscape, thereby meeting the aim in NNNPS paragraph 5.149.</p>
5.150-5.151	Great weight should be given to conserving landscape and scenic beauty in nationally designated areas. National Parks, the Broads and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes	<p>The Applicant recognises that great weight is given to conserving landscape and scenic beauty in nationally designated areas.</p> <p>Please note a full justification for scheme development within an AONB is presented in the CftP (Application Document 2.2).</p>

	<p>which help ensure their continued protection and which the Secretary of State has a statutory duty to have regard to in decisions.</p> <p>The Secretary of State should refuse development consent in these areas except in exceptional circumstances and where it can be demonstrated that it is in the public interest. Consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> the need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy; the cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. 	<p>The following schemes impact upon the North Pennines AONB:</p> <p>Appleby to Brough There are limited incursions into the AONB in two locations - to the north of Warcop (referred to as the central length of 2570m in length) and to the east of Warcop (referred to as the eastern length of 1205 m in length). The assessment against NN NPS policies for these incursions into the AONB are set out in section 6.5 of the Case for the Project (Application Document; 2.2)</p> <p>Bowes Bypass – there is a minor incursion into the western extents of the AONB associated with a small length of embankment and road widening (333 m) to the western outskirts of Bowes. The assessment against NN NPS policies for this incursion into the AONB are set out in section 6.6 of the Case for the Project (Application Document; 2.2)</p> <p>The incursions into the AONB associated with schemes Appleby to Brough and 7 require an assessment against the policy tests for development located in a nationally designated AONB as set out in paragraphs 5.151 to 5.153 of the NNNPS.</p> <p>The full assessment and findings in relation to the policy tests are discussed in chapter 6 of the CtfP (Application Document 2.2) and the findings are summarised below in relation to each element of the policy:</p> <p><u>Appleby to Brough</u></p> <p>The principal findings against each of the policy elements of paragraph 5.151 are:</p> <ul style="list-style-type: none"> i) Need for the development, including in terms of any national considerations, and the impact upon the local economy <ul style="list-style-type: none"> • At a regional level supporting the economic growth objectives of the Northern Powerhouse and Government levelling up agenda. The Project supports and delivers against the aspirations and objectives of relevant plans and strategies, including transport and economic strategies at a
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		<p>regional level, such as the TfN Strategic Transport Plan 2019, Tees Valley Combined Authority’s Strategic Economic Plan (The Industrial Strategy for Tees Valley) 2016-2026, Tees Valley Strategic Transport Plan 2020-2030 and the Cumbria Strategic Economic Plan 2014-2024. Section 3.7 of this document above contains a detailed review of regional and county policy and an assessment of the Project’s conformity with this policy.</p> <ul style="list-style-type: none"> ● Improving strategic regional and national connectivity, particularly for hauliers and for freight. Heavy goods vehicles account for around a quarter of all traffic on the road and any delays to journeys can have an extremely negative effect on business and commerce, including lost working time and missed shipment slots. ● The monetised economic impact of the Project in terms of: road safety and reduction in accidents, connectivity, capacity and economic’ growth and Increasing reliability (as set out at Chapter 5 of the Case for the Project (Application Document: 2.2) ● Ensuring the improvement and long-term development of the SRN through providing better national connectivity including freight. ● Maintaining and improving access for tourism served by the A66. ● At a local level addressing issues of severance, journey delays and road safety issues and improving access to services and jobs for local road users and the local community. ● Improving access to key tourist destinations such as the North Pennines and Lake District. <p>Impact of not consenting the development, including upon the local economy: If the existing A66 route is not consented and improved, it will constrain national and regional connectivity, due to its strategic importance as an east-west connection for freight and other vehicle movements and may threaten the transformational growth envisaged by the Northern Powerhouse initiative and the achievement of the Government’s ‘Levelling Up’ agenda. In addition, the impact of not consenting the Project on the local economy would be that local benefits (some of which are described above) could not be</p>
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		<p>delivered to the same level, and that the objectives, for this Project would not be achieved, to the same degree.</p> <p>ii) Cost and scope: for, developing elsewhere, outside the designated area The cost of, and scope for, developing elsewhere, outside the designated AONB, has been considered in section 6.5 of the Case for the Project, through an assessment of the routes within the AONB compared with alternative alignments outside the AONB for both the central and eastern length. The findings from this assessment is that although there is scope to develop a route outside the AONB for both the central and eastern lengths the development of these route would have significant disadvantages compared to the promoted route (that form part of the DCO application), particularly in relation to environmental criteria (including landscape and visual impacts) and stakeholder and public considerations. The drawbacks of this alternative are considered to be “exceptional circumstances” in favour of the promoted lengths of the route. In addition, the comparative assessment has been demonstrated that the promoted lengths of the route, compared to the alternative outside the AONB, are clearly in the public interest.</p> <p>Meeting the Need in Some Other Way’. It has been demonstrated that the need for the project, in terms of delivering the greatest level of strategic benefits as well as making a significant contribution to the Northern Powerhouse economic growth agenda and Levelling Up agenda could only be delivered through the A66 dualling and not in ‘some other way’. The clear demonstration that need cannot be met in some other way, along with the drawbacks of the alternatives (wholly outside the AONB), the limited incursion into the AONB associated with the preferred routes (totalling approx. 31 ha), taken with the benefits of the scheme and the Project as a whole, are considered to be ‘exceptional circumstances’ in favour of the promoted route and is clearly in the public interest.</p> <p>iii) Effect on the environment, the landscape and recreational opportunities: It has been evidenced (in the ES (Application Document 3.2) that, whilst there are residual significant adverse effects on the environment as a result of the scheme, National Highways has sought to avoid such effects in the first</p>
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		<p>instance and moderate them wherever feasible, including through making changes to the design where appropriate.</p> <p>The principal findings from the landscape assessment is that although this scheme infringes slightly on the southern border of the North Pennines NP AONB there would be no significant physical change to the landscape features across the designated landscape. It has been demonstrated in the ES (chapter 10) (Application Document 3.2) there are no significant impacts on the stated special qualities of the AONB by the Project. The assessment of detrimental effects on the AONB are assessed as slight both during construction and operation. The effects are moderated through a sensitive design to 'reflect the existing alignment and vegetated character of the A66 in proximity to the AONB boundary'. As a consequence, the ES has concluded that by year 15 of operation 'the perception of the scheme would reflect that of the existing A66 and the effect to the Foothills character area would be neutral (no change) due to the maturing replacement roadside screen planting and intervening topography and woodland'.</p> <p>In terms of recreational opportunities, although there are impacts such as severance of footpaths there is the potential to mitigate these impacts and provide improvements to the WCH network, as reported in the Walking, Cycling and Horse Riding Design Proposals (Application Document 2.4). There is also the potential for enhancement of recreational walking and cycling routes through new provision of a shared cycleway/footway on the north side of the dual carriageway.</p> <p>Overall taking all the findings from the assessments into account for each element of paragraph 1.151 demonstrates that there are "exceptional circumstances" in favour of the promoted route involving the two incursions into the AONB within this scheme and they are also in the public interest.</p> <p><u>Bowes Bypass</u></p> <p>It has been demonstrated through an assessment for each element of paragraph 5.151, as set out in section 6.6 of the Case for the Project (Application Document: 2.2) that there are exceptional circumstances for the</p>
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		<p>very limited incursion, of the Project within the NP AONB and that the proposed development is in the public interest. The exceptional circumstances relate to the very limited nature of the incursion into the AONB, which would be of a maximum of 32 metres and an average of 15 metres from the southern boundary of the AONB for a length of 333 metres. Furthermore, the land required for the development within the AONB is already characterised as being part of the A66 corridor as operational land associated with the A66, providing grass verge to the main carriageway. In operation, the alignment of the scheme would reflect that of the existing A66, such that the spatial relationship between the A66 and the AONB would remain. By year 15 of operation, the perception of the scheme would reflect that of the existing A66 and the effect to the Moor and Fringe character area would be neutral (no change), in addition to no change to the special qualities.</p>
5.152	<p>There is a strong presumption against any significant road widening or the building of new roads and strategic rail freight interchanges in a National Park, the Broads and Areas of Outstanding Natural Beauty, unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly. Planning of the Strategic Road Network should encourage routes that avoid National Parks, the Broads and Areas of Outstanding Natural Beauty.</p>	<p>Sections 6.5 and 6.6 of the Case for the Project (Application Document: 2.2) sets out the assessment of costs against benefits in relation to the incursions into the AONB within the Appleby to Brough scheme and the Bowes Bypass scheme respectively. Weighing against the identified costs set out in these sections, alongside the planning balance set out in section 7.5 of the Case for the Project, has demonstrated the wider range, scale and number of benefits that this scheme and the Project would provide, when compared with the costs.</p> <p>The quantity of adverse effects at a scheme and Project level on the environment would reduce as the scheme progresses from construction to operation, such that at Year 15 of operation, some effects would be removed entirely due to the maturation of mitigation measures, such as planting for visual screening and habitat creation. In contrast to the majority of adverse effects occurring on a short-term basis during construction, the significant beneficial effects of the scheme are most numerous during the operation stage of the scheme, creating permanent benefit.</p> <p>It would, as a highways scheme, provide fundamental benefits to the road network through improving road safety; upgrading infrastructure in line with modern standards; increasing road capacity; and considerably improving the resilience of the route. These benefits of the scheme extend beyond addressing the immediate issues facing road users, by providing the infrastructure identified as being necessary to support economic growth and meet strategic growth ambitions.</p>

		<p>Finally, through high quality embedded mitigation and enhancement measures, there would be some benefits of the scheme to the surrounding environment which would represent an improvement compared to the existing conditions. This includes permanent beneficial effects to non-road users and local communities through the provision of a dedicated walking and cycling route to benefit local communities as well as visitors to the area. Furthermore, the Project will maximise biodiversity through the environmental mitigation proposed.</p> <p>Given the permanent nature of the suite of benefits identified, and the demonstrable need for the scheme, it is considered that the benefits of the scheme significantly outweigh both the costs of the scheme and the costs of no intervention, at both a scheme and Project level. It is therefore concluded that there is conformity with Paragraph 5.152 of the NPS.</p>
5.153	<p>Where consent is given in these areas, the Secretary of State should be satisfied that the applicant has ensured that the Project will be carried out to high environmental standards and where possible includes measures to enhance other aspects of the environment. Where necessary, the Secretary of State should consider the imposition of appropriate requirements to ensure these standards are delivered.</p>	<p>The Applicant has set out how the Appleby to Brough scheme will be carried out to high environmental standards.</p> <p>National Highways will ensure that the Project will be carried out to high environmental standards through a commitment to a set of design principles, as set out in the Project Design Principles (Application Document 5.11)</p> <p>There is also a commitment to high environmental standards including measures to enhance the environment through adherence to the requirements set out within the EMP (Application Document 2.7). The inclusion of mixed species blocks of tree planting at Dyke Nook would contribute to the reduction in the linearity of the roadside planting and create a 'glade' environment. The species rich grassland at the detention ponds would provide additional variations that are both ecologically and visually diverse.</p> <p>New mixed species woodland blocks and hedgerow planting would be introduced as appropriate to create new field boundaries to visually screen the scheme. New planting areas would link with existing woodland and hedgerows to unify and link habitats in the area.</p>

		<p>The offline section, northwest of Warcop village and army camp, would bypass Wheat Sheaf Farm, Walk Mill and the other outlying buildings associated with Toddygill Hall. The route remains offline as it approaches Brough bypassing West View, Mains House, the embankments, and detention ponds of the off-line section, with south facing slopes that would be planted with species rich grasslands that are suitable for invertebrate habitat. These areas would provide additional ecological benefits and the mixed species woodland would provide seasonal variation, screening, and would break the linearity of the route.</p> <p>Adherence to the commitments and requirements set out within the Project Design Principles and the EMP ensure conformity with the requirements of policy 5.153 <i>“for high environmental standards, including measures to enhance other aspects of the environment”</i>.</p>
5.154-5.155	<p>The duty to have regard to the purposes of nationally designated areas also applies when considering applications for Projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such Projects should be designed sensitively given the various siting, operational, and other relevant constraints. This should include Projects in England which may have impacts on designated areas in Wales or on National Scenic Areas in Scotland.</p> <p>The fact that a proposed Project will be visible from within a designated area should not in itself be a reason for refusing consent.</p>	<p>It has been concluded in Chapter 10 (Landscape and Visual Impact Assessment) of the ES (Application Documents 3.2-3.4) that there are no significant impacts on the stated special qualities of the AONB by the Project, and at year 15 of operation <i>“the perception of the scheme would reflect that of the existing A66 and the effect to the Foothills character area would be neutral (no change) due to the maturing replacement roadside screen planting and intervening topography and woodland”</i> (paragraph 10.10.147).</p> <p>At Bowes Bypass the alignment avoids physical change within the AONB aside from a small area of embankment and road widening to the western outskirts of Bowes. The replacement overbridge has been positioned in a low-lying part of the landscape, so as to reduce its perception from Bowes and the NP AONB.</p> <p>The scheme at Bowes Bypass has sought to mirror the existing A66 as far as practicable, so as to retain the proposed scheme within a part of the landscape which is already defined by highways infrastructure.</p> <p>It is therefore concluded within the landscape chapter of the ES, with specific reference to NNNPS paragraph 5.154, <i>“the scheme avoids compromising the purpose of the AONB designation and has been designed sensitively to reflect the existing alignment</i></p>

		<p><i>and vegetated character of the A66 in proximity to the AONB boundary</i>". It is therefore concluded within the landscape chapter of the ES, with specific reference to NNNPS paragraph 5.154, "<i>the scheme avoids compromising the purpose of the AONB designation and has been designed sensitively to reflect the existing alignment and vegetated character of the A66 in proximity to the AONB boundary.</i>" (paragraph 10.10.149).</p> <p>The route will be visible from the AONB, although "<i>the scheme avoids compromising the purpose of the AONB designation and has been designed sensitively to reflect the existing alignment and vegetated character of the A66 in proximity to the AONB boundary</i>" (paragraph 10.10.149 of Chapter 10 of the ES)</p> <p>In accordance with paragraph 5.155 of the NNNPS, the visibility of the Project from within the AONB should not in itself be a reason for refusal.</p> <p>In summary, the Project's design meets the aim set out in paragraph 5.154 of the NNNPS.</p>
5.156	<p>Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England has policies based on landscape character assessment, these should be given particular consideration. However, local landscape designations should not be used in themselves as reasons to refuse consent, as this may unduly restrict acceptable development.</p>	<p>In preparing the Project, the Applicant has given due consideration to local landscapes protected through local designations. Section 10.7 of Chapter 10 (Landscape and Visual) of the ES presents the baseline conditions including local landscape designations within the schemes.</p> <p>The scheme sits within a series of landscape character types as defined in various local Landscape Character Assessments. The following such assessments were reviewed (as set out in Appendix 10.4 of Chapter 10 (Landscape and Visual Impact Assessment) of the ES:</p> <ul style="list-style-type: none"> • Cumbria Landscape Character • Durham Landscape Character • North Yorkshire Landscape Character • North Pennines AONB Landscape Character

5.157	<p>In taking decisions, the Secretary of State should consider whether the Project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation.</p>	<p>The Project has been designed carefully, taking account of environmental effects to avoid adverse effects on the landscape.</p> <p>Section 10.8 of Chapter 10 (Landscape and Visual Impact Assessment) of the ES sets out the potential impacts of the Project on the landscape prior to the implementation of embedded mitigation which is outlined in section 10.9 (Embedded and Essential Mitigation and Enhancement Measures).</p> <p>The purpose of landscape mitigation is to avoid, minimise, restore or offset potential landscape and visual impacts of the Project. The principal means of mitigation is embedded in the design of each scheme through considered alignment and associated earthworks to achieve the best fit with topography and sensitive landscape features. Additional mitigation is described in Appendix 10.7 (Landscape Mitigation Schedule).</p> <p>In summary, reasonable mitigation has been proposed where required to avoid adverse impacts from the Project on the environment.</p>
5.158	<p>The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast, especially those defined as Heritage Coast.</p>	<p>The Project does not have any impact upon coastal areas or areas defined as Heritage Coast.</p> <p>The Project has taken consideration of the impact to local character areas, residents, users of recreational sites and Public Rights of Way ('PRoWs') and road users as is presented in section 10.10 of Chapter 10 (Landscape and Visual Impact Assessment) of the ES.</p> <p>A receptor-based approach is used for both landscape and visual receptors. For landscape receptors this involves describing effects on landscape character units and landscape designations. For visual receptors i.e. people, this involves assessing receptors, such as residents of properties or users of public rights of way (PRoW), individually or as groups. For visual receptors, representative viewpoints have been provided, refer to ES Figure 10.4: Zone of Theoretical Visibility (ZTV 3km) and Viewpoints (Application Document 3.3) for locations. These viewpoints have</p>

		<p>accompanying photography presented on ES Figures 10.8 Viewpoint Photosheets (Application Document 3.3).</p> <p>Locations where there is potential for significant visual impacts are set out as follows:</p> <ol style="list-style-type: none"> 1. Residences along Clifford Road and Skirsgill Lane, Ash Hill Cottages along Cliburn Road, Low Moor Park, Sandersons Croft and Sleastonhow Farm, Bowes, Boldron and Dent House Farm. 2. Recreational users of Wetheriggs Park, two PRowWs and Mayburgh Henge, two PRowWs in the area and of the junction of the B6262 and Moor Lane near Brougham Castle, eight PRowWs around Kirkby Thore and Crackenthorpe as well as the Eden Valley Cycle Route, five PRowWs in the vicinity of Warcop and the Warcop Railway Station, three PRowWs around Bowes, as well as the Pennine Way and Clint Lane, four PRowWs around Cross Lanes and Rokeby, as well as users of Rokeby Park, the Church of St Mary and nine PRowWs around Stephen Bank to Carkin Moor as well as visitors to Mainsgill Farm 3. Motorists and pedestrian users of the A6, the minor road south of High Moss Woodland leading to the properties of Lane Ends, Long Marton Road, Sleastontonhow Lane and Priest Lane, the minor road leading to Moor House Farm and of the B6259, on and adjacent to The Street, of Barnard Castle Road and of Colliers Lane 4. Rokeby Historic Park and Garden and associated Church of St Mary <p>In summary, the Applicant has fully considered the visual effects on sensitive receptors and does not consider they outweigh the benefits of the Project.</p>
5.159	<p>Reducing the scale of a Project or making changes to its operation can help to avoid or mitigate the visual and landscape effects of a proposed Project. However, reducing the scale or otherwise amending the design or changing the operation of a proposed development may result in a significant operational constraint and</p>	<p>The Applicant has taken account of potential adverse landscape and visual effects and has sought to minimise or avoid effects where possible through the design. Where this is not possible careful consideration has been given to a range of mitigation measures to be implemented during the operation and construction phase of each scheme. These are set out in Section 10.9 (Embedded and essential mitigation and enhancement measures) of Chapter 10 (Landscape and Visual Impact Assessment) of the ES and shown illustratively on the Environmental Mitigation Maps which show one way in which</p>

	<p>reduction in function. There may, be exceptional circumstances,</p> <p>In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape effects outweigh the marginal loss of scale or function.</p>	<p>the environmental mitigation strategy for the Project could be implemented. The landscape and other environmental mitigation will also be delivered in accordance with a set of design principles, as set out in the Project Design Principles (Application Document 5.11) and through a Landscape and Ecological Management Plan within the EMP (Application Document 2.7). Following the implementation of these mitigation measures, It is predicted (as set out in section 10.10 of the Landscape and visual assessment) that there will be across the study area 65 visual receptors with significant adverse effects during construction; 47 visual receptors with significant adverse effects in year 1 of operation and 13 visual receptors with significant residual adverse effects in year 15 of operation. In light of this, the Applicant considers there to be no additional mitigation options that could be (or need to be) explored in relation to reducing the scale or function of the Project that would offer any additional significant benefit in landscape and visual terms to those identified above.</p>
<p>5.160</p>	<p>Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, design (including choice of materials), and landscaping schemes, depending on the size and type of proposed Project. Materials and designs for infrastructure should always be given careful consideration.</p>	<p>The Applicant has taken account of potential adverse landscape and visual effects and has taken up the opportunity to minimise these through appropriate siting of infrastructure, design (including materials), and indicative landscaping schemes.</p> <p>Project design has been responsive to site context and surroundings. Where possible Project design is reflective of local requirements, such as ensuring walking, cycling and horse-riding provision within proximity to key networks and tourist and community leisure facilities.</p> <p>Section 10.9 (Embedded and essential mitigation and enhancement measures) of Chapter 10 (Landscape and Visual Impact Assessment) of the ES sets out the range of mitigation measures to be implemented during the operation and construction phase of each scheme, which have been given careful consideration.</p> <p>For example, route wide, the construction activity would be located across and in close proximity to the existing A66, to consolidate the construction phase within the existing perception of the road.</p>

		<p>The removal of vegetation and stone walls has been minimised where practicable by the alignment of the Order Limits.</p> <p>During operation, the landscape planting design would include a range of measures designed to complement the local landscape character using species of local provenance with appropriate consideration of climate change resilient species. Mitigation planting may also function as visual screening when it has become established and reaches a reasonable height.</p> <p>The landscape mitigation maps which show the environmental mitigation strategy are presented in Application Document 2.8.</p> <p>Therefore, to conclude, the Applicant has taken account of possible landscape and visual effects through the Project's design.</p>
5.161	<p>Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site, although if such landscaping was proposed to be consented by the development consent order, it would have to be included within the Order Limits for that application. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant vista.</p>	<p>The Project has considered the need for landscape mitigation, including filling in gaps in existing tree and hedge lines to mitigate the impact when viewed from a more distant vista. All of this mitigation is proposed within the Order Limits, as detailed in section 10.9 of Chapter 10 (Landscape and Visual) in the ES (Application Documents 3.2-3.4).</p>
<p>Land use open space, green infrastructure and green belt</p>		
5.165-5.167	<p>The applicant should identify existing and proposed land uses near the Project, any effects of replacing an existing development or use of the site with the proposed Project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new</p>	<p>The Applicant has completed a review of existing and proposed land uses along the Project's route. It has then assessed any effects of replacing an existing development or use of the site with the proposed Project and whether the Project would prevent a neighbouring use from continuing. This review included any impacts the Project may have on existing open space, sports and recreational buildings.</p>

	<p>development or use proposed in the development plan. The assessment should be proportionate.</p> <p>Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Applicants considering proposals which would involve developing such land should have regard to any local authority's assessment of need for such types of land and buildings.</p> <p>During any pre-application discussions with the applicant, the local planning authority should identify any concerns it has about the impacts of the application on land-use, having regard to the development plan and relevant applications, and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements. These are also matters that local authorities may wish to include in their Local Impact Report which can be submitted after an application for development consent has been accepted.</p>	<p>Section 13.8 of Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4) identifies existing and proposed land uses in the vicinity of the Project and covers the potential effects of the Project on people and communities. The Project would not result in the preclusion of any new development or use within the development plan.</p> <p>Chapter 15 (Cumulative and Combined Effects) of the ES states the likely effect on planning allocations identified in the development plan and applications. There are several sites which have planning permission or are allocated close to all schemes except Bowes Bypass and A1(M) Junction 53 Scotch Corner. The chapter concludes that there are no significant cumulative effects anticipated which would result in any new or materially different significant effects to those identified in each environmental factor chapter of the ES (Chapters 5-14).</p> <p>The PINS Advice note 17 recommends that a wide range of future projects is included within the cumulative effects assessment which can be tiered (from Tier 1 to 3) according to how far advanced the development is within the planning system and to the level of detail that is likely to be available for each tier. This advice note was adhered to and as set out in Table 154, Tier 3 includes development identified in the relevant Development plan (and emerging Development plans).</p> <p>For the Project as a whole, there has been ongoing stakeholder and public engagement throughout, for details see the Consultation Report (Application Document 4.4). This has included engagement with local planning authorities. The report has been developed following the information presented in the DCLG pre-application guidance document and the Planning Inspectorate's '<i>Advice Note 14: Compiling the Consultation Report</i>' (Version 3, February 2021).</p> <p>In reference to existing open space, sports, recreational buildings and land, please see the response to NNNPS paragraph 5.174 below.</p>
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		<p>Therefore, it is concluded that the Project conforms with this policy as the Applicant has taken appropriate account of any existing and proposed land uses along the Project's route and has then assessed any effects of replacing an existing development or use of the site with the proposed Project and whether the Project would prevent a neighbouring use from continuing. This includes public open space and common land where replacement land has been identified in accordance with policy.</p>
<p>5.168</p>	<p>Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality. Applicants should also identify any effects, and seek to minimise impacts, on soil quality, taking into account any mitigation measures proposed. Where possible, developments should be on previously developed (brownfield) sites provided that it is not of high environmental value. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination and how it is proposed to address this.</p>	<p>The Applicant has identified where it encroaches into areas to be classed as best and most versatile ('BMV') agricultural land. The Applicant has considered the requirements of paragraph 5.168 as set out in Table 9.2 of Chapter 9 (Geology and Soils) of the ES (Application Documents 3.2-3.4).</p> <p>Natural England Strategic Agricultural Land Classification ('ALC') Maps and Ministry of Agriculture, Fisheries and Food ('MAFF') Provisional ALC Maps have been consulted for the study areas, giving an indication of the likelihood of BMV agricultural land, that is, better quality land (Grade 1 to Grade 3a) and lower quality land (Grade 3b to Grade 5).</p> <p>For areas of temporary development, ALC grade as determined from the soil survey will be used to inform the restoration criteria; BMV is to be returned to the same quality as far as reasonably practicable to minimise BMV losses and limit permanent impacts. Further details are set out at section 9.9 (Essential Mitigation and Enhancement Measures) in Chapter 9 of the ES.</p> <p>An assessment of likely significant effects that could arise as a result of the Project has been undertaken and is set out at section 9.10 (Assessment of likely significant effects) of Chapter 9 of the ES. This confirms that a greater amount of poorer quality land will be lost (Grade 3b, 4 and 5) at 163.5ha compared to Grade 1-3a which results in 144ha lost. The Applicant has therefore sought to use areas of poorer quality land where this has been possible in lieu of higher quality land.</p> <p>Where potential impacts have been identified on soil quality during construction and operation phases, design, mitigation and enhancement measures have been</p>

		<p>established to minimise these impacts. Mitigation and enhancement measures are outlined at section 9.9 of Chapter 9 of the ES.</p> <p>The Project is an upgrade to an existing road and therefore where online widening is feasible it utilises the previously developed land, such as the MOD, but where it is not feasible routes have been selected to minimise negative impacts to the environment. The full reasoning of these alignments is set out in the in the PDOR (Application Document 4.1).</p> <p>Throughout Options Selection and Options Identification, a core principle adopted for the Appleby to Brough scheme was the aim to develop a route that could be constructed outside of the North Pennines AONB, UNESCO Global Geopark in accordance with the NNNPS paragraphs 5.151, 5.152, 5.154, and 5.155. Following a design review from both an environmental and engineering perspective at the beginning of the Preliminary Design stage, it was determined that the Appleby to Brough scheme could not be constructed without land take within the North Pennines AONB/ UNESCO Global Geopark.</p> <p>Potential impacts from possible contamination sources, pathways and key receptors have been identified from a variety of information sources within the study area. The locations of potential contamination sources have been identified relative to the Order Limits. The potential impact to geodiversity, soils, human health, surface water and groundwater quality from identified potential contamination sources has been established. Further details are set out at section 9.8 (Potential impacts) of Chapter 9 of the ES.</p> <p>Design, mitigation and enhancement measures have been put in place to address any impacts identified arising from potential contamination sources, ensuring they are appropriately mitigated. This is set out at section 9.9 of Chapter 9 (Geology and Soils) of the ES.</p>
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5.169	<p>Applicants should safeguard any mineral resources on the proposed site as far as possible.</p>	<p>The Applicant has assessed whether the Project would encroach into any areas where there are mineral resources and has taken adequate measures to safeguard mineral resources within the Project as far as is possible.</p> <p>Chapter 11 (Materials and Waste) of the ES (Application Documents 3.2-3.4) identifies the location of mineral consultation areas and/or Mineral Safeguarding Areas within the Order Limits. These designations largely occur to some extent within each scheme. See Figure 11.1 of Chapter 11 of the ES (Application Document 3.3) for a visual representation of such locations. The safeguarding of mineral resources is a key element of the assessment and methodology of the ES. This is set out further at sections 11.3, 11.7.8 and section 11.1.1 of Chapter 11 (Materials and Waste) of the ES. This chapter concludes that out of the eight schemes forming part of the Project, sterilisation of minerals would only occur at one location (Cross Lanes to Rokeby), and this has been minimised as far as is possible through the scheme’s design evolution as detailed in the PDOR (Application Document 4.1).</p> <p>As such, during the construction phase, this results in a significant adverse effect to the Carboniferous Limestone in this location, however, no significant effects are concluded at the operational stage of the Project.</p> <p>Based upon the above, the Project has taken all relevant measures to safeguard mineral resources in the vicinity of the DCO limits as far as possible.</p>
5.170-5.171	<p>The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and, if so, whether their proposal may be considered inappropriate development within the meaning of Green Belt policy.</p>	<p>The Project does not extend into any designated Green Belt land, Metropolitan Open Land or Local Green Space. The Project does encroach into areas of designated open space, and these are considered at paragraph 5.174 of this Appendix.</p>

	<p>Metropolitan Open Land, and land designated as Local Green Space in a local or neighbourhood plan, are subject to the same policies of protection as Green Belt, and inappropriate development should not be approved except in very special circumstances.</p> <p>Linear infrastructure linking an area near a Green Belt with other locations will often have to pass through Green Belt land. The identification of a policy need for linear infrastructure will take account of the fact that there will be an impact on the Green Belt and as far as possible, of the need to contribute to the achievement of the objectives for the use of land in Green Belts.</p>	
<p>5.173</p>	<p>Where the Project conflicts with a proposal in a development plan, the Secretary of State should take account of the stage which the development plan document has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented or precluded. The closer the development plan document is to being adopted by the local plan, the greater the weight which can be attached to the impact of the proposal on the plan.</p>	<p>At Chapter 3 of this document the Applicant has reviewed and assessed the relevant host authorities adopted and emerging local plans and considers weight should to be given to them by the SoS.</p> <p>As part of the cumulative assessment (Chapter 15 (Cumulative and Combined Effects) of the ES (Application Document: 3.2) an assessment of cumulative effects with other existing development and/or approved development sites was undertaken, which included the likely effects on planning allocations identified in the development plan and applications. The assessment found that there are several sites which have planning permission or are allocated close to all schemes except Bowes Bypass and A1(M) Junction 53 Scotch Corner. Chapter 15 concluded that there are no significant cumulative effects anticipated which would result in any new or materially different significant effects to those identified in each environmental factor chapter of the ES (Chapters 5-14).</p> <p>An assessment of the Project's accordance with relevant county and local plan policies has been completed at Appendices C and D of this document below.</p>

<p>5.174</p>	<p>The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the Project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.</p>	<p>The assessment within Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4) considers the Project's likely significant effects on green space and community sports facilities.</p> <p>Meetings have taken place with Sport England to discuss the proposals affecting Ullswater College rugby pitch at Penrith and the Ministry of Defence ('MoD') playing pitch and Replacement at Warcop, which is part of a permanent land acquisition from the MoD.</p> <p>The loss of the playing pitch, taken together with the loss of a helipad on the same land, represents a major adverse impact, which would be significant. However, the embedded mitigation within the scheme design means that both the playing field and helipad will be relocated to the south of the scheme, off Castlehill Road. The replacement facilities will be fully operational before the closure of the existing provisions due to the potential use as an emergency services helipad. As such the residual impact will be no change which will be a neutral effect</p> <p>The Kirkby Thore Primary School sports pitch will be temporarily required to facilitate the diversion of a utility and will be returned to its existing use upon completion of the diversion works. The temporary land take equates to approximately 0.15ha which is approximately 35% of the outdoor space available to the school. This represents a major adverse temporary impact on a very high sensitivity receptor, which will be a very large adverse significant effect. The benefits of the project and the benefits of the Temple Sowerby to Appleby scheme (as set out in the Case for the Project (Application Document:2.2) outweigh this temporary adverse effect.</p> <p>Under section 131 of the PA 2008, National Highways will provide replacement land in exchange for the Common Land being compulsorily acquired. "Replacement land" is defined in section 131(12) as land which is:</p> <ul style="list-style-type: none"> • Not less in area than the order land (the area proposed to be acquired). • No less advantageous to the persons, if any, entitled to rights of common or other rights.
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		<ul style="list-style-type: none"> • No less advantageous to the public. <p>The following areas of replacement land are required in order to conform with the section 131 of the PA 2008:</p> <ul style="list-style-type: none"> • 0.9ha of replacement Common Land at Wetheriggs Country Park and the loss of land at the Ullswater Community College rugby Field. It should be noted that the rugby field itself is not affected and suitable spectator areas are maintained. • 1.12ha of replacement Common Land at Ketland Common. <p>Both areas of mitigation will be operational prior to land take of the existing sites.</p> <p>Given the compensatory (replacement) land, and the wider transport, economic and environmental benefits arising from the Project and set out in the CftP at Chapter 3 (Application Document 2.2), it is considered that the loss of the small amount of open space would be outweighed by the benefits which the Project would deliver.</p> <p>For full details of the above assessments please see Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4).</p>
5.175	<p>Where networks of green infrastructure have been identified in development plans, they should normally be protected from development, and, where possible, strengthened by or integrated within it. The value of linear infrastructure and its footprint in supporting biodiversity and ecosystems should also be taken into account when assessing the impact on green infrastructure.</p>	<p>The assessment within the ES has accounted for open spaces and also any green infrastructure such as National Trails or PRoWs, within the study area. This is set out in section 13.7 (Baseline conditions) and section 13.9 (Potential impacts) of Chapter 13 (Human Health and Population) of the ES (Application Documents 3.2-3.4). The assessment has also taken account of development plans and planning applications as part of the cumulative impact assessment Chapter 15 (Cumulative Effects) of the ES (Application Documents 3.2-3.4).</p> <p>Section 13.3 (Legislation and Policy Framework) of Chapter 13 (Human Health and Population) of the ES (Application Documents 3.2-3.4) details the range of legislation</p>

		<p>which is applicable to the assessment and in turn which role is to protect green infrastructure. For example:</p> <ul style="list-style-type: none"> • The Commons Registration Act 1965 concerns the registration of rights to Common Land, town greens, and village greens in England and Wales. • The Countryside and Rights of Way Act 2000 improves rights of way legislation by encouraging the creation of new routes and clarifying uncertainties about existing rights, whilst obliging the highway authority to recognise the needs of the mobility impaired when undertaking improvements. • The National Parks and Access to the Countryside Act 1949 sets out the protection for national trails (including the Pennine Way) and the mechanism by which they can be diverted. <p>Mitigation and enhancement measures have also been included in the design including the re-provisioning of any common land which is lost as a result of the Project. This includes 0.9ha of replacement Common Land at Wetheriggs Country Park and replacement of the loss of land at the Ullswater Community College Rugby Field (open access land). 1.12ha of common land at Ketland Common will also be re-provided. Full details are set out at section 13.9 (Essential mitigation and enhancement measures) and section 13.10 (Assessment of likely significant effects) of Chapter 13.</p> <p>The Applicant would create a network of green infrastructure and subsequent habitat creation along the Project route. Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4) provides details of such habitat creation and implementation of green bridges and greening of overbridges to provide connectivity.</p>
5.176	<p>The decision-maker should take into account the economic and other benefits of the best and most versatile agricultural land. The decisionmaker should give little weight to the loss of agricultural land in grades 3b, 4 and 5, except in areas (such as uplands) where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy.</p>	<p>The Applicant has assessed and reviewed any possible encroachment into land which is considered BMV agricultural land. See the response to NNNPS paragraph 5.168 above.</p> <p>Each scheme within the Project route has been subdivided into discrete sections allow the appraisal of local BMV classification. This is set out in further detail at section 9.8</p>

		<p>(Potential impacts) at Chapter 9 (Geology and Soils) of the ES (Application Documents 3.2-3.4).</p> <p>Potentially adverse impacts are characterised, and suitable design and mitigation measures have been defined for implementation. This is defined at section 9.9 (Essential mitigation and enhancement measures) at Chapter 9 of the ES. Significant impacts to the ALC and BMV are anticipated. Due to the surrounding environment and the nature of the Project comprising online improvements to an existing road, there is limited opportunity to avoid such impacts to soil. The EMP (Application Document 2.7) has been developed to contain measures to ensure compliance with relevant standards and legislation.</p> <p>Section 13.10 of Chapter 13 (Population and Human Health) of the ES identifies the likely significant effects on agricultural land holdings at the construction and operational phases. This section sets out the impact on a scheme-by-scheme basis.</p> <p>In terms of agricultural land in grades 3b, 5 and 5, a total of 163.5ha of soils will be lost.</p> <p>On a route-wide basis, with temporary land take returned to the farm holding post construction, it is considered that the majority of agricultural holdings would continue to operate, particularly given mitigation measures such as new overbridges which seek to provide ongoing access between land and key infrastructure. Overall, during operation it is therefore considered that there would be neutral effects on agricultural holdings.</p> <p>Agricultural holdings within the wider 500m study area would experience no loss or alteration of characteristics, features, elements or accessibility during operation (no change) which when combined with their low sensitivity would lead to a neutral effect.</p>
5.180	Where green infrastructure is affected, applicants should aim to ensure the functionality and connectivity of the green infrastructure network is maintained and any necessary works are undertaken, where possible,	The assessment has accounted for open spaces and also any green infrastructure such as Nationals or PRowS, within the study area. See the response to NNNPS paragraphs 5.174 and 5.175 above.

	to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space, including appropriate access to new coastal access routes, National Trails and other public rights of way.	
5.181	The Secretary of State should also consider whether mitigation of any adverse effects on green infrastructure or open space is adequately provided for by means of any planning obligations, for example, to provide exchange land and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness, quality and accessibility. Alternatively, where sections 131 and 132 of the PA 2008 apply, any replacement land provided under those sections will need to conform to the requirements of those sections.	Section 131 of the PA 2008 applies to this Project. As such, the applicant will provide replacement land in exchange for the Common Land being compulsorily acquired. See the response to NNNPS paragraph 5.174 above.
5.182	Where a proposed development has an impact on a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources.	The Applicant has taken account of its surrounding site context, considered whether the Project would have any impact on a Mineral Safeguarding Area (MSA) and put forward appropriate mitigation to safeguard mineral resources. See the response to NNNPS paragraphs 5.169 above and 5.183 below.
5.183	Where a project has a sterilising effect on land use there may be scope for this to be mitigated through, for example, using the land for nature conservation or wildlife corridors or for parking and storage in employment areas.	The Applicant has assessed whether it is likely to have a sterilising effect on MSAs crossing or close to the Project at section 11.9 of Chapter 11: Materials and Waste of the ES. Sterilisation of an MSA has been identified for the Cross Lanes to Rokeby scheme only. The design follows the existing carriageway and would only impact a small portion of

		<p>the wider resource. Encroachment into the MSA is due to new adjacent eastbound carriageway to the south between the B6277 junction at Cross Lanes and the existing Tutta Beck Cottage access and will include significant engineering interventions. The scheme has been refined to reduce the overall footprint of the Cross Lanes and Rokeyby junctions, thus minimising encroachment into the MSA.</p>
<p>5.184</p>	<p>Public rights of way, National Trails, and other rights of access to land (e.g. open access land) are important recreational facilities for walkers, cyclists and equestrians. Applicants are expected to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other public rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve access. In considering revisions to an existing right of way consideration needs to be given to the use, character, attractiveness and convenience of the right of way. The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements in respect of these measures might be attached to any grant of development consent.</p>	<p>The Applicant has considered the Project's possible effects on any existing PRoW, National Trails, and other right of access to land which are used by walkers, cyclists and equestrians ('WCH') and relevant mitigation measures have been incorporated into to the Project design to address any adverse effects.</p> <p>Section 13.8 of Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4) describes the mitigation and enhancement measures that are proposed. These would involve enhancements to existing PRoWs to improve connection across the A66 and prevent severance of communities.</p> <p>As defined in the Project Design Principles (Application Document 5.11), the Project will be guided by Theme AT1, under the wider Theme B umbrella of '<i>Designs to enhance experience for all users and serve the local community</i>'. This means that where PRoWS and non-motorised user routes are to be provided or re-aligned to accommodate the Project, consideration must be given to both the utility and the aesthetic qualities of the detailed design of such routes (e.g. surface and boundary treatment, visual outlook and interface), to maximise their potential use for sustainable travel and commuting. This design principle will be secured as part of the DCO.</p> <p>Amongst the Design Principles of the Project Design Report (Application Document 2.4) within the section 'Good Road Design is Inclusive', it is noted that the principle for WCH is to integrate the needs of walkers, cyclists and horse riders within designs, incorporating the network of PRoW around the A66 that designs tie in with. The network comprises mainly of footpaths and a small number of bridleways and restricted byways. Where the Project proposals could affect the existing PRoW, appropriate mitigation measures are being integrated into designs, including safe crossing points where necessary. Full details are set out within the Walking, Cycling and Horse Riding</p>

		<p>Proposals (Application Document 2.4). In considering these enhancements and revisions, the use, character, attractiveness and convenience of the PRow has been considered.</p> <p>Baseline data gathering is presented in section 13.4 of Chapter 13 (Population and Human Health) of the ES which identifies that the type, location and extent of WCH provision (for example PRowS) within the study area and their frequency of use was all reviewed and considered.</p> <p>The mitigation measures proposed for PRow would be attached to a grant of development consent and are specified within the draft DCO (Application Document 5.1).</p>
Noise and vibration		
5.186	<p>Excessive noise can have wide-ranging impacts on the quality of human life and health (e.g. owing to annoyance or sleep disturbance), use and enjoyment of areas of value (such as quiet places) and areas with high landscape quality. The Government's policy is set out in the Noise Policy Statement for England. It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to buildings. In this section, in line with current legislation, references below to "noise" apply equally to assessment of impacts of vibration.</p>	<p>The Applicant has considered the impacts of noise and vibration. This is set out at Chapter 12 (Noise and Vibration) of the ES (Application Documents 3.2-3.4).</p> <p>An assessment of likely significant effects from construction noise and vibration and operational noise has been undertaken and is presented in the ES at Chapters 10 (Landscape and Visual Impact Assessment) and Chapter 13 (Population and Human Health) (Application Document 3.2).</p> <p>The Project has duly considered the Noise Policy Statement for England as presented in paragraphs 12.3.2 and 12.3.3 of section 12.3 Legislation at Chapter 12 (Noise and Vibration) of the ES.</p> <p>During the construction phase, there are expectant significant temporary adverse effects to residents along the entire route. The operation of the Project is predicted to give rise to beneficial effects at 408 residential and 46 non-residential receptors where the existing A66 is by-passed and where the traffic volume on the by-passed roads decreases. There are three NIAs predicted to be subject to significant beneficial effects. Conversely, there are 128 residential and 6 non-residential receptors which are</p>

		<p>predicted to experience significant adverse effects as a result of noise increase arising from the Project.</p> <p>Noise reduction measures have been embedded within the Project such as the selection of the vertical and horizontal alignment and the use of road surfacing (where appropriate) with lower noise generating characteristics than standard hot rolled asphalt road surfacing. Noise barriers in the form of earth bunds have been implemented, as far as it is practicable, to minimise any adverse impacts arising from noise emissions. Additional noise barriers have been proposed, where sustainable, in locations where change in noise levels is expected to be significant in order to lessen impacts.</p> <p>Furthermore, the Principal Contractor (PC) will determine whether applications under Section 61 of the Control of Pollution Act 1974 are appropriate or required in relation to noise management. Within this application, a detailed construction assessment will be undertaken using the most up to date construction information to enable further noise and vibration predictions to be completed in line with the latest working method(s) and construction program.</p>
5.187	<p>Noise resulting from a proposed development can also have adverse impacts on wildlife and biodiversity. Noise effects of the proposed development on ecological receptors should be assessed in accordance with the Biodiversity and Geological Conservation section of this NPS.</p>	<p>The Applicant has considered the noise effects of its proposed development on wildlife and biodiversity. Ecology is considered a sensitive receptor that could be affected by changes to noise and vibration.</p> <p>Effects of impacts on wildlife and biodiversity from noise have been assessed in Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4). This identifies that construction activities including vehicle and personnel movements, noise and vibration may have potential impacts on sensitive species such as breeding and over-wintering birds, roosting bats and other mammals such as otters.</p> <p>Essential mitigation and enhancement as outlined in Chapter 6 (Biodiversity) of the ES presents measures to ensure no significant effects are anticipated on Biodiversity. Such measures include:</p>

		<ul style="list-style-type: none"> • Adherence to the EMP (Application Document 2.7) in which avoidance and mitigation measures have been included to minimise the effects of construction on biodiversity features. Measures include, but are not limited to, the following: • Construction works will need to be undertaken sensitively in proximity to identified bat roosts and established flight lines, with particular emphasis on key seasonal timings for bats, namely the maternity period and the weeks before and after the hibernation period. These key periods extend from May to August and November to March respectively. Protection zones around roosts are dependent on the type of work being undertaken. For light works using handheld tools, a 10m protection zone is recommended. For works generating noise and vibration, a minimum 30m protection zone should be applied. • instream works resulting in species fragmentation will be undertaken outside of the key salmonid breeding season; construction activities resulting in excess noise and vibration will be sensitively timed to reduce disturbance impacts on migrating fish; night working will be avoided where practicable adjacent to watercourses and will only be implemented where traffic management on a road necessitates it for safety; • construction activity in the area surrounding Monks Rest Farm (Roost 35) will require consultation with the ECoW to determine requirement for restrictions to work activities to prevent direct and indirect roost disturbance effects. These may include, but are not limited to, timing of works within certain months of the year, lighting plans to reduce overnight light spill, limitation of works generating noise and vibration within 30m of the roost and further surveys, for example endoscope or thermal imaging checks. <p>Noise effects of the proposed development on ecological receptors have been assessed in accordance with the Biodiversity and Geological Conservation section of the NPS.</p>
5.189	Where a development is subject to EIA and significant noise impacts are likely to arise from the proposed development, the applicant should include the following	A noise assessment has been completed as part of the ES for the Project. This is detailed in full at Chapter 12 (Noise and Vibration) of the ES (Application Documents 3.2-3.4) and identifies that the Project has the potential to cause likely significant noise and vibration impacts.

	<p>in the noise assessment, which should form part of the environment statement:</p> <ul style="list-style-type: none"> · a description of the noise sources including likely usage in terms of number of movements, fleet mix and diurnal pattern. For any associated fixed structures, such as ventilation fans for tunnels, information about the noise sources including the identification of any distinctive tonal, impulsive or low frequency characteristics of the noise. identification of noise sensitive premises and noise sensitive areas that may be affected. the characteristics of the existing noise environment. a prediction on how the noise environment will change with the proposed development: ○ In the shorter term such as during the construction period; ○ in the longer term during the operating life of the infrastructure; ○ at particular times of the day, evening and night as appropriate. · an assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas. · measures to be employed in mitigating the effects of noise. Applicants should consider using best available techniques to reduce noise impacts. · the nature and extent of the noise assessment should be proportionate to the likely noise impact. 	<p>As presented in the ES, during construction the Project has the potential to cause likely significant noise and vibration impacts</p> <p>Taking each of the points denoted in paragraph 5.189 in turn:</p> <ul style="list-style-type: none"> • There is no relevant plant associated with the operation of the Project and traffic noise sources are addressed within the calculation of road traffic noise. Details are provided in the TA (Application Document 3.7) for operational noise and in Appendix 12.2 (Construction Assessment Assumptions) of the ES (Application Document 3.4) for construction noise and vibration. • Noise sensitive receptors have been identified through the study area and have been used to inform the assessment of likely significant effects from construction and operational noise. The method for identifying likely significant effects of noise and vibration from construction and operation of the Project, within an identified study area (as defined within section 2.6: Study Area), is aligned with DMRB LA 111 and Government noise policy. • In regard to the characteristics of the existing noise environment, baseline noise surveys were undertaken to inform the understanding of the existing noise environment. This is detailed in section 12.7 of Chapter 12 and Appendix 12.1 (Baseline Noise Survey Results) of the ES (Application Document 3.4). • An assessment of likely significant effects from operational noise has been undertaken and is presented within the ES. This includes an assessment of both the short term and long term. All construction and operational noise changes are also presented in this section. This is referenced in section 12.10 (Assessment of likely significant effects) of Chapter 12 of the ES. The approach to the assessment itself and methodology is presented in section 12.4 (Assessment methodology). This section also presents how change in noise levels during the daytime and night-time effect dwellings or sensitive receptors.
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		<ul style="list-style-type: none"> • Mitigation measures on options to mitigate noise effects have been considered and referenced in section 12.9 (Essential Mitigation and Enhancement measures) of Chapter 12 of the ES. • All construction and operational noise changes are presented in section 12.10 (Assessment of likely significant effects) of Chapter 12. The assessment has been undertaken in a proportional manner to the likely noise impact. • Following <i>DMRB LA 111</i>, road links with potential to experience a short-term BNL change of more than 1dB (A) as a result of the Project have been included within the study area which is provided at section 12.6 of Chapter 12 of the ES. <p>In summary, the Applicant has taken the relevant steps and completed a noise assessment forming part of the ES which is summarised above.</p>
5.190	<p>The potential noise impact elsewhere that is directly associated with the development, such as changes in road and rail traffic movements elsewhere on the national networks, should be considered as appropriate.</p>	<p>The Applicant has considered all relevant noise receptors which have the potential to be impacted by noise that is directly associated with the development. The details of potential noise impacts are provided in section 12.6 (Study area) of Chapter 12 (Noise and Vibration) of the ES (Application Document 3.4). The study area of these potential noise receptors has been determined using the guidance provided within <i>DMRB LA 111</i>.</p> <p>Construction traffic can have a temporary impact on sensitive receptors located along existing roads. The potential for such impacts is dependent on the volume and route of construction traffic.</p> <p>During construction, it may be occasionally necessary to divert traffic off the A66 to allow works to be undertaken. <i>DMRB LA 111</i> states that any receptor within 25m of a diversion route at night would be subject to a major noise impact. Where this major noise impact would exceed 10 or more nights in any consecutive 15 nights or 40 nights</p>

		<p>in any six consecutive months, this would be considered to cause a potential temporary significant effect.</p> <p>Having regard to changes in road and rail traffic movements elsewhere on the national networks, diversion routes when construction works on the A66 take place, have the potential to give rise to adverse impacts upon receptors in close proximity to such routes. These diversion routes are only likely to be required for limited activities and unlikely to be for significant durations. There is likely to be temporary significant effects to any receptor within 25 metres of a diversion route. At this stage diversion routes are yet to be confirmed. The selection of diversion routes will be conducted in line with the EMP and respective NVMP (Application Document 2.7) and Construction Traffic Management Plan (CTMP) (Application Document 2.7).</p> <p>Following the routewide assessment, which includes those areas between schemes, a scheme-by-scheme assessment has been completed where all sensitive residential and non-residential receptors (within the study area) are presented. There are 109 receptors located in-between schemes or close to roads predicted to experience a significant permanent beneficial effect as a result of the operation of the Project. These receptors are located around Cliburn and Bolton (alongside Wetheriggs and Chapel Street to the south-east of Penrith), Barnard Castle (alongside A67 and Newgate), Ravensworth (alongside Waitlands Lane and Stonygate Bank) and Richmond (alongside Gallowgate)</p> <p>28 non-residential receptors are predicted to experience a significant permanent beneficial effect as a result of the operation of the Project. These receptors are located in Barnard Castle and Richmond.</p> <p>Noise Important Areas ('NIAs') are locations in England where the top 1% of the population that are affected by the highest noise levels are located. 11 NIAs have been identified adjacent to the existing A66 within the study area. During operation, two NIA's are predicated to experience a significant permanent beneficial effect (Temple Sowerby to Appleby and Stephen Bank to Carkin Moor).</p>
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5.191	Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. The prediction of road traffic noise should be based on the method described in Calculation of Road Traffic Noise. The prediction of noise from new railways should be based on the method described in Calculation of Railway Noise. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies.	<p>The Applicant has assessed construction and operational noise in respect of human receptors using the principles of the relevant British Standards and other guidance in section 12.4 of Chapter 12 (Noise and Vibration) of the ES (Application Document 3.4).</p> <p>Please see the response to NNNPS paragraph 5.189 within this Appendix. Section 12.3 of Chapter 12 (Noise and Vibration) of the ES (Application Document 3.4) confirms that the assessment has been compiled in accordance with relevant standards and guidance including, Calculation of Road Traffic Noise (CRTN) 1988 (Department for Transport, 1988). Furthermore, paragraph 12.4.18 identifies that the magnitude of impact of construction traffic noise is determined using Construction Basic Noise Level (BNL) impact magnitudes. The BNL is calculated using the principles defined in the <i>Calculation of Road Traffic Noise (CRTN) 1988</i> (Department for Transport, 1988), as required by <i>DMRB LA 111</i> and <i>NNNPS</i>.</p>
5.192	The applicant should consult Natural England with regard to assessment of noise on designated nature conservation sites, protected landscapes, protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be taken into account.	<p>The Applicant team and Applicant have consulted with Natural England with regard to assessment of noise of designated nature conservation sites, protected landscapes and protected species or other wildlife.</p> <p>Details of this consultation are set out in ES Chapter 6 (Biodiversity). Chapter 6 also includes an assessment of the effects of noise and vibration on ecological receptors based on the results presented in Appendix 12.6 (Noise and Vibration Results at Ecology Receptors) of the ES (Application Document 3.3). The locations of the ecological receptors are shown in Figure 12.8 (Noise and Vibration Assessment – Location of Ecology Receptors) of the ES (Application Document 3.4).</p> <p>This identifies that construction activities including vehicle and personnel movements, noise and vibration may have potential impacts on sensitive species such as breeding and over-wintering birds, roosting bats and other mammals such as otters. Essential mitigation and enhancement as outlined in Chapter 6 (Biodiversity) of the ES presents measures to ensure no significant effects are anticipated on Biodiversity.</p>
5.193	Developments must be undertaken in accordance with statutory requirements for noise. Due regard must	The Project has been assessed in accordance with the relevant statutory requirements for noise. Equally, due regard has been given to the relevant sections of the Noise

	have been given to the relevant sections of the Noise Policy Statement for England, National Planning Policy Framework and the Government's associated planning guidance on noise.	Policy Statement for England ('NPSE'), NPPF, NNNPS and related policy and guidance documents. Details of Government policies and guidance used in the assessment are provided in section 12.3 of Chapter 12 (Noise and Vibration) of the ES (Application Documents 3.2-3.4).
5.194	The Project should demonstrate good design through optimisation of scheme layout to minimise noise emissions and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission. The Project should also consider the need for the mitigation of impacts elsewhere on the road and rail networks that have been identified as arising from the development, according to Government policy.	<p>The Applicant has incorporated mitigation measures which are proportionate and reasonable. Good design of these measures is considered throughout Chapter 12 (Noise and Vibration) of the ES (Application Documents 3.2-3.4) and discussed in full detail at section 12.9 of that chapter.</p> <p>Measures include Best Practicable Means during construction and low-noise surfacing, alignment, landscaping bunds and cutting for operation.</p> <p>Measures also include noise mitigation measures for the operation of the Project which include reflective barriers proposed for a number of properties and a proposed embankment on the north end of the village at Kirkby Thore.</p> <p>Impacts elsewhere along the route will be mitigated and enhanced through measures such as installation of 2-4m barriers along the perimeter of the receptor and earthworks embedded into the design such as combinations of cutting and earth bund. There are 109 receptors located in-between schemes or close to roads predicted to experience a significant permanent beneficial effect as a result of the operation of the Project. These receptors are located around Cliburn and Bolton (alongside Whetheriggs and Chapel Street to the south-east of Penrith), Barnard Castle (alongside A67 and Newgate), Ravensworth (alongside Waitlands Lane and Stonygate Bank) and Richmond (alongside Gallowgate). A further 28 non-residential receptors are predicted to experience a significant permanent beneficial effect as a result of the operation of the Project. These receptors are located in Barnard Castle and Richmond.</p>
5.195	The Secretary of State should not grant development consent unless satisfied that the proposals will meet,	Assessments have been conducted in conformity with the NPSE and related policy and guidance documents. The Project meets the aims listed with the paragraph as defined

	<p>the following aims, within the context of Government policy on sustainable development:</p> <ul style="list-style-type: none"> - avoid significant adverse impacts on health and quality of life from noise as a result of the new development; - mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and - contribute to improvements to health and quality of life through the effective management and control of noise, where possible. 	<p>within Chapter 12 (Noise and Vibration) (Application Document 3.2) and is shown to meet the stated aims at Table 12-46 of that Chapter.</p> <p>This is as follows:</p> <p><i>Aim 1: Avoid significant adverse impacts on health and quality of life from noise (NPSE describes this aim in relation to impacts above the SOAEL)</i></p> <p>The road alignment, design and implementation of mitigation measures aim to avoid significant adverse effects from construction noise and vibration. In instances where significant adverse effects cannot be avoided further measures have been considered to mitigate and minimise such effects. The methods to control noise and vibration are provided in the EMP and the NVMP (Application Document 2.7).</p> <p><u>Construction</u></p> <p>Residual significant adverse effects have been reported in this assessment for construction noise and vibration. Where it is practicable and sustainable, further mitigation will be considered to avoid significant effects as part of the NVMP and Section 61 applications that will be prepared as required by the EMP (Application Document 2.7) following engagement with local authorities and stakeholders.</p> <p><u>Operation</u></p> <p>Residual significant adverse effects are also predicted for operational noise. A total of 17 residential receptors and 5 non-residential receptors will experience significant adverse effects above the SOAEL. Four residential receptors are identified as potential qualifiers for noise insulation.</p> <p>Operational significant adverse effects will be minimised as far as practicable and sustainable through scheme design and embedded mitigation, including scheme alignment and the use of lower noise road surface and noise screening where it is sustainable to do so.</p>
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		<p>For receptors with a predicted operational significant adverse effect, the viability has been assessed of providing a noise barrier in the form of a fence to avoid these significant effects. Details of the process are presented in section 12.9.6 - 12.9.10. Table 12 20: Noise mitigation measures for operation of the scheme, summarises the essential mitigation assessed to be practicable and sustainable.</p> <p>Where appropriate, the potential fence noise barriers set out in Table 12 20: Noise mitigation measures for operation of the scheme and identified within the EMP (Application Document 2.7), will need to be discussed with relevant stakeholders (including, where appropriate, property owners) before they can be implemented as the decision to install a barrier needs to consider the potential visual and aesthetic impacts as well as the noise benefits. The significant effects identified in the assessment are likely to be avoided if the barrier was implemented (where sustainable to do so).</p> <p>Noise insulation will be offered to eligible properties where appropriate to avoid indoor significant adverse effects, however, this does not alter the assessment of overall significance of effect at these receptors.</p> <p><i>Aim 2: Mitigate and minimise other adverse impacts on health and quality of life from noise (NPSE describes this aim in relation to impacts between the LOAEL and SOAEL)</i></p> <p>Adverse noise and vibration impacts during the construction phase will be mitigated and minimised through BPM as detailed within the EMP and NVMP (Application Document 2.7).</p> <p>Adverse impacts from operational noise have been identified at sensitive receptors which will be subject to noise levels between LOAEL and SOAEL. Impacts are minimised as far as practicable and sustainable through scheme design and embedded mitigation, including scheme alignment and the use of lower noise road surface and noise screening.</p>
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		<p>Where sustainable to do so, the viability of providing a noise barrier in the form of a fence has been assessed. Details of the process are presented in section 12.9.6 - 12.9.10. Table 12 20: Noise mitigation measures for operation of the scheme summarises the essential mitigation assessed to be practicable and sustainable.</p> <p>The potential barriers set out in Table 12 20: Noise mitigation measures for operation of the scheme and identified within the EMP (Application Document 2.7), will need to be discussed and agreed with relevant stakeholders (including, where appropriate, property owners) before they can be implemented as the decision to install a barrier needs to consider the potential visual and aesthetic impacts as well as the noise benefits.</p> <p>Some residual adverse effects for operational noise between the LOAEL and SOAEL have been identified in this assessment in spite of the proposed mitigation measures.</p> <p><i>Aim 3: Contribute to improvements to health and quality of life through the effective management and control of noise where possible. (This applies to all noise levels)</i></p> <p>As a result of the Project's alignment selection and decrease in traffic flows on bypassed roads, significant beneficial effects have been identified at 408 residential receptors and 46 non-residential receptors. Noise levels within three NIAs are predicted to experience a reduction in noise as a result of the Project.</p> <p>Of the 408 residential receptors, the Project will reduce the operational noise levels at 140 properties from above the SOAEL to between LOAEL and SOAEL. 18 residential receptors are predicted to be subject to beneficial significant effects but noise levels will remain above SOAEL. 250 residential receptors between LOAEL and SOAEL are predicted to be subject to significant beneficial effects.</p>
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		<p>For non-residential receptors, there are 34 receptors above SOAEL and with the operation of the Project are predicted to be subject to noise levels between LOAEL and SOAEL. Two non-residential receptors are predicted to be subject to beneficial significant effects but noise levels will remain above SOAEL.</p> <p>There are 10 non-residential receptors between LOAEL and SOAEL which are predicted to experience a significant beneficial effect.</p> <p>Based upon the above, the Project meets the aims of paragraph 5.195 of the NNNPS.</p>
5.196	In determining an application, the Secretary of State should consider whether requirements are needed which specify that the mitigation measures put forward by the applicant are put in place to ensure that the noise levels from the Project do not exceed those described in the assessment or any other estimates on which the decision was based.	Mitigation measures form part of the DCO submission. Section 12.9 of Chapter 12 (Noise and Vibration) of the ES (Application Documents 3.2-3.4) sets out the essential mitigation for construction and operational noise, also specified in the EMP forming part of the Appendices of the ES (Application Documents 3.2-3.4). This document is secured as part of the DCO application and will be used by the Principal Contractor during the detailed design phase.
5.197	The Examining Authority and the Secretary of State should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the Project application. The Secretary of State may wish to impose requirements to ensure delivery of all mitigation measures.	As per NNNPS paragraph 5.196 above.
5.198	<p>Mitigation measures for the Project should be proportionate and reasonable and may include one or more of the following:</p> <ul style="list-style-type: none"> - engineering: containment of noise generated; - materials: use of materials that reduce noise, (for example low noise road surfacing); 	As per the response to NNNPS paragraph 5.194 above.

	<ul style="list-style-type: none"> · lay-out: adequate distance between source and noise-sensitive receptors; incorporating good design to minimise noise transmission through screening by natural or purpose built barriers; · administration: specifying acceptable noise limits or times of use (e.g., in the case of railway station PA systems). 	
5.199	<p>For most national network Projects, the relevant Noise Insulation Regulations will apply. These place a duty on and provide powers to the relevant authority to offer noise mitigation through improved sound insulation to dwellings, with associated ventilation to deal with both construction and operational noise. An indication of the likely eligibility for such compensation should be included in the assessment. In extreme cases, the applicant may consider it appropriate to provide noise mitigation through the compulsory acquisition of affected properties in order to gain consent for what might otherwise be unacceptable development. Where mitigation is proposed to be dealt with through compulsory acquisition, such properties would have to be included within the development consent order land in relation to which compulsory acquisition powers are being sought.</p>	<p>The Project has considered noise insulation measures. Section 12.3 (Legislation) of Chapter 12 (Noise and Vibration) of the ES (Application Document 3.2-3.4) confirms that the Noise Insulation Regulations 1975 have been considered.</p> <p>Noise insulation is considered in paragraphs 12.9.5, 12.9.10 and 12.9.11 with likely eligible properties identified at paragraph 12.10.23 at Chapter 12 (Noise and Vibration) of the ES (Application Documents 3.2-3.4).</p> <p>Best Practicable Means ('BPM') is assumed as essential mitigation and will be implemented to control construction noise, including in the form of low noise emission plant and processes (as specified in <i>BS 5228-1 Annex B - Noise sources, remedies and their effectiveness</i>)</p> <p>If situations arise where, despite the implementation of BPM, the noise exposure exceeds the criteria defined in the EMP, the Principal Contractor(s) may offer noise insulation to affected properties or ultimately, temporary re-housing. However, it is not anticipated that the latter will be required for this Project.</p> <p>The DCO will secure these measures as part of the EMP to ensure that all noise controls are implemented which will also include verification of the effectiveness of any installed mitigation measures.</p>
5.200	<p>Applicants should consider opportunities to address the noise issues associated with the Important Areas</p>	<p>The Project has reviewed and considered opportunities to address any noise issues associated with the NIAs as identified through the noise action planning process.</p>

	<p>as identified through the noise action planning process.</p>	<p>NIAs are discussed in section 12.10 of Chapter 12 (Noise and Vibration) of the ES (Application Documents 3.2-3.4). All but one of the NIAs identified are shown to experience a decrease in noise levels from the unmitigated Project. The exception being the NIA at M6 Junction 40 to Penrith Kemplay Bank.</p> <p>The Project has been designed to avoid and minimise potential adverse noise and vibration effects through the process of design development and consideration of good design principles. All design and embedded mitigation measures for noise and vibration impacts, for example, the road alignment, cuttings, low noise road surfacing and landscaped earthworks to mitigate visual impact and reduce noise, are reported within Chapter 4 (Environmental Assessment Methodology) of the ES (Application Documents 3.2-3.4).</p> <p>As such, the Project has addressed noise issues through the noise action planning process.</p>
<p>Impact on transport networks</p>		
<p>5.203-5.205</p>	<p>Applicants should have regard to the policies set out in local plans, for example, policies on demand management being undertaken at the local level.</p> <p>Applicants should consult the relevant highway authority, and local planning authority, as appropriate, on the assessment of transport impacts.</p> <p>Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. As part of this, consistent with paragraph 3.19-3.22 above, the applicant should provide evidence that as part of the Project they have used reasonable endeavours to address any existing</p>	<p>The Applicant has had regard to the policies set out in the relevant host authorities local plans. Equally, the applicant has engaged in discussions with the relevant highways authorities (NYCC, DCC and CCC) at all stages of the development of the Project. The relevant policies set out within these local plans have been set out at Appendix B of this document.</p> <p>The Project's design has incorporated all reasonable opportunities to support other transport modes in developing its infrastructure. This includes public transport users and WCH users. Full details regarding WCH provision for each scheme has been set out in the Walking, Cycling and Horse Riding Proposals report (Application Document 2.4). These proposals ensure that severance issues have been addressed and incorporated into the Project's design – resulting in an east to west WCH connection along the A66 schemes.</p>

	<p>severance issues that act as a barrier to non-motorised users.</p>	
<p>5.206</p>	<p>For road and rail developments, if a development is subject to EIA and is likely to have significant environmental impacts arising from impacts on transport networks, the applicant’s environmental statement should describe those impacts and mitigating commitments. In all other cases the applicant’s assessment should include a proportionate assessment of the transport impacts on other networks as part of the application.</p>	<p>The Project is accompanied by an ES (Application Documents 3.2-3.4), whereby any environmental impacts arising from the Project have been described and the required mitigation impacts considered and outlined.</p> <p>In addition, the Project is supported by a TA (Application Document 3.7), which considers the transport impacts of the Project on other networks.</p>

5.208	<p>Where appropriate, the applicant should prepare a travel plan including management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport and sustainable modes where relevant, to reduce the need for any parking associated with the proposal and to mitigate transport impacts.</p>	<p>The Project has considered management measures in order to mitigate transport impacts.</p> <p>Traffic Management Plans ('TMPs') that will be part of the EMP (Application Document 2.7) will be developed as detailed design progresses to enable the safe and smooth delivery of the Project. Key traffic management principles which will be reflected in the TMPs. Key principles include:</p> <ul style="list-style-type: none"> • Formation of access points • Offline works • Traffic navigation in traffic management areas • Traffic navigation on new road lengths • Online working during less busy periods • Large activity road closures • Traffic management at junctions • Keeping traffic moving. <p>It is likely that a Construction Worker and Accommodation Travel Plan will form part of the EMP (Application Document 2.7) and will be developed during detailed design and then managed through the construction process. This plan would determine how the construction teams manage worker travel and accommodation where required, within agreed limits to prevent impacts on stakeholders and local businesses.</p> <p>No operational Travel Plan is required, as the Project itself is not a source of transport impacts which would need to be addressed within a Travel Plan.</p>
5.209	<p>For schemes impacting on the Strategic Road Network, applicants should have regard to DfT Circular 02/2013 The Strategic Road Network and the delivery of sustainable development (or prevailing policy) which sets out the way in which the highway authority for the Strategic Road Network, will engage with communities and the development industry to deliver sustainable</p>	<p>The Project obviously impacts the SRN. As referenced in the TA (Application Document 3.7), the applicant has had regard to DfT Circular 02/2013 in delivering sustainable development. This is set out in further detail in chapters 3 and 10 of the TA.</p> <p>Stakeholder and public consultation has also been carried out during the development of the Project design, see the Consultation Report (Application Document 4.4). The</p>

	development and, thus, economic growth, whilst safeguarding the primary function and purpose of the Strategic Road Network.	design has continued to evolve following consultation feedback in order to bring forward sustainable development.
5.210	If new transport infrastructure is proposed, applicants should discuss with network providers the possibility of co-funding by Government for any third-party benefits. Guidance has been issued in England which explains the circumstances where this may be possible. The Government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time and cannot provide financial support to a scheme that solely mitigates the impacts of a specific development. Any decisions on co-funded transport infrastructure will need to be taken in the context of the Government's wider policy of transport improvements.	The Funding Statement (Application Document 5.6) sets out the funding arrangements for the Project. The Project will be fully funded by the DfT and consequently the Project is not dependant on funding contributions from other parties.
5.211	The Examining Authority and the Secretary of State should give due consideration to impacts on local transport networks and policies set out in local plans, for example, policies on demand management being undertaken at the local level.	This document at Appendices B, C, and D provides a high-level assessment of the Project's strategic alignment with current planning policies as set out in the relevant local plans of NYCC, DCC, CCC, EDC and RDC.
5.212	Schemes should be developed, and options considered in the light of relevant local policies and local plans, taking into account local models where appropriate, however the scheme must be decided in accordance with the NPS except to the extent that one or more of sub-sections 104(4) to 104(8) of the PA 2008 applies.	The Project has been designed and takes account of relevant local policies, local plans and local models where appropriate. These are considered in the policy conformity tables within Appendices C and D of this document. In addition, local models have been taken into account at section 7 (Forecast local network performance) of the TA (Application Document 3.7)

		The Project has been reviewed against the NNNPS and is considered to be in accordance with the policies contained therein. A review of sub-sections 104(4) to 104(8) of the PA 2008 as they apply to the Project is set out in chapter 2 of this document and at chapter 7 of the CftP (Application Document 2.2).
5.215	Mitigation measures for schemes should be proportionate and reasonable, focussed on promoting sustainable development.	The ES (Application Documents 3.2-3.4) contains a full and robust assessment of the relevant impacts that are likely to arise from the Project, and where significant impacts are identified, sets out ways in which it is proposed that those impacts are avoided, reduced or mitigated. Those mitigation measures also take account of relevant policy, including the promotion of sustainable development.
5.216	Where development would worsen accessibility, such impacts should be mitigated so far as reasonably possible. There is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated.	<p>The Project has incorporated the necessary mitigation measures to ensure that accessibility for non-motorised users has not worsened as a result of the Project.</p> <p>These are set out at section 9.5 of the TA (Application Document 3.7). Please also see responses to paragraphs 3.16-3.17 and 3.22 of this Appendix in reference to severance for WCH users.</p> <p>Where PRoW are severed by or converge at the upgraded A66 carriageway, they have been gathered and redirected to the nearest grade-separated crossing facility in order to provide a safe place to cross the dual carriageway. The nearest crossing may be a new grade-separated junction, an accommodation underpass or overbridge, or a designated WCH underpass or bridge. All schemes have some level of betterment compared with the provision on the existing single carriageway sections. For most schemes, this includes a parallel shared multi-user route segregated from the dual carriageway. This parallel provision is in the form of either a new path adjacent to the dualling or has been provided along the verge of the old de-trunked A66, where it remains.</p> <p>Please see Table 9-13 of the TA for full proposals referencing individual schemes.</p>
Water quality and resources		
5.220	The Government's planning policies make clear that the planning system should contribute to and enhance	The Project crosses between three river basin management plan areas: the Solway Tweed, Northumbria and Humber, as referenced and described in Annex B of Appendix

	<p>the natural and local environment by, amongst other things, preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by, water pollution. The Government has issued guidance on water supply, wastewater and water quality considerations in the planning system. Where applicable, an application for a development consent order has to contain a plan with accompanying information identifying water bodies in a River Basin Management Plan.</p>	<p>14.1 (WFD Compliance Assessment) of Chapter 14 (Road Drainage and Water Environment) of the ES (Application Document 3.4).</p> <p>The Project has taken account of guidance relating to water quality, waste water and water quality as referenced at section 14.3 of Chapter 14 (Road Drainage and Water Environment) of the ES (Application Documents 3.2-3.4). These include, inter alia, the following:</p> <ul style="list-style-type: none"> - Environment Agency (2021e). <i>Pollution prevention for businesses.</i> - Environment Agency (2021c). <i>Check if you need permission to do work on a river, flood defence or sea defence</i> - Environment Agency (2015). <i>Manage water on land: guidance for land managers</i> <p>Essential mitigation and enhancement measures relating to pollution are set out within chapter 14 of the ES to ensure that water pollution is prevented. This include pollution mitigation measures to be incorporated within the drainage design. These measures are intended to ensure that both new and existing development doesn't contribute to or is put at unacceptable risk from water pollution.</p> <p>See the response to NNNPS paragraph 5.226 below as to consideration of River Basin Management Plans.</p>
5.221	<p>Applicants should make early contact with the relevant regulators, including the Environment Agency, for abstraction licensing and with water supply companies likely to supply the water. Where a development is subject to EIA and the development is likely to have significant adverse effects on the water environment, the applicant should ascertain the existing status of, and carry out an assessment of the impacts of the proposed Project on water quality, water resources and</p>	<p>The applicant has made early contact with the Environment Agency, and this is referenced within the Statement of Common Ground between National Highways and the Environment Agency (Application Document 4.5).</p> <p>Given the Project is subject to EIA, an assessment has been undertaken to ascertain whether the Project is likely to have significant adverse effects on the water environment as set out at Chapter 14 (Road Drainage and Water Environment) of the ES (Application Documents 3.2-3.4). No significant effects are anticipated at the construction or operational stage.</p>

	physical characteristics as part of the environmental statement.	<p>An assessment of the impacts of the proposed Project on water quality, water resources and physical characteristics is set out in the ES (sections 14.7, 14.8 and 14.10) and the following Appendices:</p> <ul style="list-style-type: none"> - 14.1 WFD compliance assessment (Application Document 3.4) - 14.2 Water Quality Assessment (Application Document 3.4) - 14.4 Hydromorphology Assessment (Application Document 3.4) - 14.6 Hydrogeological Impact Assessment (Application Document 3.4) <p>Mitigation measures to protect the water environment will be secured in the Project's EMP (Application Document 2.7).</p>
5.222	For those Projects that are improvements to the existing infrastructure, such as road widening, opportunities should be taken, where feasible, to improve upon the quality of existing discharges where these are identified and shown to contribute towards Water Framework Directive commitments.	<p>The Project involves improvements to existing infrastructure and has carefully considered opportunities to improve the quality of existing discharges as set out in Chapter 14 (Road Drainage and Water Environment) (Application Document 3.2) of the ES.</p> <p>The mitigation measures detailed in Appendix 14.1 (WFD Compliance Assessment) of the ES (Application Document 3.4) include new drainage outfalls to appropriately manage surface water and sediment run off prior to discharge to the watercourse, amongst other measures. This represents such an improvement opportunity.</p>
5.223	Any environmental statement should describe: <ul style="list-style-type: none"> - the existing quality of waters affected by the proposed Project; - existing water resources affected by the proposed Project and the impacts of the proposed Project on water resources; - existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed Project, and any impact of physical modifications to these characteristics; 	<p>Chapter 14 (Road Drainage and the Water Environment) of the ES (Application Documents 3.2-3.4) and its accompanying appendices meet the requirements of NNNPS paragraph 5.223 as follows:</p> <p>Existing quality of waters, water resources and assessment of impact on these is included at sections 14.7, 14.8 and 14.10 of Chapter 14.</p> <p>Existing physical characteristics of the water environment are included in Appendix 14.1 (WFD Compliance Assessment) (Application Document 3.4), Appendix 14.4 (Hydromorphology Assessment) (Application Document 3.4) and Appendix 14.6</p>

	<ul style="list-style-type: none"> · any impacts of the proposed Project on water bodies or protected areas under the Water Framework Directive and source protection zones (SPZs) around potable groundwater abstractions; and · any cumulative effects. 	<p>(Hydrogeological Impact Assessment) (Application Document 3.4) of Chapter 14 (Road Drainage and Water Environment) of the ES.</p> <p>Impacts on WFD waterbodies/protected areas is considered in the WFD Compliance Assessment and impacts on SPZs are considered in the Hydrogeological Impact Assessment.</p> <p>Chapter 15 (Cumulative Effects) of the ES (Application Documents 3.2-3.4) addresses the cumulative effects of the Project. In reference to water quality, there are no significant cumulative effects anticipated which would result in any new or materially different significant effects to those identified in each environmental factor chapter of the ES (chapters 5-14).</p>
5.224	<p>Activities that discharge to the water environment are subject to pollution control. The considerations set out in paragraphs 4.48-4.56 on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under a controlled water.</p>	<p>The Project has considered activities that discharge into the water environment. The Consents and Agreements Position Statement (Application Document 5.4) identifies the separate water related consents that will be pursued separate from and subsequent to the DCO application. These include:</p> <ul style="list-style-type: none"> • Discharge to controlled waters as a water discharge activity under the Environmental Permitting (England and Wales) Regulations 2016. • Abstraction under section 24 of the Water Resources Act 1991.
5.225	<p>The Secretary of State will generally need to give impacts on the water environment more weight where a Project would have adverse effects on the achievement of the environmental objectives established under the Water Framework Directive.</p>	<p>The WFD Compliance Statement (Appendix 14.1 of the ES) (Application Document 3.4) concludes that the Project has the potential to have an adverse effect on 9 surface waterbodies with the potential to cause a deterioration in the current status of those waterbodies.</p> <p>Therefore, additional mitigation has been identified with the aim to ensure no residual risk of status deterioration within the surface water bodies identified at section 14.1.17 of the WFD Compliance Statement. This includes measures identified in Appendix 14.11 (Non-Significant Effects) (ES Volume 3, Application Document 3.4) and Appendix 6.17 (Fish Habitat Assessment and Modular River Physical Survey 'MoRPh') (ES</p>

		<p>Volume 3, Application Document 3.4) and WFD additional mitigation comprising low flow channel creation, bank reprofiling, removal of existing structures, wetland habitat creation/improving floodplain connectivity and buffer strips. These details are set out at section 14.1.19 of the WFD Compliance Statement (Appendix 14.1) (Application Document 3.4).</p> <p>The additional mitigation measures identified following the WFD assessment are considered appropriate to mitigate the identified potential adverse effects. As such, the potential for residual adverse overall effects associated with the risk of preventing the future achievement of status objectives of these surface water bodies is not considered to remain at this stage.</p> <p>The WFD assessment should be reviewed and updated at the detailed design stage to ensure all scheme component details are assessed and their potential affects identified and mitigated where necessary. This will be undertaken in consultation with the Environment Agency.</p> <p>As such, the Project would not have adverse effects on the achievement of the environmental objectives under the WFD.</p>
5.226	<p>The Secretary of State should be satisfied that a proposal has had regard to the River Basin Management Plans and the requirements of the Water Framework Directive (including Article 4.7) and its daughter directives, including those on priority substances and groundwater. The specific objectives for particular river basins are set out in River Basin Management Plans. In terms of Water Framework Directive compliance, the overall aim of Projects should be no deterioration of ecological status in watercourses, ensuring that Article 4.7 of the Water Framework Directive Regulations does not need to be applied. The Secretary of State should also consider</p>	<p>The Project has considered River Basin Management Plans as part of the Baseline Conditions reviewed in section 14.7, Chapter 14 (Road Drainage and Water Environment) of the ES (Application Documents 3.2-3.4). A WFD Assessment has been carried out and is included at Appendix 14.1 of the ES (Application Document 3.4) as discussed in paragraph 5.225 of this appendix above.</p>

	the interactions of the proposed Project with other plans such as Water Resources Management Plans, Shoreline/Estuary Management Plans and Marine Plans.	
5.227	The Examining Authority and the Secretary of State should consider proposals put forward by the applicant to mitigate adverse effects on the water environment and whether appropriate requirements should be attached to any development consent and/or planning obligations. If the Environment Agency continues to have concerns and objects to the grant of development consent on the grounds of impacts on water quality/resources, the Secretary of State can grant consent, but will need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the Environment Agency to try to resolve the concerns, and that the Environment Agency is satisfied with the outcome.	<p>As set out within Appendix 14.1 (WFD Compliance Assessment) of the ES (Application Document 3.4), the additional mitigation measures identified are considered appropriate to mitigate the identified potential adverse effects.</p> <p>Please see the response to NNNPS paragraph 5.225 above for a summary of potential adverse effects on waterbodies and the additional ecological and WFD additional mitigation measures proposed.</p> <p>The additional mitigation measures identified are considered appropriate to mitigate the identified potential adverse effects. As such, the potential for residual adverse overall effects associated with the risk of preventing the future achievement of status objectives of these surface water bodies is not considered to remain at this stage.</p> <p>The Environment Agency does not object to the proposed development as at the date of drafting and the Applicant will continue to liaise with the Environment Agency as the Project progresses, as set out in Statement of Commonality and Statements of Common Ground between National Highways and the Environment Agency (Application Document 4.5), including in reviewing the WFD Compliance Assessment and updating it at the detailed design stage.</p>
5.229	The Secretary of State should consider whether the mitigation measures put forward by the applicant which are needed for operation and construction (and which are over and above any which may form part of the Project application) are acceptable. A construction management plan may help codify mitigation.	An EMP (Application Document 2.7) forms part of the DCO application which defines the necessary operational and construction mitigation measures proposed to be implemented as part of the Project. These mitigation measures are considered acceptable in allowing the Project to come forward.

5.230	<p>The Project should adhere to any National Standards for sustainable drainage systems (SuDS). The National SuDS Standards will introduce a hierarchical approach to drainage design that promotes the most sustainable approach but recognises feasibility, and use of conventional drainage systems as part of a sustainable solution for any given site given its constraints.</p>	<p>Appendix 14.2 (Flood Risk Assessment and Outline Drainage Strategy) of the ES (Application Document 3.4) confirms that the relevant guidance relating to National Standards for SuDS have been considered in the design of the Project.</p> <p>These standards include:</p> <ul style="list-style-type: none"> • Design Manual from Roads and Bridges ('DMRB') <i>LA 113 Road drainage and the water environment (DMRB LA 113)</i> (National Highways, 2020) • CCC Development Design Guide (CCC, 2017) • DCC Sustainable Drainage System Adoption Guide 2016 (DCC, 2016) • NYCC SuDS Design Guidance (NYCC, 2018) • Construction Industry Research and Information Association (CIRIA) <i>The SuDS Manual (C753)</i> (Construction Industry Research and Information Association, 2015)
5.231	<p>The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be marked clearly.</p>	<p>Section 14.9 of Chapter 14 (Road Drainage and Water Environment) of the ES sets out the essential mitigation and enhancement measures to be implemented during the construction and operation of the Project. These measures ensure that the risk of impacts upon the water environment have been reduced through the necessary design measures.</p> <p>Further operation and construction mitigation is included in the EMP at Annex 7, Ground and Surface water management plan (Application Document 2.7) and secured by a requirement of the DCO.</p> <p>Further details regarding design principles are set out in the Project Design Principles report (Application Document 5.11).</p> <p>In reference to drainage strategy and highways design, highway drainage for trunk and side roads has been designed in conformity with the DMRB.</p> <p>The A66 mainline and slip road drainage systems will be adopted and maintained by National Highways. The side road drainage systems will be adopted and maintained by</p>

		<p>the local highway authority. Road drainage for the Project for both the mainline and side roads will be managed using a series of attenuation basins.</p> <p>Proposed locations and layouts of ponds are shown on Figures 2.1 (M6 Junction 40 to Kemplay Bank) to Figure 2.8 (A1(M) Junction 53 Scotch Corner) (Application Document 3.3). The design of the ponds will be refined through detailed design within the limitations set out in the DCO.</p>
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APPENDIX B: Regional Policies Conformity Table

Regional policy document and reference	Regional policy reference	Compliance with regional policy
Tees Valley Strategic Economic Plan: The Industrial Strategy for Tees Valley 2016-2026		
	<p>Aim: To improve connectivity within Tees Valley, across the Northern Powerhouse, the UK and the world and to ensure comprehensive access to superfast broadband.</p>	<p>The Project meets the strategic priority of the Tees Valley Strategic Economic Plan.</p> <p>The Northern Powerhouse Independent Economic Review identified the critical importance of improving connectivity across the North and the NTPRSS identified the A66 as the priority for investment. Upgrading the route is a UK National priority which forms a key part of the 'levelling-up' and Northern Powerhouse agendas enabling better connectivity between North and South and increasing economic performance in the North.</p> <p>The expectation is that freight traffic generated in the North of England and Scotland will continue to grow, and that Northern Powerhouse aspirations for the Ports and the economy as a whole will only accelerate this growth. Time savings, shorter distances and more reliable journeys are critical for freight operators and have a direct impact on operating costs and the real economy.</p> <p>The main strategic benefits of the investment into improvements to the A66 corridor is the ability to provide more reliable, safer and efficient strategic and local connectivity in the north of England, supporting economic growth and the Northern Powerhouse commitments and aspirations, as well as strengthening Union connectivity between English regions, Scotland and Northern Ireland.</p> <p>TfN has identified the potential scale of transformational economic growth that could be achieved in the north of England through the Northern Powerhouse. The Northern Powerhouse Independent Economic Review highlights poor transport links in the north as a root cause of the failure to capitalise on agglomeration effects that could boost productivity – an improved A66 will provide a better transport link across the north, from east to west. Improved strategic east-west road links, better access to and between ports, and improved links with and between major cities will help to deliver economic growth in the north of England.</p>

Regional policy document and reference	Regional policy reference	Compliance with regional policy
		<p>The Project improves the national road network to achieve a modern standard dual carriageway, improving the vital connection between North Yorkshire and Cumbria, with the upgrading of remaining single carriageway lengths on the route to dual carriageway.</p> <p>As such, it is concluded that the Project aligns with this strategic priority.</p>
Strategic transport priorities	Improved east-west road connectivity to provide a high quality, resilient corridor along the A66 from the A1(M) to the international gateway at Teesport	<p>The Project comprises of one of the strategic transport priorities within the Tees Valley Strategic Economic Plan.</p> <p>By virtue of the scale of the Project, the DCO will allow for improved connectivity along the A66 from east to west.</p> <p>East-west route connectivity is particularly critical for access to Teesport and Durham Tees Valley Airport, and indirectly to Newcastle and Carlisle Airports, Tyneside and Sunderland Ports, providing international connectivity and opening up logistics, freight, container market and aviation-related opportunities for businesses in the Tees Valley and to attract global investment.</p> <p>Teesport accounts for 28.4 million tonnes of cargo and Grimsby & Immingham for 54 million tonnes of cargo, showing the importance of transport improvements to the freight industry in the region. Freight and transport businesses will benefit from improvements to journey time reliability across the A66 and coupled with additional capacity on the carriageway, the Project will have positive trade impacts.</p> <p>The Transport Assessment (Application Document 3.7) illustrates the forecast journey times along the A66 from the M6 J40 to the A1(M) Scotch Corner without the delivery of the Project will increase by approximately five minutes (9%) if the Project is not delivered. This is because the single carriageway lengths are near their capacity throughout the assessment period. With the Project in place, it is anticipated that users will save between 10 and 13 minutes (19-22%) when travelling along the A66 corridor in future years.</p> <p>The Myriad assessment has shown that the Project has a significant impact on Travel Time Variability ('TTV') and Incident Delay by removing the single carriageway sections.</p>

Regional policy document and reference	Regional policy reference	Compliance with regional policy
		<p>The Journey Resilience assessment has shown that network wide benefits are to be gained by the Project when closures of greater than 6 hours occur on the road network within the area.</p> <p>As such, it is concluded that the Project aligns with this strategic priority.</p>
<p>Priorities for pan-Northern support cover road and rail improvements</p>	<p>Complete the dualling of the A66 between the A1(M) and M6 to provide direct access to key Northern markets and South West Scotland;</p>	<p>The Project comprises of one of the priorities for pan-Northern road improvements.</p> <p>By virtue of the scale of the Project, the DCO application will fully meet this aim and meet this priority.</p> <p>The A66 provides an important strategic, regional and local route connecting east and west coasts, providing a strategic link between England and Scotland, as well as providing local access.</p> <p>To the west of the A66 improvement corridor major investment is planned at Sellafield. To the east there is significant growth potential in the energy generation industries in the North East and Tees Valley as well as in logistics at Teesport, Port of Tyne and Port of Blyth. With 34% employment in road-reliant sectors across Cumbria, North Yorkshire and County Durham, direct links to international gateways such as Teesport, and 25% of the total traffic being HGVs, the A66 is a key strategic route for businesses. For this reason, the Project is expected to encourage local businesses to expand production.</p> <p>The Outline Business Case (May 2021) highlighted the strategic importance of this length of the A66 to industry, is highlighted by the high percentage of freight traffic, which at 25% is more than double the national average of 12% for similar roads. Between the M6 and A1(M) motorways the M62 is the only high standard east-west link in the north of England. This length of the A66 therefore provides the next major east west route, north of the M62, and is identified as the strategic route for freight traffic between Scotland/North West of England and South East of England.</p> <p>Therefore, it is concluded that the Project aligns with this strategic priority.</p>

Tees Valley Combined Authority Tees Valley Strategic Transport Plan 2020-2030

<p>Transport vision for the Tees Valley</p>	<p>“To provide a high quality, quick, affordable, reliable, low carbon and safe transport network for people and freight to move within, to and from Tees Valley.”</p>	<p>The Project offers the opportunity to provide a safe transport network for people and freight to move to and from Tees Valley.</p> <p>East-west route connectivity is particularly critical for access to Teesport and Durham Tees Valley Airport, and indirectly to Newcastle and Carlisle Airports, Tyneside and Sunderland Ports, providing international connectivity and opening up logistics, freight, container market and aviation-related opportunities for businesses in the Tees Valley and to attract global investment.</p> <p>The forecast journey times along the A66 from the M6 J40 to the A1(M) Scotch Corner without the delivery of the Project will increase by approximately five minutes (9%) if the Project is not delivered. With the Project in place, it is anticipated that users will save between 10 and 13 minutes (19-22%) when travelling along the A66 corridor in future years.</p> <p>The MyRiad assessment has shown that the Project has a significant impact on TTV and Incident Delay by removing the single carriageway sections.</p> <p>The journey Resilience assessment has shown that network wide benefits are to be gained by the Project when closures of greater than 6 hours occur on the road network within the area.</p> <p>A road safety appraisal has been undertaken using COBALT which assesses the likely change in the number of road accidents within the area of focus and influence of the A66 route, as a result of the scheme improvements. Over the 60-year appraisal period, the Project saves 281 personal injury accidents, of which 3% are fatal, 21% are serious, and 76% are slight. There is an overall reduction of 530 casualties, of which 3% are fatal, 28% are serious, and 69% are slight.</p> <p>The plans will reduce congestion and upgrade existing road infrastructure to a high-performing standard. The TA (Application Document 3.7) shows the Project would enable significant increases in traffic volumes using the A66 through increased capacity and a reduction in delays. This will improve safety along the A66 route.</p> <p>Therefore, the Project aligns with the transport vision for Tees Valley.</p>
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Transport for North (TfN) Strategic Transport Plan 2019

<p>Vision and pan-Northern transport objectives</p>	<p>TfN’s vision is of “a thriving North of England, where world class transport supports sustainable economic growth, excellent quality of life and improved opportunities for all.” Supporting this vision are four pan-Northern transport objectives, which have informed the development of the Strategic Transport Plan and TfN’s work programmes:</p> <ul style="list-style-type: none"> • Transforming economic performance. • Increasing efficiency, reliability, integration, and resilience in the transport system. • Improving inclusivity, health, and access to opportunities for all. • Promoting and enhancing the built, historic, and natural environment. <p>These objectives also align closely with the five foundations of productivity set out in the Government’s Industrial Strategy.</p>	<p>The Project contributes towards the four pan-Northern transport objectives set out within the TfN Strategic Transport Plan 2019.</p> <p>The Project aims to provide a well-connected and high-performing modern standard dual carriageway with sufficient capacity to meet long terms needs and a prosperous economy. In doing this, it improves the vital connection between the North West and North East of England, upgrading the single carriageway lengths on the route to dual carriageway.</p> <p>The expectation is that freight traffic generated in the North of England and Scotland will continue to grow, and that Northern Powerhouse aspirations for the Ports and the economy as a whole will only accelerate this growth. Time savings, shorter distances and more reliable journeys are critical for freight operators and have a direct impact on operating costs and the real economy.</p> <p>Improvements to the A66 would help to support the development of Teesport and Immingham and help to meet TfN’s aspiration to increase the use of Northern ports for freight travelling north, and its objective to develop additional logistics hubs on either side of the Pennines. Time savings, shorter distances and more reliable journeys are critical for freight operators and have a direct impact on operating costs and the real economy. A continued lack of investment could jeopardise the ability to realise the objectives set out in the TfN Northern Freight and Logistics Study.</p> <p>Development plans will also increase road capacity, supporting existing economic activity and economic growth in the region by enhancing mobility. These improvements will further make the area more attractive for business investment, including a decreased journey time for the freight trade, in which the amount of freight trade is over the national average on the A66.</p> <p>The A66 is an important route for freight traffic, with HGVs comprising on average 25% of total vehicles on most lengths of the route between Scotch Corner and Penrith, with select lengths seeing 29% of total vehicle traffic as freight movements. It is also an important route for tourism and connectivity for nearby communities. There are no direct rail alternatives for passenger or freight movements along the corridor.</p> <p>The forecast journey times along the A66 from the M6 J40 to the A1(M) Scotch Corner without the delivery of the Project will increase by approximately five minutes (9%) if the Project is not delivered. This is because the single carriageway lengths are near their capacity throughout the assessment period. With the Project in place, it is anticipated that</p>
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		<p>users will save between 10 and 13 minutes (19-22%) when travelling along the A66 corridor in future years.</p> <p>The Myriad assessment has shown that the Project has a significant impact on TTV and Incident Delay by removing the single carriageway sections.</p> <p>The journey Resilience assessment has shown that network wide benefits are to be gained by the Project when closures of greater than 6 hours occur on the road network within the area.</p> <p>As set out in chapter 11 of the TA (Application Document 3.7), the improved linkage which would be provided by the Project benefits communities within the north of England, who, due to the rural nature of the region, often lack access to key local services for example, GP surgeries, primary schools and supermarkets. These people are often required to commute over longer distances to access improved employment opportunities. The increased flow also reflects more tourists benefiting from improved links to areas such as the Lake District and the North Pennines AONB, thereby improving the economies within this area.</p> <p>Mitigation measures such as planting and screening would be developed across the Project to reduce impacts on the settings of surrounding archaeological sites, historic buildings and the immediate landscape.</p> <p>Therefore, based upon the above, the Project contributes towards meeting TfN's objective of pan-Northern transport in the North.</p>
Cumbria Strategic Economic Plan (2014-2026)		
<p>Infrastructure improvements – our commitment</p>	<p>We are committed to continued partnership working with national highway and rail organisations to ensure the Highways Agency route-based strategies establish a co-ordinated approach to delivery of infrastructure improvements to the trunk road network in Cumbria, particularly on the A590, A595, A66 and A69.</p>	<p>The Project and National Highways as applicant have worked closely with CCC, along with other host authorities along the route to bring forward a co-ordinated approach to the delivery of infrastructure improvements along the A66 route.</p> <p>As set out in its Strategic Business Plan 2020-2025, the development of effective relationships between National Highways and its partners in a collaborative working environment is an integral part of delivering a safe, efficient network to the full satisfaction of customers.</p> <p>The Consultation Report (Application Document 4.4) sets out the engagement activity that has taken place throughout the Project. Chapter 3 of the Consultation Report confirms that a</p>

		<p>Strategic Stakeholder Group (SSG) was established with meetings held approximately bi-monthly continuing beyond the PRA. The SSG was established in support of the Project and included CCC. The SSG is a forum for proactively engaging the above stakeholders in the development process to garner advice and guidance and disseminate information to a wider group.</p> <p>Therefore, as a result, the Project has adopted a co-ordinated approach to infrastructure improvements with CCC and other host authorities.</p>
Cumbria's Strategic Investment Plan (2016)		
<p>Infrastructure improvements – strategic aim</p>	<p>Improve the A66, A69, A590, A591 and A595 corridors including a new Whitehaven Relief Road, Ulverston Bypass and Carlisle Southern Link Road.</p>	<p>The Project meets the strategic aim of the Cumbria Strategic Investment Plan in improving the A66 SRN route.</p> <p>The A66 is an important link to local and regional services, employment and education opportunities for communities and towns along the route, as well as providing a commuter link to the Cumbrian towns. This is particularly important given that there is very little public transport provision along the route, with no comparable rail route and very limited bus service provision.</p> <p>The Project improves the national road network to achieve a modern standard dual carriageway, improving the vital connection between North Yorkshire and Cumbria, with the upgrading of remaining single carriageway lengths on the route to dual carriageway. Local road networks will also be improved, with parts of the old A66 being placed into the local road network to ensure quicker and safer local journeys. The plans will reduce congestion and upgrade existing road infrastructure to a high-performing standard. The TA (Application Document 3.7) shows the Project would enable significant increases in traffic volumes using the A66 through increased capacity and a reduction in delays. This will improve safety along on the A66 road.</p> <p>It is therefore concluded that the Project contributes towards meeting the strategic aim of the Cumbria Strategic Investment Plan.</p>

Cumbria Infrastructure Plan (2016)		
<p>Medium/long term priorities – A66 road enhancements</p>	<p>Package of schemes which seek to enhance capacity and reliability on the A66. The package includes junction improvements and capacity improvements and measures to improve safety. Improvements will ensure improved access between West Cumbria and the M6 and would therefore support economic growth by aiding the movement of goods and people.</p>	<p>The Cumbria Infrastructure Plan defines enhancements to the A66 as a medium/long term priority. The Project therefore meets this aim which brings forward a package of scheme which will enhance the capacity and reliability of the A66.</p> <p>The dualling of the A66 will have huge economic benefits. Firstly, the dualling of the A66 will remove a long-standing bottleneck for road users, helping to create a high performing dual carriageway route, supporting local and regional economy, including the economy of Cumbria.</p> <p>The reduction in congestion will further lead to reduced travel times, resulting in the saving of colossal amounts of money, thus benefiting the economy of Cumbria.</p> <p>Other local benefits of the development should entail an increase in tourism, reduced rat running, an increased promotion of active travel and a reduction in employment in the area due to the construction of the development.</p> <p>In the CftP (Application Document 2.2), section 5 details the Economic Case Overview which clearly states a monetised (part 5.3) and non-monetised (part 5.4) benefit from the A66 development.</p> <p>Therefore, in summary to the above, the Project will meet the medium to long term priority of Cumbria’s Infrastructure Plan.</p>
<p>Partner support and delivery – improvements to the A66, A69 together with A595 and A590 including Ulverston by-pass</p>	<p>The current strategic route studies for the A69 and A66 together with the study underway for west of the M6 will need to feed into RIS2. Continued engagement with Highway’s England will be important in delivering this plan. Upon these routes, journey times are unpredictable, reducing the attractiveness and use of the routes. There are geometric variables along both routes, with numerous bends,</p>	<p>The Project, and National Highways as applicant, have engaged with CCC and other host authorities in supporting and delivering improvements to the A66.</p> <p>The Project improves the national road network to achieve a modern standard dual carriageway, improving the vital connection between North Yorkshire and Cumbria, with the upgrading of remaining single carriageway lengths on the route to dual carriageway. Local road networks will also be improved, with parts of the old A66 being placed into the local road network to ensure quicker and safer local journeys. The plans will reduce congestion and upgrade existing road infrastructure to a high-performing standard. The TA (Application Document 3.7) shows the Project would enable significant increases in traffic volumes using the A66 through increased capacity and a reduction in delays.</p>

	<p>hills and side road junctions present. Piecemeal safety interventions at a local level at various locations interrupt journey speeds. Long term interventions along the A590, A66 and A69 would improve access and connectivity for the Advanced Manufacturing and Energy sectors, including Nuclear developments on the west coast of Cumbria, marine and bio-pharma industry in Furness and strategic developments such as Carlisle Airport and sub-regional employment sites such as Kingmoor Park.</p>	<p>The A66 is an important link to local and regional services, employment and education opportunities for communities and towns along the route, as well as providing a commuter link to Cumbrian towns. This is particularly important given that there is very little public transport provision along the route, with no comparable rail route and very limited bus service provision.</p> <p>East-west connectivity is an important element in delivering elements of Cumbria's Strategic Economic Plan (SEP and Local Industrial Strategy (LIS), helping to deliver the economic benefits associated with major energy, nuclear and advanced manufacturing related development in the sub-region. East-west route improvements would also assist improved connectivity between Northern England and Scotland, enhancing the economies of both regions.</p> <p>Businesses within the region will benefit from improvements to journey time reliability across the A66 and coupled with additional capacity on the carriageway, the Project will have positive trade impacts.</p> <p>The forecast journey times along the A66 from the M6 J40 to the A1(M) Scotch Corner without the delivery of the Project will increase by approximately five minutes (9%) if the Project is not delivered. This is because the single carriageway lengths are near their capacity throughout the assessment period. With the Project in place, it is anticipated that users will save between 10 and 13 minutes (19-22%) when travelling along the A66 corridor in future years.</p> <p>The MyRiad assessment has shown that the Project has a significant impact on TTV and Incident Delay by removing the single carriageway sections.</p> <p>Further information is detailed in the Transport Assessment (Application Document 3.7).</p> <p>As such, the Project aligns with the support and delivery – improvements to the A66 priority of Cumbria's Infrastructure Plan.</p>
The North East Strategic Economic Plan (2019)		
North East investment Project pipeline	Strengthened A66 and A69 links to Cumbria and the West of England	Note: <i>Any monetised values are in 2010 prices. Monetary values are summarised in section 5.3 of the CftP (Application Document 2.2).</i>

		<p>The Project is defined in the North East investment Project pipeline and will strengthen A66 links to Cumbria and the West of England from the North East.</p> <p>By virtue of the scale of the Project, the DCO will allow for improved connectivity along the A66 from the north east to Cumbria and the West of England. The A66 is a strategic east-west link that provides connectivity between the key employment areas of Cumbria, Tees Valley and Tyne and Wear. The economic appraisal of the Project (see chapter 5 of the CftP) highlights that the following benefits are expected to support connectivity, capacity and economic growth:</p> <ul style="list-style-type: none">• the Project is forecast to achieve total transport economic efficiency benefits for road users of £521.1m. This is a result of the additional capacity and reduced delay provided by the Project. Of the overall masked total travel cost savings for road users, 92% are gained by business users, 5% by commuters, and 3% by other users.• The Project is forecast to achieve significant wider economic benefits, valued at £61.5m, which predominantly includes increased business output. <p>As such, the Project aligns with the North East investment Project pipeline as defined in the North East Strategic Economic Plan.</p>
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APPENDIX C – County Policy Context Conformity Table

The County Policy Context documents set out within the table below have been identified in order to allow for a policy assessment of the relevant policies associated with the Project to be completed. These County level plan documents directly impact upon the route alignment.

This comprises of the following Authorities and their relevant local development plan, transport documents and guidance:

- **Cumbria County Council ('CCC')**
 - Cumbria Transport Plan Strategy (2011-2026)
 - Cumbria Minerals and Waste Local Plan 2015- 2030
- **North Yorkshire County Council ('NYCC')**
 - Joint Minerals and Waste Joint Plan (adopted February 2022)
 - A Strategic Transport Prospectus for North Yorkshire
 - North Yorkshire County Council Plan for Economic Growth
- **Durham County Council ('DCC')**
 - County Durham Plan (2020)
 - Whorlton Village Neighbourhood Plan 2015- 2025 (2017)
 - County Durham Landscape Character Assessment (2008)

NYCC's planning regime sits at local planning authority level within RDC. It is however, the Minerals and Waste authority for the Richmondshire Area. CCC's planning regime sits at local planning authority level with EDC. CCC is the Minerals and Waste authority for the Eden District area.

Policy no.	Policy description	Compliance with policy
County council level		
Cumbria County Council		
<p>The following schemes fall within this area:</p> <ul style="list-style-type: none"> - M6 Junction 40 to Kemplay Bank - Penrith to Temple Sowerby - Temple Sowerby to Appleby - Appleby to Brough 		
Cumbria Transport Plan Strategy 2011-2026		
<p>Vision for transport across the county</p>	<p>'A transport system and highway network in Cumbria that is safe, reliable, available, accessible and affordable for all which supports the following local priorities':</p> <ul style="list-style-type: none"> • safe, strong and inclusive communities. • health and well-being throughout life. • a sustainable and prosperous economy. • effective connections between people and places. • world class environmental quality and in doing so minimises carbon emissions.' • Following the development of the vision, the plan identifies the following key priorities relevant to the proposed A66 dualling scheme: 	<p>The Project improves the national road network to achieve a modern standard dual carriageway, improving the vital connection between North Yorkshire and Cumbria, with the upgrading of remaining single carriageway lengths on the route to dual carriageway. Local road networks will also be improved, with parts of the old A66 being placed into the local road network to ensure quicker and safer local journeys. The plans will reduce congestion and upgrade existing road infrastructure to a high-performing standard.</p> <p>The TA (Application Document 3.7) shows the Project would enable significant increases in traffic volumes using the A66 through increased capacity and a reduction in delays. The objectives of the Project are:</p> <ul style="list-style-type: none"> • Transport: to create a high-quality reliable route between Penrith and Scotch Corner that meets the future needs of traffic; • Economic Growth: to enable growth in jobs, tourism and housing by providing a free flowing and reliable connection between Penrith and Scotch Corner; • Cultural Heritage: to help conserve and enhance the local and regional landscape to make it easier to reach and explore; and • Environment and Community: to improve biodiversity and provide a positive legacy for nearby communities. <p>Whilst the Project does have impacts (as expressed in the ES), the Project has been designed to meet the objectives set out above and will minimise social and environmental impacts and improve quality of life, as set out in the response to NNNPS Paragraph 2.16 in the Appendix above. In addition, the Project would result in an overall reduction in disturbance from traffic</p>

Policy no.	Policy description	Compliance with policy
	<ul style="list-style-type: none"> the maintenance of Cumbria's roads, pavements, paths and cycle ways. making sure our strategic road links are able to support the Cumbrian economy. 	<p>noise and nearby communities affected by rat running and congestion; as well as improving connectivity between communities across the route corridor. These improvements would improve quality of life within those communities. These benefits are described in further detail in chapter 6 of the CftP (Application Document 2.2). These benefits are considered to outweigh the disbenefits of the Project.</p> <p>The Project would deliver a wide range of environmental and social benefits, and these are discussed in chapter 6 of the CftP.</p>
Cumbria Minerals and Waste Local Plan (2015-2030)		
Policy SP8: Minerals safeguarding	<p>Mineral resources, existing, planned and potential infrastructure and plant will be safeguarded from being unnecessarily sterilised by other developments by identifying:-</p> <ul style="list-style-type: none"> existing and potential railheads and wharfs to be safeguarded; Mineral Safeguarding Areas for the indicative sand and gravel and hard rock resources (including aggregates, high specification aggregates, industrial minerals and building stones), shallow coal and fireclay resources; Mineral Safeguarding Area for identified resources of brick clay; Mineral Safeguarding Areas for the remaining gypsum resources; 	<p>The Project has taken account as to whether its development would encroach into a Mineral Safeguarding Area (MSA), as defined on the adopted proposals map.</p> <p>The CCC Minerals and Waste Local Plan 2015-2030 shows that there are several Mineral Safeguarding Areas (MSA) within the Order limits.</p> <p><u>M6 Junction 40 to Kemplay Bank</u></p> <p>A Mineral Consultation Area (MCA) lies within and in proximity to the scheme, likely designated for sand and gravel resource. The scheme would partly lie within this MCA. There are no existing or proposed mineral extraction sites in the proximity of the scheme.</p> <p><u>Penrith to Temple Sowerby</u></p> <p>A designated MCA lies within and in proximity to the scheme, likely designated for sand and gravel resource. The scheme would partly encroach into this MCA. There are no existing or proposed mineral extraction sites in the proximity of the scheme.</p> <p><u>Temple Sowerby to Appleby</u></p> <p>A number of MCAs which lie within or in proximity to the scheme, likely designated for sand and gravel and gypsum resources. The largest of these areas lies to the north and to the east of Kirkby Thore and also around Crackenthorpe. The scheme would encroach into a large area of these MCAs.</p>

Policy no.	Policy description	Compliance with policy
	<ul style="list-style-type: none"> - Mineral Safeguarding Area for identified resources of slate; - Mineral Safeguarding Area for identified resources of secondary aggregates; - Mineral Consultation Area, which covers the resources within all the Mineral Safeguarding Areas. 	<p>The British Gypsum plant at Kirkby Thore lies to the north of the scheme.</p> <p><u>Appleby to Brough</u></p> <p>A number of MCAs which lie within or in proximity to the scheme, likely designated for sand and gravel resources. The scheme would encroach into these MCAs along its entire route alignment, mostly to the south. There are no existing or proposed mineral extraction sites in proximity to this scheme.</p> <p>As such, the policy is applicable to the Project given its location within several Safeguarded Areas.</p>
Policy DC15: Minerals safeguarding	<p>The Mineral Planning Authority will safeguard those mineral resources that are shown on the Policies Map. Within those areas, the Mineral Planning Authority should be consulted by the Local Planning Authorities on any planning applications they receive for non-minerals development that would be likely to affect the winning and working of minerals. All non-minerals development proposals within the Mineral Safeguarding Area should extract any viable mineral resources present, in advance of construction. Proposals for non-mineral development within the Mineral Safeguarding Areas that do not allow for the prior extraction of minerals will only be permitted where:</p> <ol style="list-style-type: none"> 1. the need for the development outweighs the need to extract the mineral; or 	<p>The Project is considered to be non-mineral development within a MSA. Within the CCC area this includes the following schemes:</p> <ul style="list-style-type: none"> • M6 Junction 40 to Kemplay Bank • Penrith to Temple Sowerby • Temple Sowerby to Appleby • Appleby to Brough <p>The Project has implemented the requirements of the policy by using the existing and future mineral sites identified by CCC for baseline data and assessing these areas for potential sterilisation. During consultation, CCC were satisfied with the assessment of sterilisation of mineral safeguarding sites in the ES for schemes located in the Cumbria Area. This is referenced in Chapter 11 (Materials and Waste) at section 11.2, Tables 11-7, 11-30 to 11-33 and Figure 11.1. The Project would not result in the sterilisation of MSAs in this area.</p> <p>Therefore, the Project has conformed with the relevant points set out within Policy DC15.</p>

Policy no.	Policy description	Compliance with policy
	<p>2. it can be clearly demonstrated that it is not environmentally acceptable or economically viable to extract the mineral prior to non-mineral development taking place; or</p> <p>3. it can be clearly demonstrated that the mineral is either not present or of no economic value or would lead to land stability problems or is too deep to extract in relation to the proposed development; or</p> <p>4. the development would not prevent minerals extraction taking place in the future; or</p> <p>5. the development within the Mineral Safeguarding Area is exempt, as set out in the exemption list in Table 15.1.</p> <p>All of the Mineral Safeguarding Areas together, are contiguous with the Mineral Consultation Area.</p>	
North Yorkshire County Council		
The schemes in this area include:		
<ul style="list-style-type: none"> - Stephen Bank to Carkin Moor - A1(M) Junction 53 Scotch Corner 		
Joint Minerals and Waste Plan (2015 – 2030) (adopted February 2022) (North Yorkshire County Council)		
Objective 3	Safeguarding important minerals resources and minerals infrastructure for the future	The Project has considered Minerals Safeguarding Areas defined within NYCC's Joint Minerals and Waste Plan. These are discussed in the policy assessments below.
Policy S01: Safeguarded surface mineral resources	The following surface minerals resources and associated buffer zones identified on the Policies Map will be safeguarded from other forms of surface non-mineral	<p>The Project encroaches into a number of areas comprising mineral safeguarding buffer zones. As such, the Project is classified as non-mineral development within these locations.</p> <p>The Joint Minerals and Waste Plan (2015-2030) shows that there are several Mineral Safeguarding Areas (MSA) within the Order limits.</p>

Policy no.	Policy description	Compliance with policy
	<p>development to protect the resource for the future:</p> <ul style="list-style-type: none"> i) All crushed rock and silica sand resources with an additional 500m buffer; ii) All sand and gravel, clay and shallow coal resources with an additional 250m buffer; iii) Building stone resources and active and former building stone quarries with an additional 250m buffer. 	<p><u>Stephen Bank to Carkin Moor</u></p> <p>There is a Limestone MSA extending along entire alignment of the scheme. The scheme will therefore encroach along its full length into this area.</p> <p>There are pockets of Sand and Gravel MSA and of Building Stone MSA that the scheme would also encroach into.</p> <p>Green Bank Quarry (GR 413738 509300) lies to the north-west of Ravensworth approximately 210 metres from the existing route of the A66.</p> <p><u>A1 (M) Junction 53 Scotch Corner</u></p> <p>Limestone MSA ubiquitous surrounding scheme.</p> <p>As such, the policy is applicable to the Project given its location within Safeguarded Areas.</p>
<p>Policy S02: Developments proposed within safeguarded surface mineral resource area</p>	<p>Within the Safeguarded Surface Minerals Resource areas shown on the Policies Map, permission for development other than minerals extraction will be granted where:</p> <ul style="list-style-type: none"> i) It would not sterilise the mineral or prejudice future extraction; or ii) The mineral will be extracted prior to the development (where this can be achieved without unacceptable impact on the environment or local communities), or iii) The need for the non-mineral development can be demonstrated to 	<p>As referenced in the policy assessment above, the Project is located within a Safeguarded Minerals Resource area. As such, the applicant has undertaken an assessment of likely significant effects to these safeguarded areas, and this is set out at section 11.9 at Chapter 11 (Materials and Waste) of the ES (Application Documents 3.2-3.4).</p> <p>NYCC has been consulted in relation to the policy, local aggregate supplies, mineral safeguarding sites, peat resources and waste infrastructure. These details are referenced at section 11.6.10, Table 11-7, ES Figure 11.1, Table 11-37 and Table 11-38 of Chapter 11 (Materials and Waste) (Application Document 3.2).</p> <p>The chapter concludes that the Mineral Resource Areas within the NYCC area would not be sterilised.</p>

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	<p>outweigh the need to safeguard the mineral; or</p> <p>iv) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or</p> <p>v) The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed; or</p> <p>vi) It constitutes 'exempt' development (as defined in the Safeguarding Exemption Criteria list), as set out in paragraph 8.55).</p> <p>Applications for development other than mineral extraction in Safeguarded Surface Minerals Resource areas should include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.</p>	
Policy S07: Consideration of	Where development, other than exempt development as defined in the Safeguarding Exemption	<p>The Project is not exempt development, as defined in the Safeguarding Exemption Criteria list.</p> <p>As such, consultation has taken place with NYCC and remains ongoing.</p>

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applications in consultation areas	Criteria list, is proposed in an area safeguarded on the Policies Map for minerals resources, minerals transport infrastructure, minerals ancillary infrastructure and waste infrastructure, and the proposed development site is located outside the City of York and North York Moors National Park areas, consultation with North Yorkshire County Council will be required before permission is granted.	
A Strategic Transport Prospectus for North Yorkshire		
Strategic Transport Priorities	Improving east-west connectivity (including Trans Pennine links)	<p>The Project meets the County Council's Strategic Transport Prospectus for improving east-west connectivity.</p> <p>The A66 provides an important strategic, regional and local route connecting east and west coasts, providing a strategic link between England and Scotland, as well as providing local access.</p> <p>The Northern Powerhouse Independent Economic Review identified the critical importance of improving connectivity across the North and the NTPRSS identified the A66 as the priority for investment. Upgrading the route is a UK National priority which forms a key part of the 'levelling-up' and Northern Powerhouse agendas enabling better connectivity between North and South and increasing economic performance in the North.</p> <p>The Project aims to provide a well-connected and high-performing modern standard dual carriageway with sufficient capacity to meet long terms needs and a prosperous economy. In doing this, it improves the vital connection between the North West and North East of England, upgrading the single carriageway lengths on the route to dual carriageway.</p> <p>As such, it is concluded that the Project aligns with this strategic priority.</p>
North Yorkshire County Council Plan for Economic Growth		
Enabler 2.	Deliver a modern integrated transport network – 'Delivering the Council's Local Transport Plan,	The Project meets the County Council plan for delivering the Local Transport Plan.

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	<p>improving transport to, between and within all of our towns, (especially east-west links) to improve access to markets, skills and supply chains within the County and the rest of the UK.</p>	<p>The Project improves the national road network to achieve a modern standard dual carriageway, improving the vital connection between North Yorkshire and Cumbria, with the upgrading of remaining single carriageway lengths on the route to dual carriageway. Local road networks will also be improved, with parts of the old A66 being placed into the local road network to ensure quicker and safer local journeys. The Project will reduce congestion and upgrade existing road infrastructure to a high-performing standard. The TA (Application Document 3.7) shows the Project would enable significant increases in traffic volumes using the A66 through increased capacity and a reduction in delays. This will in turn improve safety along on the A66 road.</p> <p>The main strategic benefits of the investment into improvements to the A66 corridor is the ability to provide more reliable, safer and efficient strategic and local connectivity in the north of England, supporting economic growth, as well as strengthening Union connectivity between English regions, Scotland and Northern Ireland.</p> <p>The Northern Powerhouse Independent Economic Review highlights poor transport links in the north as a root cause of the failure to capitalise on agglomeration effects that could boost productivity – an improved A66 will provide a better transport link across the north, from east to west. Improved strategic east-west road links, better access to and between ports, and improved links with and between major cities will help to deliver economic growth within the County and across the north of England.</p> <p>As such, it is concluded that the Project aligns with this priority.</p>
<p>Durham County Council The schemes in this area include:</p> <ul style="list-style-type: none"> - Bowes Bypass - Cross Lanes to Rokeby - Stephen Bank to Carkin Moor 		
<p>County Durham Plan (adopted 2020)</p>		
<p>Spatial vision</p>	<p>By 2035 County Durham will have a thriving economy, reducing levels of deprivation, social exclusion and joblessness with the associated health and quality of life improvements. It will also be bridging the gap between its economic performance and that of</p>	<p>The development of the Project helps towards DCC meeting its Spatial Vision, allowing for the County to capitalise on its position on the A66 which offers east/west links and subsequently offers opportunities for business and tourism.</p> <p>The dualling of the A66 will have huge economic benefits. Firstly, the dualling of the A66 will remove a long-standing bottleneck for road users, helping to create a high performing dual carriageway route, supporting local and regional economy, including the economy of County Durham.</p>

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	<p>other parts of the North East and the rest of England. It will be a top location for business and tourism, capitalising on its strategic location on the A1(M), A19, A66, East Coast Mainline, its east/west links and its close proximity to Durham Tees Valley and Newcastle International Airports.</p> <p>The county will comprise of sustainable, balanced and regenerated communities, with key development being located to achieve sustainable patterns of development, ensure the effective use of land and reduce our contribution to climate change and support the vitality and vibrancy of existing centres. All communities and businesses will benefit from an accessible, integrated and sustainable transport system, resulting in increased public transport use and safe, well used and attractive cycling and walking routes</p>	<p>The reduction in congestion will further lead to reduced travel times, resulting in the saving of colossal amounts of money, thus benefiting the economy of County Durham. Other local benefits of the development should entail an increase in tourism, reduced rat running, and increased promotion of active travel.</p> <p>In the CftP (Application Document 2.2), chapter 5 (section 5.5) provides a summary of the Economic Case which articulates the expected performance of the scheme against its objectives, utilising the monetised and non-monetised (dis)benefits of the scheme.</p> <p>The dualling of the A66 will maintain and improve the road network for WCH users and will ensure their safety. The economic performance of local towns and villages will also be supported through the improved local road network that will ensure reduced rat running and low congestion. The high-quality environment that will evolve from the dualling of the A66 will ensure high sustainability that will indirectly support other local development.</p> <p>Therefore, in summary to the above, it is concluded that the Project assists in meeting the County Durham Plans Strategic Vision.</p>
Strategic objective 1: Economic ambition	<p>Improve the economic performance of the whole of County Durham by creating more and better jobs, increasing the employment rate and reducing unemployment, thereby increasing GVA (a measure of economic performance), household income, demand for local goods and services and improving the</p>	<p>Note: <i>Any monetised values are in 2010 prices. Monetary values are summarised in section 5.3 of the CftP (Application Document 2.2)</i></p> <p>The Project will assist in improving the economic performance of County Durham.</p> <p>The dualling of the A66 will have huge economic benefits. Firstly, the dualling of the A66 will remove a long-standing bottleneck for road users, helping to create a high performing dual carriageway route, supporting local and regional economy, including the economy of County Durham.</p>

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	resilience of the county's economy.	<p>The reduction in congestion will further lead to reduced travel times.</p> <p>Other local benefits of the development should entail an increase in tourism, reduced rat running, an increased promotion of active travel and a reduction in employment in the area due to the construction of the development.</p> <p>In the CftP, Chapter 5 (section 5.3) provides a summary of the Economic Case which articulates the expected performance of the scheme against its objectives, utilising the monetised and non-monetised (dis)benefits of the scheme. In the CftP, chapter 5 (section 5.3) provides a summary of the Economic Case which articulates the expected performance of the scheme against its objectives, utilising the monetised and non-monetised (dis)benefits of the scheme.</p> <p>The economic appraisal highlights that economic benefits will accrue to business users and the Project is forecast to achieve total transport economic efficiency benefits of £477.6m. They are made up of changes in travel time, user charges (for example, tolls) and changes in vehicle operating costs (that is, for private transport). Business user benefits, as reported by TAG unit A2.1 are benefits that have a direct impact on GDP through improving productivity, and therefore have a direct positive impact on economic growth and will contribute to levelling up.</p> <p>Similarly, other economic benefits, modelled and monetised in the economic appraisal, that would contribute to economic growth include journey time reliability benefits and wider economic impacts. The value of these benefits over a 60-year appraisal period sum to £124.7m and £61.5m, respectively. The former reflects the high levels of TTV that is currently experienced on the A66 route infrastructure, and the latter is a largely a reflection of increased business output through travel efficiency and reliability cost saving but also includes a small benefit from labour supply change (whereby better transport access releases inactive workers into the labour market and provides tax revenue).</p> <p>Therefore, to conclude, the Project aligns with DCC's Strategic Objective in meeting their economic ambitions.</p>
Strategic objective 2: Sustainable communities	Locate new development in areas which offer the best opportunity for sustainable development patterns, including means of travel other than the private car, thus ensuring	<p>The Project meets Strategic Objective 2: Sustainable Communities of the County Durham Plan.</p> <p>The A66 is an important link to local and regional services, employment and education opportunities for communities and towns along the route, as well as providing a commuter link to the many towns and villages. This is particularly important given that there is very little public</p>

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	<p>that new homes and jobs are supported by a high quality environment, services and infrastructure, and in turn new development supports the vitality, viability and economic performance of our towns and villages</p>	<p>transport provision along the route, with no comparable rail route and very limited bus service provision.</p> <p>The improved linkage which would be provided by the Project benefits communities within the north of England, who, due to the rural nature of the region, often lack access to key local services for example, GP surgeries, primary schools and supermarkets. These people are often required to commute over longer distances to access improved employment opportunities. The increased flow (as a result of the average additional growth expected as a result of more reliable journeys) also reflects the opportunity for more tourists to benefit from improved links to areas such as the Lake District and the North Pennines AONB, thereby improving the economies within this area.</p> <p>As set out at Table 10-8 of the TA (Application Document 3.7), it is concluded that the Project does not lead to any negative impacts on the identified bus routes or bus stop locations within the individual scheme boundary areas.</p> <p>The Project will improve provision for WCH users, as set out in ES Chapter 13 (Population and Human Health).</p> <p><u>Bowes Bypass</u></p> <p>To the northeast of Bowes, a new accommodation underpass will reconnect Footpath 6, which is currently severed by the existing A66. This will provide better links for the east of Bowes to rural PRow on the north side of the A66. Further east, the gap in the central reservation will be closed to prevent walkers from crossing the dual carriageway and PRow on the south side of the A66 will be diverted westwards to the accommodation underpass. These changes will result in better provision for walkers to the east of Bowes.</p> <p><u>Cross Lanes to Rokeby</u></p> <p>Traffic congestion along the A66 will be reduced as a result of the Project, leading to shorter, more reliable journey times. This will lead to improved connectivity for rural communities to facilities, shops and services in Barnard Castle and elsewhere. Better connectivity can benefit communities through increased access to a wide range of resources including employment, educational facilities, health and social care, sport, leisure and cultural facilities.</p>

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		<p>A 2-mile shared cycleway/footway is proposed to run alongside the dual carriageway from Cross Lanes junction to Greta Bridge, where it will connect to an existing cycle route through the village. The grade-separated junction at Cross Lanes will connect existing footpaths to the north and south of the A66 and provide a safe crossing point for cyclists travelling between Rutherford Lane and the B6277. At Rokeby, three existing footpaths on the north side of the A66 will be joined to the new shared cycleway/footway and connected to the PRow network south of the A66 via the new grade-separated junction. The new shared cycleway/footway will provide a safer option for cyclists travelling from Greta Bridge to Barnard Castle, who currently use a route including steps down to a poorly maintained path leading onto the A66 carriageway. These changes are considered to improve the provision for walkers and cyclists to the southeast of Barnard Castle.</p> <p><u>Stephen Bank to Carkin Moor</u></p> <p>A shared path for horse-riders and pedestrians is proposed alongside the de-trunked A66, connecting into four existing footpaths and four bridleways, which currently either terminate at the A66 or cross it via road verges and at-grade crossings. Proposed safe crossing points at grade-separated junctions and shared underpasses will improve access for walkers and horse riders and reduce the severance caused by the existing A66. The new 2.5-mile segregated route and improved crossings will encourage walking and horse riding, promoting physical activity and access to the countryside.</p> <p>The Project creates a more accessible and inclusive transport network along the A66 corridor and therefore offers a range of opportunities and choices for people to connect with jobs, services and friends and family.</p> <p>As such, it is considered that the Project aligns with this strategic objective.</p>
Strategic objective 4: Infrastructure	Enable the delivery of the necessary infrastructure such as transport, health and education, digital and green infrastructure, that is required to support new and existing development and the economic, social and environmental ambitions of the county.	<p>The Project ensures that the necessary transport infrastructure is delivered to support the economic, social and environmental ambitions of the county.</p> <p>The development will directly support the delivery of necessary transport infrastructure that will support new and existing development. The development will also support the social, economic and environmental ambitions of the county, for example supporting the economic ambitions as explained in 'Strategic Objective 1, Economic Ambition'.</p> <p>The benefits of improving access to health, educational and recreation facilities have been considered within the Project's ES assessment at section 13.10: Assessment of Likely</p>

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		<p>significant effects at Chapter 13 (Population and Human Health) (Application Document 3.2-3.4).</p> <p>As such, the Project meets DCC's Infrastructure strategic objective.</p>
Strategic objective 6: Rural economy	Support and improve the rural economy by encouraging diversification, retaining and enhancing key facilities, infrastructure and services while promoting appropriate new development in rural settlements.	<p>The Project supports and improves the rural economy by enhancing infrastructure which runs through many rural communities along the A66 route.</p> <p>Key infrastructure for rural communities will be maintained and improved, for example the improved local road network that parts of the disused A66 will become part of, consequently promoting appropriate new development in rural areas.</p> <p>The improvement of cycling and walking paths for non-motorised users adds to the emphasis of this development supporting the retainment of rural areas and ensuring that diversification of services remain in rural settlements.</p> <p>Therefore, the Project meets Strategic objective 6, Rural economy.</p>
Strategic objective 7: Green belt	Support the aims and purposes of Green Belt and seek to positively enhance its beneficial use, including increased opportunities to provide access, outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity and/or to improve damaged and derelict land.	The land within the Order limits is not designated as Green Belt, and therefore this strategic objective does not apply.
Strategic objective 9: Natural environment	Protect, enhance, maintain and manage the county's locally, nationally and internationally important natural environment, including through securing net gains, protecting connectivity and recognising the wider benefits from natural capital.	<p>The Project meets Strategic Objective 9: Natural Environment.</p> <p>Section 6.9 of Chapter 6 (Biodiversity) of the ES and the EMP (Application Documents 3.2 and 2.7) sets out design mitigation and enhancement measures, including Environmental Masterplans which will incorporate areas for ecology mitigation and enhancement with the objective of connecting surrounding habitats and suggest areas of replacement habitat which aim to connect surrounding habitats as well as replace habitats lost to the development.</p> <p>Habitats will be replaced on at least a like for like basis with some habitats including waterbodies and watercourses replaced with two for every one lost. Woodland of conservation value will be replaced at a suitable ratio to account for the longevity of that habitat. Planting</p>

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		<p>required for landscape integration, visual screening or noise and water attenuation will all be assessed to maximise biodiversity gain where possible. The value of all habitat reinstatement, creation and enhancement will be measured by applying the Defra Biodiversity Metric 3.0.</p> <ul style="list-style-type: none"> • Where the Project results in a loss of an identified bat roost, the roost will be compensated for in a form appropriate to the species of bat and type of roost, characterised by the baseline surveys. • Where the Project results in the loss or disturbance to a main sett or annexe sett, an artificial sett will be built (for each sett impacted) and the existing sett closed. Artificial setts will be constructed within suitable habitat within the territory of the main sett (informed by the results of bait marking surveys) and, in relation to replacement for a main sett. • As part of the habitat mitigation work, habitats suitable for badger foraging will be created within the Order Limits of the Project. This mitigates for the loss of foraging and sett building habitat as a result of the Project, but also provides the opportunity for existing badger populations to expand into previously unsuitable habitat. <p>Full consideration has been given to all designated sites (including both regional and local designations) located within the defined study areas surrounding the Order Limits.</p> <p>This is set out in full detail at Appendix 6:1: Designated sites; section 6.7: Baseline Conditions; section 6.8: Potential Impacts; section 6.10: Assessment of likely significant effects and section 6.9: Essential mitigation and enhancement measures of Chapter 6 (Biodiversity) of the ES.</p> <p>As such, the Project conforms with the policy insofar that it has taken account of biodiversity within the accompanying ES, set out any potential significant likely effects and opportunities to conserve and enhance biodiversity.</p>
Strategic objective 10: Built and historic environment	Protect and enhance the significance of County Durham's locally, nationally and internationally important built and historic environment, including its wide range of buildings, sites, archaeology, parks and gardens and other heritage assets.	<p>The Project has assessed and seeks to protect and enhance the significance of County Durham's local, national and internationally important built and historic environment. This is presented in Chapter 8 (Cultural Heritage) of the ES (Application Documents 3.2-3.4).</p> <p>Minimisation of impacts on cultural heritage resources has been incorporated throughout the design development. Essential mitigation of construction impacts would take the form of measures to reduce direct impacts (physical damage), and indirect impacts (changes to setting that affect the significance of the resources).</p> <p>No significant route wide effects are predicted to result from operational impacts.</p>

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Strategic objective 13: Tackling deprivation and inequalities	Ensure that the regeneration needs of County Durham's communities are met in order to reduce deprivation, improve health and address social, economic and environmental inequalities.	<p>As such, the Project works towards meeting DCC's Strategic objective relating to the built and historic environment.</p> <p>The Project will contribute towards ensuring that the regeneration needs of County Durham's communities are met through the provision of new road infrastructure that will reduce economic, social and environmental inequalities.</p> <p>Communities within the study area will benefit from shorter, more reliable journey times along the A66. Existing severance resulting from congestion at peak times and occasional major disruption in the event of lane closures on the single carriageway lengths will be reduced. The TA (Application Document 3.7) Table 6-8 identifies a journey time saving of 19% (from 56 to 45 minutes) in 2029, increasing to 22% by 2051, as a result of the Project. This will support the growth of local businesses and improve commuting times for workers within the study area who travel to work in private vehicles or by public transport (bus) on the A66 and surrounding local road network. It is considered that the Project is likely to lead to improved access to employment and associated improvements to income and quality of life for communities in the study area.</p> <p>Throughout the preliminary design process, the need for providing east-west WCH provision has been raised during consultation. Subsequently the design has provided greater east-west connections particularly by utilising de-trunked lengths of the existing A66. In other instances, connectivity has been provided parallel to the new dual carriageway. A summary of the provision for each scheme within County Durham is outlined below:</p> <ul style="list-style-type: none"> • Bowes Bypass - Segregated crossing of dual carriageway for PRoW at Bowes Cross Farm to Hulands Quarry. Existing footway to be retained under Bowes junction, signed National Cycle Route to be retained over new Clint Lane bridge. • Cross Lane to Rokeby - Shared cycle/footway parallel to the scheme from Cross Lanes to Greta Bridge, connecting into existing cycleway at Greta Bridge. • Stephen Bank to Carkin Moor - Shared bridleway/footway in verge of old de-trunked A66 running entire length. Segregated crossings of dual carriageway at several locations to reconnect and tie into existing PRoWs. <p>The economic appraisal demonstrates that there is expected to be significant safety benefits (£29.6m), connectivity and capacity benefits (£521.1m) and wider economic benefits (£61.5m) which includes a small but positive impact on labour supply (whereby better transport infrastructure releases inactive workers into the labour market and provides tax revenue).</p>

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		<p>The landscaping and habitat replacement works are anticipated to provide equivalent habitat connectivity in an east-west direction across the Project, by linking habitats between the locations where crossing provision has been provided in the form of greening overbridges, planting leading from or to underbridges, and creating tree canopy links across the live carriageway. This will form part of the mitigation to avoid and minimise potential road traffic collision mortality arising from the operation of the Project.</p> <p>Tree planting will take place at specific locations (Table 6 Locations of tree planting either side of new carriageway) on the verges either side of the new live carriageway. Woodland areas that will be created across the Project will provide a mosaic of foraging resource in combination with the reinstatement of the linear habitats to provide landscape connectivity.</p> <p>Details are provided in the Environmental Masterplan and the EMP (Application Document 2.7).</p>
<p>Strategic objective 16: Adaption to climate change</p>	<p>Adapt to the impacts of climate change and extreme weather conditions by promoting appropriate sustainable urban drainage systems (SUDs) in new developments, promoting sustainable land management and conservation including protecting habitats such as woodland and peatland, ensuring that new development is located away from areas of flood risk, with an integrated approach to water management across all areas and encouraging appropriate building and infrastructure design and through the restoration of minerals and waste sites.</p>	<p>The Project has incorporated design measures with the aim of adapting to the impacts of climate change. This is presented in Chapter 14 (Road Drainage and the Water Environment) of the ES.</p> <p>Climate change factors have been included in the Project's Flood Risk Assessment (FRA).</p> <p>A FRA has been conducted and is provided in Appendix 14.2: Flood Risk Assessment and Outline Drainage Strategy. The FRA includes a quantitative assessment of flood risk for the scheme, including hydrological and hydraulic modelling. It uses the latest available climate change data to apply the central, higher central, and upper end peak rainfall allowances for the 2080s epoch for all schemes.</p> <p>An in-combination climate change assessment (ICCI) has been conducted to assess likely changes to the significance of effects when considering the combined impact of the Project in a future changed climate on road drainage and the water environment receptors in the surrounding environment. The assessment considers whether climate change could impact the likelihood and magnitude of the effects of the Project on the road drainage and the water environment receptors, or affect the susceptibility, vulnerability, value or importance of the receptors themselves. The assessment has been based on the latest UK Climate Change Projections and considers a range of climatic hazards including rising temperatures, higher and lower rainfall, and the increased frequency and magnitude of extreme events such as heat waves and flooding.</p>

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		Therefore, the Project incorporates adaption to climate change measures, in line with Strategic objective 16.
Strategic objective 17: Low carbon	Reduce the causes of climate change and support the transition to a low carbon economy by encouraging and enabling the use of low and zero carbon technologies, supporting the development of appropriate renewable energy sources and sustainable and active transport.	<p>The Project has considered carbon impacts as defined at Table 7-2 of Chapter 7 (Climate) of the ES (Application Documents 3.2-3.4).</p> <p>GHG emissions associated with the construction and operation of the Project have been assessed as part of the GHG emissions assessment within Chapter 7 (Climate) at section 7.7. An assessment of likely significant effects is made by comparing Project emissions with the relevant UK Government carbon budgets (up to the Sixth Carbon Budget (2033-2037), which is the Carbon Budget furthest most in the future available for comparison.</p> <p>These details are addressed at section 7.7 Baseline Conditions and section 7.10 Assessment of likely significant effects at Chapter 7 (Climate) (Application Documents 3.2-3.4).</p> <p>As such, the Project has considered carbon impacts as part of its appraisal of scheme options.</p>
Strategic objective 18: Sustainable transport	Ensure that new development can be easily and safely accessed by all modes of transport and, wherever possible, contribute to reducing the need to travel, thereby reducing the impact of traffic and congestion on air quality, the wider environment, businesses and the economy, communities and health.	<p>The Project meets Strategic Objective 18: Sustainable Transport.</p> <p>Section 10: Sustainable Transport of the TA (Document 3.7) provides an overview of travel in the vicinity of the Project by sustainable modes of transport, those relevant to the schemes within Durham County are as follows:</p> <p><u>Walking and Cycling</u></p> <p>Table 10-7 in the TA (Document 3.7) details Trip Generators in Bowes, Rokeby and Greta Bridge are to:</p> <ul style="list-style-type: none"> • Bowes Hutchinson Church of England Primary School • St Giles Church • Bowes and Gilmonby Village Hall • The Ancient Unicorn Inn – Public House/B&B • Bowes Castle • Rokeby Park • The Morritt Hotel and Garage Spa <p><u>Bus</u></p>

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		<p>As set out at Table 10-8 of the TA (Application Document 3.7), it is concluded that the Project does not lead to any negative impacts on the identified bus routes or bus stop locations within the individual scheme boundary areas. Additional detail to be added once assessment is complete.</p> <p>Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4) sets out the mitigation and enhancements proposed for the schemes within the County which will contribute to the strategic objective. These include:</p> <p><u>Bowes Bypass</u></p> <p>To the northeast of Bowes, a new accommodation underpass will reconnect Footpath 6, which is currently severed by the existing A66. This will provide better links for the east of Bowes to rural PRoW on the north side of the A66. Further east, the gap in the central reservation will be closed to prevent walkers from crossing the dual carriageway and PRoW on the south side of the A66 will be diverted westwards to the accommodation underpass. These changes will result in better provision for walkers to the east of Bowes.</p> <p><u>Cross Lanes to Rokeby</u></p> <p>A 2-mile shared cycleway/footway is proposed to run alongside the dual carriageway from Cross Lanes junction to Greta Bridge, where it will connect to an existing cycle route through the village. The grade-separated junction at Cross Lanes will connect existing footpaths to the north and south of the A66 and provide a safe crossing point for cyclists travelling between Rutherford Lane and the B6277.</p> <p>At Rokeby, three existing footpaths on the north side of the A66 will be joined to the new shared cycleway/footway and connected to the PRoW network south of the A66 via the new grade-separated junction. The new shared cycleway/footway will provide a safer option for cyclists travelling from Greta Bridge to Barnard Castle, who currently use a route including steps down to a poorly maintained path leading onto the A66 carriageway. These changes are considered to improve the provision for walkers and cyclists to the southeast of Barnard Castle.</p> <p><u>Stephen Bank to Carkin Moor</u></p> <p>A shared path for horse-riders and pedestrians is proposed alongside the de-trunked A66, connecting into four existing footpaths and four bridleways, which currently either terminate at</p>

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		<p>the A66 or cross it via road verges and at-grade crossings. Proposed safe crossing points at grade-separated junctions and shared underpasses will improve access for walkers and horse riders and reduce the severance caused by the existing A66. The new 2.5-mile segregated route and improved crossings will encourage walking and horse riding, promoting physical activity and access to the countryside.</p> <p>As such, the Project has identified and incorporated sustainable modes of transport, as discussed above.</p>
<p>Policy 10: Development in the Countryside</p>	<p>Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions:</p> <p>Economic Development</p> <p>Development necessary to support:</p> <ul style="list-style-type: none"> a. an existing agricultural or other existing rural land-based enterprise or associated farm diversification scheme, including the provision of new or the extension of existing building(s), structures or hard standings required for the functioning of the enterprise; b. the expansion of an existing business falling beyond the scope of a rural land based enterprise, where it can be clearly demonstrated that it is, or has the 	<p>Traffic congestion along the A66 and A67 will be reduced as a result of the Project, leading to shorter, more reliable journey times. This will lead to improved connectivity and easier access for rural communities to facilities, shops and services in both settlements.</p> <p>Within County Durham, the following schemes conform with part e of the policy, through essential infrastructure:</p> <p><u>Bowes Bypass</u></p> <p>An upgraded, fully grade-separated junction will replace the existing partially grade-separated junction. This will improve safety by removing the need to cross oncoming traffic when turning right onto the A66 from The Street to the east of Bowes. Additionally, three farm accesses in this area will be diverted onto the new grade-separated junction.</p> <p>To the northeast of Bowes, a new accommodation underpass will reconnect Footpath 6, which is currently severed by the existing A66. This will provide better links for the east of Bowes to rural PRoW on the north side of the A66. Further east, the gap in the central reservation will be closed to prevent WCH from crossing the dual carriageway and PRoW on the south side of the A66 will be diverted westwards to the accommodation underpass. These changes will result in better provision for WCH to the east of Bowes.</p> <p>Access to and from Hulands Quarry will be made safer due to the closure of the existing central reserve gaps and upgrading the junction geometry.</p> <p><u>Cross Lanes to Rokeby</u></p> <p>To the north of the study area, on the south side of Barnard Castle, the TA (Application Document 3.7) reports a 53% increase in traffic flow on The Sills due to the new grade separated junction at Cross Lanes, improving access to Barnard Castle from areas to the south</p>

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	<p>prospect of being, financially sound and will remain so; c. the establishment of a new agricultural or other rural land based enterprise which clearly demonstrates an essential and functional need for that specific location and where it can be clearly demonstrated that it has the prospect of being financially sound and will remain so; or d. the undertaking of non-commercial agricultural activity which is located within or directly adjoining the applicant's existing residential curtilage which is of a scale commensurate to the incidental enjoyment of that existing dwelling. In all instances the resulting development must be of a design, construction and scale which is suitable for and commensurate to the intended use.</p> <p>In respect to (a), (b) and (c) any resulting building(s), other structure(s) and hard standing(s) must be well related to the associated farmstead or business premises unless a clear need to ensure the effective functioning of the business for an alternative location can be demonstrated by the applicant.</p> <p>Infrastructure Development</p>	<p>of the A66 via the B6277 Moorhouse Lane. Other roads will see a reduction in traffic due to reduced flows on the A67, including Barnard Castle Bridge and Galgate within the town centre.</p> <p>The new grade-separated junction at Cross Lanes will replace three at-grade junctions, which will improve safety by removing the need to cross oncoming traffic when turning right. In addition, four farm accesses will be diverted onto grade separated junctions.</p> <p>A 2-mile shared cycleway/footway is proposed to run alongside the dual carriageway from Cross Lanes junction to Greta Bridge, where it will connect to an existing cycle route through the village. The grade-separated junction at Cross Lanes will connect existing footpaths to the north and south of the A66 and provide a safe crossing point for cyclists travelling between Rutherford Lane and the B6277. At Rokeby, three existing footpaths on the north side of the A66 will be joined to the new shared cycleway/footway and connected to the PRoW network south of the A66 via the new grade-separated junction. The new shared cycleway/footway will provide a safer option for cyclists travelling from Greta Bridge to Barnard Castle, who currently use a route including steps down to a poorly maintained path leading onto the A66 carriageway. These changes are considered to improve the provision for WCH to the southeast of Barnard Castle.</p> <p><u>Stephen Bank to Carkin Moor</u></p> <p>A new grade-separated junction will provide access to the dualled A66 at Moor Lane, to the east of West Layton. The de-trunked existing A66 will function as a collector road for local access via Collier Lane, West Layton, and three other local roads. To the west, the existing farm access at Dick Scott Lane will be replaced with an underpass. To the east, the right turn across the existing dual carriageway to Warrener Lane will be removed and traffic diverted to the grade-separated junction via a new link road.</p> <p>A shared path for horse-riders and pedestrians is proposed alongside the de-trunked A66, connecting into four existing footpaths and four bridleways, which currently either terminate at the A66 or cross it via road verges and at-grade crossings. Proposed safe crossing points at grade-separated junctions and shared underpasses will improve access for WCH and reduce the severance caused by the existing A66.</p> <p>The location of these schemes are considered necessary due to the existing positioning of the A66 alignment and the scheme siting selection process undertaken as part of the PDOR</p>

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	<p>Development necessary to support:</p> <p>e. essential infrastructure where the need can be demonstrated for that location; f. the provision of new, or the enhancement of, existing community facilities; or g. development of a new, or the enhancement of, an existing countryside based recreation or leisure activity which will improve access to the countryside for all in terms of walking, cycling, horse riding and sailing without giving rise to adverse environmental impacts.</p> <p>Development of Existing Buildings</p> <p>Development necessary to support:</p> <p>h. the change of use of an existing building or structure which:</p> <ol style="list-style-type: none"> 1. already makes a positive contribution to the character and appearance of the area and is capable of conversion without complete or substantial rebuilding, disproportionate extension or unsympathetic alterations; 2. results in an enhancement of the building's immediate setting; 	<p>(Application Document 4.1). As a result of this exercise, the need for the Project is considered necessary in these locations.</p> <p>As such, it is considered that the Project aligns with this policy.</p>

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	<p>3. does not result in the unjustified loss of a community service or facility; and</p> <p>4. in the case of a heritage asset, represents the optimal viable use of that asset consistent with their conservation.</p> <ul style="list-style-type: none"> i. the intensification of a use through subdivision; j. the replacement of an existing dwelling in the same location with one of a comparable footprint and mass where this is clearly justified; or k. an extension of an existing dwelling or other householder development within the existing curtilage, which is incidental to the enjoyment of the dwelling, including proposals to facilitate home working. <p>General Design Principles for all Development in the Countryside</p> <p>New development in the countryside must accord with all other relevant development plan policies and by virtue of their siting, scale, design and operation must not:</p> <ul style="list-style-type: none"> l. give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or 	

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	<p>cumulatively, which cannot be adequately mitigated or compensated for;</p> <p>m. result in the merging or coalescence of neighbouring settlements;</p> <p>n. contribute to ribbon development;</p> <p>o. impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for;</p> <p>p. be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport;</p> <p>q. be prejudicial to highway, water or railway safety; and</p> <p>r. impact adversely upon residential or general amenity.</p> <p>New development in the countryside must also:</p> <p>s. minimise vulnerability and provide resilience to impacts arising from climate change,</p>	

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	<p>including but not limited to, flooding; and</p> <p>t. where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.</p>	
<p>Policy 14: Best and most versatile agricultural land and soil resources</p>	<p>Agricultural Land Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Where mineral working is proposed on best and most versatile agricultural land, proposals should seek where practicable to minimise its loss and retain its longer term capability unless the benefits of alternative restoration strategies outweigh its loss.</p> <p>Soil All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.</p>	<p>An assessment of likely significant effects that could arise as a result of the Project has been undertaken and are set out at section 9.10 Assessment of likely significant effects of Chapter 9 (Geology and Soils) of the ES. An assessment of likely significant effects that could arise as a result of the Project has been undertaken and are set out at section 9.10 Assessment of likely significant effects of Chapter 9 (Geology and Soils) of the ES (Application Documents 3.2-3.4).</p> <p>Where potential impacts have been identified on soil quality during construction and operation phases - design, mitigation and enhancement measures have been established to minimise these impacts. Mitigation and enhancement measures are outlined at section 9.9 Essential mitigation and enhancement measures of Chapter 9 (Geology and Soils) of the ES.</p> <p>The Project is an upgrade to an existing road and therefore where online widening is feasible it utilises the previously developed land, but where it is not feasible routes have been selected to minimise negative impacts to the environment. Potential impacts from possible contamination sources, pathways and key receptors have been identified from a variety of information sources within the study area. The location of potential contamination sources have been identified relative to the Order Limits. The potential impact to geodiversity, soils, human health, surface water and groundwater quality from identified potential contamination sources has been established. Further details are set out at section 9.8 Potential impacts of Chapter 9 (Geology and Soils).</p> <p>Design, mitigation and enhancement measures have been assessed to address any impacts identified arising from potential contamination sources and ensuring they are appropriately mitigated. This is set out at section 9.9 Essential mitigation and enhancement measures at Chapter 9 (Geology and Soils) of the ES.</p>
<p>Policy 21: Delivering sustainable transport</p>	<p>The transport implications of development must be addressed as part of any planning application, where relevant this</p>	<p>The Project has considered the transport implications of the development and is accompanied by a Transport Assessment (Application Document 3.7).</p>

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	<p>could include through Transport Assessments, Transport Statements and Travel Plans. All development shall deliver sustainable transport by:</p> <p>a) delivering, accommodating and facilitating investment in safe sustainable modes of transport in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles.</p> <p>b) providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.</p> <p>c) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements.</p> <p>d) ensuring the creation of new or improvements to existing</p>	<p>Section 10: Sustainable Transport in the TA (Application Document 3.7) provides an overview of the provision for travel in the vicinity of the Project by sustainable modes of transport. It also seeks to identify the current type and quality of provision as well as improvements delivered as part of the Project.</p> <p>A Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) (Application Document 2.4) has been undertaken for the Project. The purpose of the WCHAR is to ensure that walking, cycling and horse-riding facilities are considered within the Project. Within the County the following provisions will be incorporated:</p> <p><u>Bowes Bypass</u></p> <p>To the northeast of Bowes, a new accommodation underpass will reconnect Footpath 6, which is currently severed by the existing A66. This will provide better links for the east of Bowes to rural PRoW on the north side of the A66. Further east, the gap in the central reservation will be closed to prevent walkers from crossing the dual carriageway and PRoW on the south side of the A66 will be diverted westwards to the accommodation underpass. These changes will result in better provision for walkers to the east of Bowes.</p> <p><u>Cross Lanes to Rokeby</u></p> <p>A 2-mile shared cycleway/footway is proposed to run alongside the dual carriageway from Cross Lanes junction to Greta Bridge, where it will connect to an existing cycle route through the village. The grade-separated junction at Cross Lanes will connect existing footpaths to the north and south of the A66 and provide a safe crossing point for cyclists travelling between Rutherford Lane and the B6277.</p> <p>At Rokeby, three existing footpaths on the north side of the A66 will be joined to the new shared cycleway/footway and connected to the PRoW network south of the A66 via the new grade-separated junction. The new shared cycleway/footway will provide a safer option for cyclists travelling from Greta Bridge to Barnard Castle, who currently use a route including steps down to a poorly maintained path leading onto the A66 carriageway. These changes are considered to improve the provision for walkers and cyclists to the southeast of Barnard Castle.</p> <p><u>Stephen Bank to Carkin Moor</u></p>

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	<p>routes and facilities do not cause unacceptable harm to the natural, built or historic environment; and e) developments in the vicinity of level crossings (both vehicular and pedestrian) will be expected to assess the potential increase in risk at each crossing affected and indicate the appropriate mitigation required to reduce or remove such risks. All development should have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans.</p>	<p>A shared path for horse-riders and pedestrians is proposed alongside the de-trunked A66, connecting into four existing footpaths and four bridleways, which currently either terminate at the A66 or cross it via road verges and at-grade crossings. Proposed safe crossing points at grade-separated junctions and shared underpasses will improve access for walkers and horse riders and reduce the severance caused by the existing A66. The new 2.5-mile segregated route and improved crossings will encourage walking and horse riding, promoting physical activity and access to the countryside, which are linked to positive mental and physical health outcomes.</p> <p>The Project has considered its impact on existing bus services, as set out in Table 9-14 of the Transport Assessment (Application Document 3.7), and it is concluded within this report that the Project does not lead to any negative impacts on the identified bus routes or bus stops set out within this table.</p> <p>In reference to air quality and air pollution, an assessment has been carried out to determine if there is a risk of significant air quality impacts. The detail and results of this are provided in section 5.10 Assessment of likely significant effects at Chapter 5 (Air Quality) of the ES.</p> <p>There are no level crossings (both vehicular and pedestrian) affected by the Project.</p> <p>The development has had regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans.</p> <p>In summary, the Project has considered the required transport implications as set out in the accompanying Transport Assessment and aforementioned ES chapters. As such, it aligns with Policy 21, delivering sustainable transport.</p>
Policy 24: Provision of transport infrastructure	<p>New and improved transport infrastructure will be permitted where it meets all of the following criteria:</p> <p>a) is necessary to improve the existing highway network and/or public transport infrastructure.</p>	<p>The Project provides elements of both new and improved transport infrastructure.</p> <p>The Project aligns with the policy as follows:</p> <p>a) The Project improves the national road network to achieve a modern standard dual carriageway, improving the vital connection between North Yorkshire and Cumbria, with the upgrading of remaining single carriageway lengths on the route to dual carriageway. Local road networks will also be improved, with parts of the old A66 being placed into the local road</p>

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	<p>b) minimises and mitigates any harmful impact upon the built, historic and natural environment and the amenity of local communities including by incorporating green infrastructure.</p> <p>c) makes safe and proper provision for all users which prioritises the movement of pedestrians, cyclists and public transport.</p> <p>Transport infrastructure proposals should also meet at least one of the following criteria:</p> <p>a) supports economic growth;</p> <p>b) enhances connectivity either within the county or with other parts of the region; or</p> <p>c) accommodates future development sites.</p>	<p>network to ensure quicker and safer local journeys. The plans will reduce congestion and upgrade existing road infrastructure to a high-performing standard. The TA (Application Document 3.7) shows the Project would enable significant increases in traffic volumes using the A66 through increased capacity and a reduction in delays. This will improve safety along on the A66 road.</p> <p>b) The Project has taken account of the amenity of local communities and has sought to minimise and mitigate any harmful impacts upon the built, historic and natural environment where required. Firstly, an assessment has been carried out to determine if there is a risk of significant air quality impacts. The results of this assessment are provided at section 5.10: Assessment of likely significant effects at Chapter 5 (Air Quality) of the ES. The results of this assessment are provided at section 5.10: Assessment of likely significant effects at Chapter 5 (Air Quality) of the ES (Application Documents 3.2-3.4).</p> <p>c) Where PRoWs are severed by or converge at the upgraded A66 carriageway, then they have been gathered and redirected to the nearest grade-separated crossing facility in order to provide a safe place to cross the dual carriageway. The nearest crossing may be a new grade-separated junction, an accommodation underpass or overbridge, or a designated WCH underpass or bridge. All schemes have some level of betterment compared with the provision on the existing single carriageway lengths.</p> <p>In addition, given the Project comprises transport infrastructure, it is considered that it meets the criteria referenced – in so far that it will support economic growth and enhances connectivity locally, at county level and at a regional level overall.</p> <p>As such, the Project conforms with Policy 24 having met the relevant criteria policy requirements.</p>
Policy 26: Green infrastructure	Development will be expected to maintain and protect, and where appropriate improve, the county's green infrastructure network. This will in turn help to protect and enhance the county's natural capital and ecosystem services. Development proposals should incorporate appropriate Green Infrastructure that is integrated	<p>Section 13.8 of Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4) describes the mitigation and enhancement measures that are proposed. These include enhancements to existing PRoW to improve connection across the A66 and prevent severance of communities.</p> <p>Only Bowes Moor Common Land is anticipated to be subject to land take. The Common Land will be required for the duration of the construction phase as the entirety will be used as a site compound. However, the Common Land will be reinstated to its existing use upon completion of the works.</p>

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	<p>into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives.</p> <p>Loss of Provision</p> <p>Development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.</p> <p>Public Rights of Way</p> <p>Development will be expected to maintain or improve the permeability of the built</p>	<p>The Project has considered its possible effects on any existing PRow, and other right of access to land which are used by walkers, cyclists and equestrians. On this basis, any relevant mitigation measures have been incorporated into to the Project design.</p> <p>Amongst the Design Principles of the Project Design Report (Application Document 2.3) the section 'Good Road Design is Inclusive' it is noted that the principle for WCH is to integrate the needs of walkers, cyclists and horse riders within designs, incorporating the network of PRow around the A66 that designs tie in with. The network comprises mainly of footpaths and a small number of bridleways and restricted byways. Where the Project proposals could affect the existing PRow, appropriate mitigation measures are being integrated into designs, including safe crossing points where necessary.</p> <p>Only PRowS located within the Order Limits will potentially be affected by the construction of the scheme. Multiple PRowS will be subject to permanent effects due to either permanent closures or diversions as a result of the construction of the scheme. However, with appropriate mitigation and diversions the permanent slight adverse effects, are not significant, upon WCH. The PRowS affected in the County are listed below:</p> <ul style="list-style-type: none"> • FP16 • FP18 • FP6 • FP12 • FP1 • FP7 • FP8 • FP9 • FP10 • FP5 (Rokeby) • FP6 (Rokeby) <p>As a result, several new footpaths and cycleways will be introduced which will improve safety and access to a network of PRowS.</p> <p><u>Bowes Bypass</u></p> <p>During construction NCN 70 / Pennine Way is severed by the scheme and will require a permanent diversion. The route is nationally significant and is often used by cyclists on longer</p>

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	<p>environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.</p>	<p>recreational journeys. A permanent diversion will be required for the duration of the works and will provide the best practicable alternative. The route will be diverted to the south of the Order Limits, along The Street towards Bowes and then north along the A67, reconnecting to Clint Lane. As users are likely to already be committed to a longer journey, an increase in journey length from the diversion is not likely to have an impact on the user's ability to complete a journey.</p> <p>To the northeast of Bowes, a new accommodation underpass will reconnect Footpath 6, which is currently severed by the existing A66. This will provide better links for the east of Bowes to rural PROW on the north side of the A66. Further east, the gap in the central reservation will be closed to prevent walkers from crossing the dual carriageway and PROW on the south side of the A66 will be diverted westwards to the accommodation underpass. These changes will result in better provision for walkers to the east of Bowes.</p> <p><u>Cross Lanes to Rokeby</u></p> <p>A 2-mile shared cycleway/footway is proposed to run alongside the dual carriageway from Cross Lanes junction to Greta Bridge, where it will connect to an existing cycle route through the village. The grade-separated junction at Cross Lanes will connect existing footpaths to the north and south of the A66 and provide a safe crossing point for cyclists travelling between Rutherford Lane and the B6277.</p> <p>At Rokeby, three existing footpaths on the north side of the A66 will be joined to the new shared cycleway/footway and connected to the PROW network south of the A66 via the new grade-separated junction. The new shared cycleway/footway will provide a safer option for cyclists travelling from Greta Bridge to Barnard Castle, who currently use a route including steps down to a poorly maintained path leading onto the A66 carriageway. These changes are considered to improve the provision for walkers and cyclists to the southeast of Barnard Castle.</p> <p>This will encourage active travel, physical activity and access to the countryside, which are linked to positive mental and physical health outcomes.</p> <p><u>Stephen Bank to Carkin Moor</u></p> <p>A shared path for horse-riders and pedestrians is proposed alongside the de-trunked A66, connecting into four existing footpaths and four bridleways, which currently either terminate at the A66 or cross it via road verges and at-grade crossings. Proposed safe crossing points at</p>

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		<p>grade-separated junctions and shared underpasses will improve access for walkers and horse riders and reduce the severance caused by the existing A66. The new 2.5-mile segregated route and improved crossings will encourage walking and horse riding, promoting physical activity and access to the countryside, which are linked to positive mental and physical health outcomes.</p> <p>The measures proposed in respect of PRoW, and which would be attached to a grant of development consent are specified within Schedule 4 of the draft DCO (Application Document 5.1).</p> <p>Therefore, the Project has considered its possible effects on any existing PRoW, and other right of access to land which are used by walkers, cyclists and equestrians.</p>
<p>Policy 28: Safeguarding areas</p>	<p>Within safeguarded areas, as shown on the policies map, development will be subject to consultation with the relevant authority and will be permitted:</p> <p>a) within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety.</p> <p>When considering relevant planning applications within the defined safeguarded areas the council will ensure that developers always consider both potential individual and cumulative impacts. Where demonstrated to be necessary mitigation will always be sought to either remove or reduce the potential impact upon each safeguarded areas to acceptable levels.</p>	<p>There are no safeguarded areas within County Durham that would be impacted by the Project.</p>

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Policy 29: Sustainable design	<p>All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and:</p> <p>a) contribute positively to an area’s character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.</p> <p>b) Create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.</p> <p>c) minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.</p> <p>d) provide high standards of amenity and privacy and minimise</p>	<p>The Project is supported by a Project Design Report (Application Document 2.3) which sets out a series of design principles which are intended to be delivered through the detailed design and implementation of the Project.</p> <p>The Project follows a series of design principles which help to align the Project with the criteria set out within National Highway’s <i>The Road to Good Design</i> (National Highways, 2018).</p> <p>These principles are as follows:</p> <ul style="list-style-type: none"> A – Designs that are integrated in context and express character and a sense of place B – Designs to enhance experience for all users and serve the local community C – Designs to restore and enhance habitats and ecological connectivity D – Designs that are climate resilient and resource efficient E – A collaborative approach to design development. <p>By following these design principles, which lead to a number of different specific design themes, the Project has sought to meet the relevant policy criteria of Policy 29, and this is demonstrated through the suite of documents submitted as part of the DCO application. This includes the Project Design Report (Application Document 2.3), the ES (Application Documents 3.2-3.4) and the EqIA (Application Document 3.10), amongst others.</p> <p>Therefore, to conclude, the Project has considered sustainable design throughout its development and as such conforms with Policy 29 of the adopted County Durham Local Plan.</p>

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	<p>the impact of development upon the occupants of existing adjacent and nearby properties.</p> <p>e) contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users, including those with dementia and other.</p>	
<p>Policy 31: Amenity and Pollution</p>	<p>Development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.</p>	<p>The Project has demonstrated and considered its impact upon amenity including health, living, working conditions and the natural environment.</p> <p>In reference to air quality, an assessment has been carried out to determine if there is a risk of affecting the UK's ability to comply with the air quality limit values. The results are provided at section 5.10: Assessment of likely significant effects at Chapter 5 (Air Quality) of the ES. The results are provided at section 5.10: Assessment of likely significant effects at Chapter 5 (Air Quality) of the ES (Application Documents 3.2-3.4).</p> <p>Detailed assessment of the DCO alignment has been undertaken using ADMS Roads as set out in ES Appendix 5.2: Air Quality Assessment Methodology (Application Document 3.4).</p> <p>It describes the predicted concentrations at human receptor locations as a result of the Project in the baseline year (2019) and modelled opening year (2029) when there will be a change in vehicle flows which meet the <i>DMRB LA 105</i> screening criteria.</p> <p>The modelled NO₂, PM₁₀ and PM_{2.5} concentrations and magnitude of change for all 86 human receptors modelled are presented in ES Appendix 5.4: Air Quality Assessment Results (Application Document 3.4). Results have been presented in geographic areas known as 'discussion regions. Selected receptors have been chosen in each discussion region to summarise the changes in air quality as a result of the Project across these different locations. The receptors were selected to show the largest changes in concentrations in the region and the highest total concentrations predicted.</p> <p>The predicted DS 2029 annual mean NO₂ concentrations are illustrated in ES Figure 5.4: Air Quality Operational Phase Assessment (Application Document 3.3).</p>

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		<p>On the basis that the Project does not result in likely significant effects, no specific mitigation or Project Air Quality Action Plans (in accordance with <i>DMRB LA 105</i>) are required for the operation of the Project.</p> <p>Based upon the above, it is concluded that the Project conforms with Policy 31 of the County Durham Local Plan in assessing the above information.</p>
<p>Policy 35: Water Management</p>	<p>Flood Risk and Sustainable Drainage Systems All development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. This includes completion of a Flood Risk Assessment (FRA) where appropriate. Development will not be permitted unless:</p> <ul style="list-style-type: none"> a. in the functional floodplain (flood zone 3b), as identified in the Strategic FRA, it is water compatible or essential infrastructure; b. in flood zones 2 and 3a it passes the Sequential Test, and if necessary, the Exceptions Test, as required by national policy; and c. it can be proven through a FRA that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere, any residual risk can be safely managed and where 	<p>The Project has incorporated design measures with the aim of adapting to the impacts of climate change. This is presented in Chapter 14 (Road Drainage and the Water Environment) of the ES (Application Documents 3.2-3.4).</p> <p>A Flood Risk Assessment has been conducted and is provided in Appendix 14.2: Flood Risk Assessment and Outline Drainage Strategy. The FRA includes a quantitative assessment of flood risk for the scheme, including hydrological and hydraulic modelling. It uses the latest available climate change data to apply the central, higher central, and upper end peak rainfall allowances for the 2080s epoch for all schemes.</p> <p>An in-combination climate change assessment (ICCI) has been conducted to assess likely changes to the significance of effects when considering the combined impact of the Project in a future changed climate on road drainage and the water environment receptors in the surrounding environment. The assessment considers whether climate change could impact the likelihood and magnitude of the effects of the Project on the road drainage and the water environment receptors, or affect the susceptibility, vulnerability, value or importance of the receptors themselves. The assessment has been based on the latest UK Climate Change Projections and considers a range of climatic hazards including rising temperatures, higher and lower rainfall, and the increased frequency and magnitude of extreme events such as heat waves and flooding.</p> <p><u>Surface Water Flood Risk</u></p> <p>Given the potential changes in hydrology as a result of construction of the Project upon baseflows of watercourses from cuttings and embankment drainage, minimal changes to the flow regimes across the route wide study area are anticipated.</p> <p>With the sensitivity of the receptors across the route wide study area ranging from 'Low' to 'Very High', and a magnitude of impact of negligible, the effect would be neutral to slight adverse and not significant.</p>

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	<p>possible will reduce flood risk overall.</p> <p>Regarding Surface Water Flood Risk:</p> <p>d. for major developments the management of water must be an intrinsic part of the overall development;</p> <p>e. on all new development there is no net increase in surface water runoff for the lifetime of the development. Where greenfield sites are to be developed, the runoff rates must not exceed and where possible should reduce the existing greenfield runoff rates. On previously developed land, as close as practicable to a greenfield rate must be achieved. In exceptional cases where the developer can satisfactorily demonstrate that greenfield run-off rates are unachievable, a betterment rate (which should be a minimum of 50% of the existing site run-off rate) will be agreed with the council (127). Surface water run-off must be managed at source wherever possible and disposed of in the following order:</p> <ol style="list-style-type: none"> 1. to an infiltration or soak away system. 2. to a watercourse open or closed. 3. to a surface water sewer. 4. to a combined sewer. 	<p>The effects upon surface water quantity are principally related to new embankments, earth bund and cuttings, and the interactions with existing water features. These potential effects are very similar during construction and operation of the scheme. The significance of effects is therefore considered to be the same as the construction assessment.</p> <p><u>Water Quality</u></p> <p>Regarding the construction phase, following the implementation of mitigation listed in Ground and Surface Water Management Plan (Annex B7 of the EMP, Application Document 2.7), the magnitude of a pollution incident as a consequence of the construction of the Project on the surface water receptors in the route wide study area is likely to be negligible.</p> <p>During the operational phase, the drainage design of the scheme directs runoff from the mainline carriageway and realigned side roads to 69 outfalls that discharge to surface waters.</p> <p>It is considered that the magnitude of impact of sediment and dissolved metals discharging into surface watercourse receptors is negligible. The effect would be slight adverse and not significant.</p> <p>Adverse effects upon designated areas, such as the River Eden SAC, and surface water abstraction points downstream of the discharge locations for the proposed drainage network are not anticipated.</p> <p>In summary, the Project conforms with Policy 35: Water Management of the County Durham Local Plan.</p>

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	<p>Disposal to combined sewers should be the last resort once all other methods have been clearly explored and evidenced;</p> <p>f. part of the development site is set aside for surface water management and uses measures that do not increase flood risk elsewhere. These measures will supplement green infrastructure networks, thereby contributing to mitigation of climate change, water quality and flooding as an alternative to, or complementary to, hard engineering;</p> <p>g. where sites may be susceptible to over land flood flows (as shown in the Strategic Flood Risk Assessment) or lie within a Surface Water Risk Area (as shown in the Surface Water Management Plan) then developers must put adequate protection in place;</p> <p>h. the development incorporates a Sustainable Drainage System (SuDS) to manage surface water drainage. Where SuDS are provided arrangements must be put in place for their whole life management and maintenance. Where appropriate' SuDS should contribute to the provision of Green Infrastructure and biodiversity net gains; and</p>	

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	<p>i. all new development with culverts running through the site must seek to de-culvert watercourses for flood risk management and environmental benefit, unless it can be clearly demonstrated that this is not practical.</p> <p>Where improvement works are required to ensure that the drainage infrastructure has sufficient capacity to support proposed new development, developer contributions will be required in accordance with Policy 25 (Developer Contributions).</p> <p>Water Quality</p> <p>The quantity and quality of surface and groundwater bodies shall be protected and where possible enhanced. All commercial, industrial and major residential development must demonstrate control of the quality of surface water runoff during construction and for the lifetime of the development. New development will be required to incorporate appropriate water pollution control measures.</p> <p>Development adjacent to, over or in a watercourse should consider opportunities to improve the river environment and water quality.</p> <p>Development which could adversely affect the quality or</p>	

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	<p>quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no adverse impact would occur, or mitigation could be put in place to minimise this impact.</p>	
<p>Policy 38: North Pennines Area of Outstanding Natural Beauty</p>	<p>The North Pennines AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty.</p> <p>Major developments will only be permitted in the AONB in exceptional circumstances and where it can be demonstrated to be in the public interest, in accordance with national policy.</p> <p>Any other development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.</p> <p>Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning</p>	<p>The Project partly infringes into the North Pennines AONB. Therefore, an assessment has been completed to understand whether the Project would impact upon this designation.</p> <p>Local landscape character, national and local landscape designations that coincide with the study area are considered in the assessment.</p> <p>All relevant North Pennines AONB documents have been consulted, and stakeholders engaged from the outset to ensure all relevant North Pennines AONB policies are adhered to within the design.</p> <p>Appendix 10.4 of Chapter 10 (Landscape and Visual) of the ES (Application Documents 3.2-3.4) presents the Landscape Character Assessments for the relevant key characteristics of the North Pennines AONB and the applicant’s assessment of landscape sensitivity.</p> <p>The Project is a major development and therefore will only be permitted if it demonstrates exceptional circumstances and that its development is within the public interest.</p> <p>Having regard to the impact upon the AONB, construction of each scheme would result in the loss and alteration of landscape character and features such as trees, woodland, hedges, walls and modification of landform. Operation of each scheme would result in impacts on landscape of longer duration along with impacts on views and visual amenity.</p> <p>The purpose of landscape mitigation is to avoid, minimise, restore or offset potential landscape and visual impacts of the Project. The principal means of mitigation is embedded in the design of each scheme through considered alignment and associated earthworks to achieve the best fit with topography and sensitive landscape features.</p> <p>The Project includes for minor encroachments into the AONB, which is demonstrated in section 6 of the CftP (Application Document 2.2), and there are exceptional circumstances for such encroachment. However, the scale of the encroachment is not considered to be significant, and</p>

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	<p>Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB.</p>	<p>largely consists of the construction of new local roads to improve walking, cycling and horse-riding provision across the Project.</p> <p>National Highways considers that there are exceptional circumstances, as set out in the CftP (Application Document 2.2), for the grant of consent for the Project in the North Pennines AONB; there are compelling reasons for the new road and its enhanced capacity, and the benefits of the Project significantly outweigh its costs; and the Project will be carried out to a high environmental standard, including measures that would enhance the environment.</p> <p>In summary, the exceptional circumstances of the Project have been demonstrated, and that it is within the public's interest for the Project to be developed. As such, the Project accords with Policy 38 of the County Durham Local Plan.</p>
<p>Policy 39, Landscape</p>	<p>Proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views.</p> <p>Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.</p> <p>Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.</p> <p>Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape</p>	<p>Chapter 10 (Landscape and Visual) of the ES has been completed to ascertain whether the Project would cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views.</p> <p>The Project has had due consideration of County Durham Landscape Character Assessment and County Durham Landscape Strategy.</p> <p>During the design and consultation of the construction and operational phases, mitigation measures have been introduced to reduce the effects of the development on the landscape.</p> <p>The purpose of landscape mitigation is to avoid, minimise, restore or offset potential landscape and visual impacts of the Project. The principal means of mitigation is embedded in the design of each scheme through considered alignment and associated earthworks to achieve the best fit with topography and sensitive landscape features.</p> <p>The landscape planting design would include a range of measures designed to complement the local landscape character using species of local provenance with appropriate consideration of climate change resilient species. Mitigation planting may also function as visual screening when it has become established and reaches a reasonable height. The measures would include:</p> <ul style="list-style-type: none"> • Woodland and woodland edge planting • Linear belts of trees and shrubs • Blocks of mixed species native woodland • Scattered trees • Scrub

Policy no.	Policy description	Compliance with policy
	<p>Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.</p>	<ul style="list-style-type: none"> • Hedgerows • Hedgerows with trees • Individual trees • Ecological planting for ponds and marginal wetland areas • Species rich grassland. <p>Therefore, in conclusion, the Project has taken account of its surrounding landscape character and therefore conforms with this policy.</p>
<p>Policy 40, Trees, Woodlands and Hedges</p>	<p>Trees Proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.</p>	<p>The Project has considered existing trees, woodlands and hedges at all stages along the route.</p> <p>An impact assessment has been carried out to determine likely significant effects on internationally, nationally and locally designated sites and all potential ecological receptors.</p> <p>The mitigation presented in the ES has sought opportunities to protect existing features with biodiversity value and maximise biodiversity enhancements where possible.</p> <p>Having regard to Chapter 10 (Landscape and Visual) of the ES, mitigation and enhancement measures are presented in section 10.9 of Chapter 10. Having regard to Chapter 10: Landscape and Visual of the ES (Application Documents 3.2-3.4), mitigation and enhancement measures are presented in section 10.9 of Chapter 10.</p> <p>During the construction phase, activity would be located across and in close proximity to the existing A66, to consolidate the construction phase within the existing perception of the road. The removal of vegetation and stone walls has been minimised where practicable by the alignment of the Order Limits.</p> <p>The landscape planting design would include a range of measures designed to complement the local landscape character using species of local provenance with appropriate consideration of climate change resilient species. Mitigation planting may also function as visual screening when it has become established and reaches a reasonable height. The measures would include:</p> <ul style="list-style-type: none"> • Woodland and woodland edge planting • Linear belts of trees and shrubs • Blocks of mixed species native woodland • Scattered trees • Scrub

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	<p>Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.</p> <p>Where applications are made to carry out works to trees in Conservation Areas or that are covered by a Tree Preservation Order, they will be determined in accordance with the council's Tree Management Policy Document (or any subsequent revisions).</p> <p>Woodlands</p> <p>Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the Order Limits, can be undertaken.</p> <p>Proposals for new development resulting in the loss or deterioration of ancient woodlands as shown on the policies map, will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals affecting ancient woodland (including planted ancient woodland sites) not previously identified as such, will be subject to the same considerations.</p>	<ul style="list-style-type: none"> • Hedgerows • Hedgerows with trees • Individual trees • Ecological planting for ponds and marginal wetland areas • Species rich grassland. <p>A full mitigation schedule is set out in Appendix 10.7 of Chapter 10 (Landscape and Visual) of the ES.</p> <p>Therefore, in summary to the above, the Project is in conformity with the requirements of Policy 40 of the County Durham Local Plan.</p>

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	<p>Proposals for new development will be expected to maintain adequate stand-off distances between woodland and new land-uses to avoid future conflicts and integrate them fully into the design having regard to their future management requirements and growth potential.</p> <p>Hedges Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm.</p> <p>Proposals for new development will be expected to retain existing hedgerows where appropriate and integrate them fully into the design having regard to their management requirements. Where any hedges are lost, suitable replacement planting or restoration of existing hedges, will be required within the site or the locality, including appropriate provision for maintenance and management.</p>	
Policy 41, Biodiversity and Geodiversity	<p>Proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.</p>	<p>The Project has assessed biodiversity and geodiversity both within the Order Limits and in the surrounding area. Relevant assessments have been completed to ascertain whether there could be significant harm from the development that cannot be avoided, or appropriately mitigated, or compensated for as a last resort.</p> <p>The landscaping and habitat replacement works are anticipated to provide equivalent habitat connectivity in an east-west direction across the Project, by linking habitats between the</p>

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	<p>Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.</p> <p>Measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.</p> <p>Proposals for new development will be expected to protect geological features and have regard to Geodiversity Action Plans, the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.</p> <p>Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted, where they accord with other relevant policies in the Plan.</p> <p>Development proposals which are likely to result in the loss or deterioration of irreplaceable</p>	<p>locations where crossing provision has been provided in the form of greening overbridges, planting leading from or to underbridges, and creating tree canopy links across the live carriageway. This will form part of the mitigation to avoid and minimise potential road traffic collision mortality arising from the operation of the Project.</p> <p>One proven method for deterring badger from crossing an operational road and therefore reducing the likelihood of a road traffic collision is the use of badger fencing, placed to direct badger to specific crossing points. Badger fencing will be installed on either side of the new badger culverts (to a distance of 500m each side) and on both sides of the road. The fencing will be used to guide badgers to the crossing by providing an angled approach or recess leading to the culvert.</p> <p>Tree planting will take place at specific locations on the verges either side of the new live carriageway to avoid and minimise potential injury and mortality caused by road traffic collisions by raising commuting bats over the live carriageway.</p> <p>Improvement of the existing habitats will enhance habitats for bats to forage and commute within in the short to longer term and for roosting in the longer term when the roost features develop in maturing trees.</p> <p>Woodland areas that will be created across the Project will provide a mosaic of foraging resource in combination with the reinstatement of the linear habitats to provide landscape connectivity.</p> <p>Provision of multiple engineering balancing ponds will provide focussed prey sources for bats that favour collecting prey over water or from around the marginal vegetation that will develop.</p> <p>Mammal fencing will be installed associated with existing and proposed culverts to improve their use by otter. This will comprise 50mm mesh with a mesh overhang of 300mm, angled away from the road, to prevent otter from climbing up and over the fence, as referenced within the design manual for roads and bridges. Otter fencing will be located within all schemes with the exception of Bowes Bypass and A1(M) Junction 53 Scotch Corner schemes.</p> <p>In reference to geodiversity, the Project has been identified to run through the North Pennines AONB and UNESCO Global Geopark. The likely effects imposed by the Project within the Geopark area have been appraised at section 9.10 Assessment of likely significant effects at Chapter 9 (Geology and Soils) of the ES (Application Documents 3.2-3.4). In summary, it is</p>

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	<p>habitat(s) (such as peatlands or lowland fen) will not be permitted unless there are wholly exceptional reasons, and a suitable compensation strategy exists.</p>	<p>considered that there are no significant construction or operation stage effects in relation to geology and soils.</p> <p>There are no records of coal mining or mineral extraction within this council area. This is set out in section 9.7 Baseline conditions at Chapter 9 (Geology and Soils) of the ES.</p> <p>Therefore, in conclusion, the Project accords with Policy 41 of the adopted County Durham Local Plan.</p>
<p>Policy 42, Internationally Designated Sites</p>	<p>Development that has the potential to have an effect on internationally designated site(s), will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.</p> <p>Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. In these exceptional circumstances, where these tests are met, appropriate compensation will be required in accordance with Regulation 68.</p> <p>Where development proposals would be likely to lead to an</p>	<p>The Applicant has taken into account the Habitats Regulations in the development of the Project and its possibility to have an effect on internationally designated sites.</p> <p>Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4) and the Habitats Regulation Assessment (Stages 1 and 2) (Application Documents 3.5 and 3.6) accurately describe the Project and its association with designated sites at a European, National and Local level. The ZoI extends to 2km radius from the Order Limits for international sites of nature conservation importance (or 30km for SACs where bats are noted as one of the qualifying interests).</p> <p>A Habitats Regulations Assessment ('HRA') (Application Document 3.5) has identified the following European sites which have met the screening criteria as set out in section 2.2 and 4.3 of the Habitats Regulations Assessment Screening Stage 1 Assessment (Application Document 3.5).</p> <p>A Habitats Regulations Assessment ('HRA') (Application Document 3.5) has identified the following European sites which have met the screening criteria as set out in section 2.2 and 4.3 of the Habitats Regulations Assessment Screening Stage 1 Assessment (Application Document 3.5):</p> <ul style="list-style-type: none"> • River Eden Special Area of Conservation ('SAC') • Helbeck and Swindale Woods SAC • Moor House- Upper Teesdale SAC • North Pennines Moors SAC • North Pennines Moors SPA <p>The report has been prepared to provide the necessary information for the competent authority (the SoS for Transport) to carry out an HRA under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019. Engagement has been ongoing with Natural</p>

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	<p>increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or Project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered during the Appropriate Assessment.</p> <p>Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity. Development proposals which have an adverse impact on mitigation or compensation measures will not be allowed.</p>	<p>England, and this is referenced in the Statements of Common Ground between Natural England and National Highways (Application Document 4.5).</p> <p>Following the Stage 1 assessment, the following European sites have been taken forward to Stage 2 (Appropriate Assessment) (discussed in paragraph 4.23 below):</p> <ul style="list-style-type: none"> • River Eden SAC • North Pennine Moors SAC • North Pennine Moors SPA <p>Full details of these Stage 1 assessments can be found in chapter 4 of HRA Stage 1 Likely Significant Effects Report (Application Document 3.5).</p> <p>In consideration of the three European sites defined above, an Appropriate Assessment has been completed and assessment set out at sections 1.5, 1.6 and 1.7 of HRA Stage 2 Statement to Inform Appropriate Assessment (Application Document 3.6).</p> <p>The assessment has been completed in order to assess potential adverse effects from a series of different sources, in order to assess whether the Project will adversely affect the integrity of the sites in view of their conservation objectives. The potential for adverse effects for each qualifying European site are as follows:</p> <p>River Eden SAC</p> <ul style="list-style-type: none"> • Land take/resource requirements/reduction of habitat • Disturbance of mobile species and species fragmentation • Species injury and mortality • Introduction and/or spread of invasive non-native species • Changes in surface and groundwater quality, quantity, and hydrogeology • Changes in hydrology and fluvial geomorphological processes • Changes in air quality <p>North Pennine Moors SAC Changes in air quality during operation (associated with the Affected Road Network (ARN))</p> <p>North Pennine Moors SPA A reduction in suitable habitat (as a result of changes in air quality during operation associated with ARN).</p>

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		<p>The Appropriate Assessment (Application Document 3.6) includes measures that are proposed to minimise or avoid any likely significant effects on the River Eden SAC, North Pennine Moors SAC and North Pennines Moors SPA. In taking these measures and mitigation into account the assessment concludes that no reasonable scientific doubt remains and in ‘the light of the best scientific knowledge in the field’, the Project will not adversely affect the integrity of any European Site, alone or in combination with other plans or Projects.</p> <p>The HRA Stage 2 Statement of Information Appropriate Assessment (Application Document 3.6) concludes that the Project will not have a significant adverse effect on any qualifying feature of the River Eden SAC, North Pennine Moors SAC or North Pennine Moors SPA, either alone or in combination with other plans and projects. Nor will it have adverse implications for the River Eden SAC, North Pennine Moors SAC or North Pennine Moors SPA site conservation objectives and will not delay or interrupt progress towards achieving the site objectives. It will not adversely affect the integrity of the River Eden SAC, North Pennine Moors SAC or North Pennine Moors SPA, beyond reasonable scientific doubt.</p> <p>As such, the Applicant has considered whether there could be significant effects on the objectives of the aforementioned European sites and has followed the Habitats Regulations accordingly.</p> <p>Therefore, the Project has taken the relevant steps as defined within the policy and therefore accords with Policy 42 of the County Durham Local Plan.</p>
Policy 43, Protected Species and Nationally and Protected Sites	<p>All development proposals in, or which are likely to adversely impact upon (either individually or in combination with other developments), any of the following national designations (where not a component of an internationally designated site):</p> <p>Sites of Special Scientific Interest</p> <p>National Nature Reserves</p>	<p>The Project has considered Protected Species and Nationally and Protected sites at all stages of its development.</p> <p>Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4) details the location and impacts to the SSSI’s within the Order Limits. The following SSSIs in the County are within 2km of the Project:</p> <ul style="list-style-type: none"> • Bowes Moor SSSI; • Kilmond Scar SSSI; • Brignall Banks SSSI; and • Black Scar Quarry SSSI. <p>The Project has taken account of opportunities to maximise beneficial biodiversity as part of its design.</p>

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	<p>will only be permitted where the benefits of development in that location clearly outweigh the impacts on the interest features on the site and any wider impacts on the network of sites. All development proposals in, or which are likely to adversely impact upon, any of the following local designations:</p> <p>Local Sites (Geology and Wildlife) Local Nature Reserves (LNRs)</p> <p>will only be permitted when it can be demonstrated that the benefits of development in that location outweigh the impacts on the local nature conservation interest or scientific interest on the site and any wider impacts on the network of sites.</p> <p>In all cases where development impacts adversely on a designated site, mitigation, or as a last resort compensation, must be provided and it must be demonstrated that the proposed mitigation or compensatory measures are appropriate to the designations assigned to the site and deliver clear net gains for the habitats and/or species assemblages the site is designated for. In relation to protected species and their habitats, all development which,</p>	<p>Section 6.9 of Chapter 6 (Biodiversity) of the ES and the EMP (Application Documents 3.2 and 2.7) sets out design mitigation and enhancement measures, including Environmental Masterplans which will incorporate areas for ecology mitigation and enhancement with the objective of connecting surrounding habitats and suggest areas of replacement habitat which aim to connect surrounding habitats as well as replace habitats lost to the development.</p> <p>Habitats will be replaced on at least a like for like basis with some habitats including waterbodies and watercourses replaced with two for every one lost. Woodland of conservation value will be replaced at a suitable ratio to account for the longevity of that habitat. Planting required for landscape integration, visual screening or noise and water attenuation will all be assessed to maximise biodiversity gain where possible. The value of all habitat reinstatement, creation and enhancement will be measured by applying the Defra Biodiversity Metric 3.0.</p> <p>All potential adverse impacts designated sites and ecological receptors have been avoided in the first instance. Where this has not been possible, adverse impacts have been mitigated. These are detailed in section 6.0: Essential mitigation and enhancement measures at Chapter 6 (Biodiversity) of the ES.</p> <p>Full consideration has been given to all designated sites (including both regional and local designations) located within the defined study areas surrounding the Order Limits.</p> <p>This is set out in full detail at Appendix 6:1: Designated sites; section 6.7: Baseline Conditions; section 6.8: Potential Impacts; section 6.10: Assessment of likely significant effects and section 6.9: Essential mitigation and enhancement measures of Chapter 6 (Biodiversity) of the ES.</p> <p>In reference to biodiversity, the assessment of likely significant environmental effects during the operational stage of the Project, as set out in Chapter 16 (Summary) of the ES (Application Documents 3.2-3.4), concludes that there are no significant effects from the schemes falling within County Durham.</p> <p>The Project incorporates measures that are considered essential mitigation in order to mitigate for the potential impacts described in section 6.8: Potential impacts in Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4) which cannot be avoided or minimised sufficiently.</p> <p>The following measures will be incorporated and how they would minimise the impacts of the Project on biodiversity. Details are provided in the Environmental Masterplan and the EMP (Application Document 2.7).</p>

Policy no.	Policy description	Compliance with policy
	<p>alone or in combination, has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless:</p> <p>a. appropriate mitigation, or as a last resort compensation, can be provided, which maintains a viable population and where possible provides opportunities for the population to expand; and</p> <p>b. where the species is a European protected species, the proposal also meets the licensing criteria (the 3 legal tests) of overriding public interest, no satisfactory alternative and favourable conservation status.</p>	<p>The landscaping and habitat replacement works are anticipated to provide equivalent habitat connectivity in an east-west direction across the Project, by linking habitats between the locations where crossing provision has been provided in the form of greening overbridges, planting leading from or to underbridges, and creating tree canopy links across the live carriageway. This will form part of the mitigation to avoid and minimise potential road traffic collision mortality arising from the operation of the Project.</p> <p>One proven method for deterring badger from crossing an operational road and therefore reducing the likelihood of a road traffic collision is the use of badger fencing, placed to direct badger to specific crossing points. Badger fencing will be installed on either side of the new badger culverts (to a distance of 500m each side) and on both sides of the road. The fencing will be used to guide badgers to the crossing by providing an angled approach or recess leading to the culvert.</p> <p>Tree planting will take place at specific locations (Table 6 15: Locations of tree planting either side of new carriageway) on the verges either side of the new live carriageway to avoid and minimise potential injury and mortality caused by road traffic collisions by raising commuting bats over the live carriageway. Improvement of the existing habitats will enhance habitats for bats to forage and commute within in the short to longer term and for roosting in the longer term when the roost features develop in maturing trees.</p> <p>Woodland areas that will be created across the Project will provide a mosaic of foraging resource in combination with the reinstatement of the linear habitats to provide landscape connectivity.</p> <p>Provision of multiple engineering balancing ponds will provide focussed prey sources for bats that favour collecting prey over water or from around the marginal vegetation that will develop.</p> <p>Mammal fencing will be installed associated with existing and proposed culverts to improve their use by otter. This will comprise 50mm mesh with a mesh overhang of 300mm, angled away from the road, to prevent otter from climbing up and over the fence, as referenced within the design manual for roads and bridges. Otter fencing will be located within all schemes with the exception of Bowes Bypass and A1(M) Junction 53 Scotch Corner schemes.</p>

Policy no.	Policy description	Compliance with policy
		<p>In reference to air quality, an assessment has been carried out to determine if there is a risk of significant air quality impacts and the results are provided in section 5.10 Assessment of likely significant effects at Chapter 5 (Air Quality) of the ES. The significance of the construction phase and operational phase effects are both predicted to be not significant. The chapter concludes that it is predicted the effects on air quality at human and ecological receptors would not be significant.</p> <p>In conclusion, the Project accords with Policy 43: Protected Species and Nationally Protected Sites of the County Durham Plan.</p>
<p>Policy 44, Historic Environment</p>	<p>Development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.</p> <p>Designated Assets Great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments) (164) . Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any</p>	<p>The Project has undertaken an assessment to assign significance to heritage assets and assess if effects are proportionate to the highly sensitive location in which the Project is located. Section 8.4: Assessment Methodology of Chapter 8 (Cultural Heritage) of the ES (Application Documents 3.2-3.4) describes the approach taken to assessing effects on heritage within the EIA. This ES chapter is the primary document which reports the Project impacts and effects upon heritage assets. It reports the impacts on all designated and non-designated heritage assets. Section 8.6: Baseline Conditions describes the approach undertaken to the Assessment Methodology.</p> <p>Historic Environment Records have been consulted from the relevant Local Authorities along the route, in addition to the National record. The records that have been used are as follows:</p> <ul style="list-style-type: none"> • National Heritage List for England (NHLE) - compiled and maintained by Historic England, it contains information on all of the protected sites and buildings in England. • DCC Historic Environment Record (DHER) - lists all sites of archaeological or historical interest within Durham. • Conservation area data for DCC. <p>In the assessment of the Historic Environment, due to the density of scheduled monuments and associated non-designated archaeological remains along the route of the Project, the study area encompasses a corridor extending 1km either side of the DCO boundary for designated heritage assets and 300m either side of the DCO boundary for non-designated heritage assets. This allows for potentially significant impacts to the setting of designated and non-designated heritage assets to be identified.</p> <p>As described within section 8.4: Assessment Methodology of Chapter 8 (Cultural Heritage) of the ES the baseline has been informed by prior archaeological evaluations and excavations. In addition, field work has been undertaken to inform the Project design.</p>

Policy no.	Policy description	Compliance with policy
	<p>potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal.</p> <p>Development which leads to substantial harm to, or total loss of, the significance of a designated heritage asset will only be acceptable where it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or where all of the following apply:</p> <ul style="list-style-type: none"> • the nature of the heritage asset prevents all reasonable uses of the site. • no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation. • conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible. • the harm or loss is outweighed by the benefit of bringing the site back into use. <p>In determining applications, particular regard will be given to the following:</p>	<p>Where heritage assets have the possibility to be impacted by the Project, designs of individual schemes have been modified to mitigate historical impacts in line with principles set out in the NPPF.</p> <p>A strategy for mitigating effects on the heritage resources including provision for excavation and recording has been developed. Opportunities for increasing understanding has also been developed. These resources include non-designated archaeological sites.</p> <p>Section 8.9 of Chapter 8 (Cultural Heritage) of the ES concludes that some major adverse impacts may occur during the construction phase of the A66, however in the operational phase the impacts will be moderate at most.</p> <p>Appendix 8.11 of Chapter 8 (Cultural Heritage) of the ES presents an Impact Assessment Table.</p> <p>In summary, any adverse impacts caused by the Project will result in less than substantial harm and the Project has sought to ensure that heritage and non-designated heritage assets and their settings have been conserved and where possible enhanced. The Project will therefore conform with Policy 44 in this regard.</p>

Policy no.	Policy description	Compliance with policy
	<p>Scheduled Monuments a) the sustainable management of the monument and its setting.</p> <p>Listed Buildings b) respect for the historic form, setting, fabric, materials, detailing, and, any other aspects including curtilage, which contribute to the significance of the building or structure; and c) the retention of the character and special interest of buildings when considering alternative viable uses.</p> <p>Registered Parks and Gardens d) the sustainable management of the landscape, its features and setting.</p> <p>Conservation Areas e) the demonstration of understanding of the significance, character, appearance and setting of the conservation area and how this has informed proposals to achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness and the conservation or enhancement of the asset. The manner in which the proposal responds positively to the findings and recommendations of conservation area character appraisals and management proposals.</p>	

Policy no.	Policy description	Compliance with policy
	<p>f) respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing).</p> <p>Non-designated Assets A balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets. In determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to the following:</p> <p>g) ensuring that archaeological features are generally preserved in situ.</p> <p>h) in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available.</p> <p>Heritage at Risk The council will seek to reduce the number of heritage assets identified at risk, from either neglect, decay or other threat, and seek to avoid assets becoming at risk in the future. Weight will be</p>	

Policy no.	Policy description	Compliance with policy
	<p>given to any significant improvements to at risk heritage assets as a result of development proposals. The deteriorated state of the heritage asset will not be taken into account where evidence shows that the asset has been deliberately neglected or damaged.</p> <p>If the loss of the whole or part of a heritage asset is accepted, conditions will be secured to ensure the new development proceeds after the loss has occurred. Full and proper recording of the asset must be undertaken and made publicly available prior to its loss, in a manner proportionate to the importance of, and impact upon, the asset.</p>	
<p>Policy 48, Safeguarding Mineral Sites, Minerals Related Infrastructure and Waste Management Sites.</p>	<p>Existing and allocated minerals sites, minerals processing facilities and minerals related transportation infrastructure and important waste management sites shall be safeguarded and protected from all non-mineral and non-waste related development. Planning permission will not be granted for non-minerals or non-waste related development that would result in the loss of existing or allocated minerals processing facilities and minerals related transportation infrastructure and waste management sites unless:</p>	<p>The Project has considered the requirements of the policy by using the existing and future mineral sites identified by DCC for baseline data and assessing these areas for potential sterilisation. DCC have been consulted throughout the development of the ES and are aware of the findings from the assessment including the moderate adverse impact that has been identified as a result of the sterilisation of a mineral safeguarding site in the Cross Lanes to Rokeby scheme which constitutes a large significant effect.</p> <p>The likelihood of sterilisation and magnitude of effect was qualitatively assigned using professional judgement and in consultation with representatives from each local authority involved in minerals planning matters. It is understood that DCC hope to protect the MSA in this area. The design of the scheme has evolved to encroach on this MSA as little as possible. The design follows the existing carriageway and would only impact a small portion of the wider resource</p>

Policy no.	Policy description	Compliance with policy
	<p>a. where the facility, infrastructure or site is in active use an alternative suitable site within an acceptable distance can be provided, which is at least as appropriate and acceptable for the use as the safeguarded site; or</p> <p>b. the facility, infrastructure or site is not in active use, and it can be demonstrated that it no longer meets the current or anticipated future needs of the minerals, building and construction industry or the waste management industry; or</p> <p>c. the need for the alternative development outweighs the benefits of retaining the existing, or allocated infrastructure, facility or site. Planning permission will not be granted for non-minerals or non-waste related development next to a safeguarded minerals processing facility, minerals related transportation infrastructure, minerals site or waste management site, or within a defined minerals or waste site safeguarding zone (where defined in the policies map document) other than for:</p> <p>d. exempt development; or</p>	<p>These details are referenced at section 16.6.9, sections 11.9.13 to 11.9.15, ES Figure 11.1 and Tables 11-7, 11-34 and 11-35 of Chapter 11 (Materials and Waste) of the ES (Application Documents 3.2-3.4).</p>

Policy no.	Policy description	Compliance with policy
	<p>e. where it can be demonstrated that the new non-minerals or non-waste development would not prevent, prejudice or be prejudiced by the current or future use of the safeguarded infrastructure, facility or site including through provision of adequate mitigation to reduce any impacts to an acceptable level.</p> <p>All non-exempt proposals within or adjacent to a Minerals and Waste Site Safeguarding Zone will be required to prepare a Minerals and/or Waste Infrastructure Assessment.</p>	
<p>Policy 55, Reopening of Relic Building Stone Quarries for Heritage Projects</p>	<p>Proposals to temporarily reopen, on a time limited basis, relic natural building and roofing stone quarries, including those identified by Historic England through the Strategic Stone Study, or for new extraction adjacent to or close to these quarries to extract small quantities of stone required for heritage Projects, will be permitted where it can be demonstrated that:</p> <p>a) records indicate the quarry was the original source of stone used in the construction of a historic building or monument or the stone is technically compatible with material in the structure to be repaired; or</p> <p>b) the stone from the quarry is, or will be, required for</p>	<p>The Project does not intend to temporarily re-open relic natural buildings and roofing stone quarries. On this basis, it is concluded that the Project is in conformity with Policy 55 of the County Durham Local Plan.</p>

Policy no.	Policy description	Compliance with policy
	<p>restoration or conservation in the absence of viable alternatives; and c) the stone can be worked, and the site restored, taking into account the need to protect designated sites and without other unacceptable adverse impact on the environment, human health or the amenity of local communities.</p>	
<p>Policy 56, Safeguarding Mineral Resources</p>	<p>Planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within Mineral Safeguarding Area or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map C of the policies map document unless one of the following applies:</p> <p>a) it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource.</p> <p>b) provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact on the environment, human health or the amenity of local communities and within a reasonable timescale.</p>	<p>The Project extends into a number of Mineral Safeguarding Areas as defined on the adopted proposals map. A minerals assessment within a dedicated ES chapter has been completed.</p> <p>As set out in Table 11-7 of Chapter 11 (Materials and Waste) of the ES, the following schemes extend into mineral safeguarding areas.</p> <p><u>Bowes Bypass</u></p> <p>DCC has a Carboniferous Limestone MSA and mineral sites within proximity to the scheme. The Order Limits of the scheme would involve small and localised encroachment into the MSA.</p> <p>The scheme would not encroach or impact an eastward extension to Hulands Quarry and additional minerals allocation as the scheme ends before reaching the western extent of the site.</p> <p><u>Cross Lanes to Rokeby</u></p> <p>The Carboniferous Limestone MSA extends along entire alignment of scheme. There are small pockets of river sand and gravel MSA to the south of the scheme and glacial sand and gravel MSA to the east. The scheme will encroach along the full length into carboniferous limestone and in limited areas of other MSAs.</p> <p>The scheme would lie within the unallocated Boldron Cross Lanes proposed mineral site. The design alteration since the PEIR has reduced the scheme footprint in this area, to the betterment of the MSA.</p> <p>DCC have been consulted throughout the development of the ES and are aware of the findings from the assessment including the moderate adverse impact that has been identified as a</p>

Policy no.	Policy description	Compliance with policy
	<p>c) the non-minerals development is of a temporary nature that does not inhibit extraction within the timescale the mineral is likely to be needed.</p> <p>d) there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral. Or</p> <p>e) it constitutes exempt development as set out in appendix C of the Plan.</p> <p>Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development. Where the Mineral Assessment has identified that mineral is of potential value and economic to extract, an assessment of the viability of the potential for prior extraction will be required. Where planning permission is granted for prior extraction, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the following development be delayed or is not implemented.</p>	<p>result of the sterilisation of a mineral safeguarding site in the Cross Lanes to Rokeby scheme which constitutes a large significant effect. Full details are included section 11.6.9, ES Figure 11.1, Table 11 34, Table 11 35 sections 11.9.13 to 11.9.15 of Chapter 11 (Materials and Waste) of the ES (Application Documents 3.2-3.4).</p>

Policy no.	Policy description	Compliance with policy
<p>Durham County Council Landscape Character Assessment</p>	<p>The County Durham Landscape Character Assessment is a detailed assessment of the character of the county. It works within the framework of Countryside Character Areas and Natural Areas, identifying variations in landscape character at a sub-regional and local level.</p>	<p>The Project has had due consideration of the DCC Landscape Character Assessment in Chapter 10 (Landscape and Visual) of the ES. Paragraphs 10.7.321 – 10.7.333 identify the landscape character assessment features which are included in the Order Limits and study area.</p> <p>Most of the Order Limits are within BLT Gritstone Upland Fringe, which covers land to the north and east of Bowes. The eastern and most of the western parts of the Order Limits (to the south of the existing A66) and land to the south of Bowes are within BLT Lower Dale. A small part of the western edge of the Order Limits (to the north of the existing A66) is within BCT Middle Vale and the smaller area of BCA Mid Greta Valley.</p> <p>Appendix 10.4 Landscape Character Assessments of Chapter 10 (Landscape and Visual) of the ES presents the key characteristics of the LCA and the applicant’s assessment of landscape sensitivity.</p>

APPENDIX D Local Policy Conformity Table

The Local Policy documents set out within the table below have been identified in order to allow for a policy assessment of the relevant policies associated with the A66 Project to be completed. These local plan documents directly impact upon the route alignment.

At Local Authority level, these comprise of the following:

Eden District Council ('EDC')

- Eden Local Plan 2014 – 2032 (2018)

Richmondshire District Council ('RDC')

- Richmondshire Local Plan 2012 – 2028 (2014)
- Richmondshire District Economic Action Plan

In addition, the Cumbria Landscape Character Guidance and Toolkit (2011) and North Pennines AONB Planning Guidance (2011) have been incorporated into this local policy assessment, given they form part of EDC's Supplementary Planning Document suite of information.

Local Policy No.	Local Policy Description	Compliance with Local Policy
Local Authority Level		
Eden District Council		
<p>The following schemes fall within this area:</p> <ul style="list-style-type: none"> - M6 Junction 40 to Kemplay Bank - Penrith to Temple Sowerby - Temple Sowerby to Appleby - Appleby to Brough 		
Eden Local Plan 2014-2032 (2018)		
<p>Objectives: Development Principles (3)</p>	<p>To assist in the development and provision of an accessible and sustainable transport system whilst reducing the need for travel (Policies LS1, LS2, DEV3)</p>	<p>The Project assists in the provision of an accessible and sustainable transport system.</p> <p>As part of the community engagement, regular WCH community groups are held to gain an insight on community opinion on active travel. Following these, walking, cycling and horse-riding routes are maintained and improved for the active travel element of the development.</p> <p>Enhancement measures have been incorporated into the design to develop an east-west active travel connection which utilises the de-trunked lengths of the A66 during operation. Full details are set out at sections 13.8, 13.9 and 13.10 of Chapter 13 (Population and Human Health) of the ES.</p> <p>Therefore, the Project conforms with the third development principle objective of the Eden Local Plan.</p>
<p>Objectives: Development Principles (4)</p>	<p>To encourage high quality, sustainable and safe design for places and spaces, in both private and public realm, and which respects the character, natural environment and local distinctiveness of Eden (Policies LS1, LS2, DEV1, ENV5).</p>	<p>The Project has taken account of potential landscape and visual effects and took up the opportunity to minimise these through appropriate siting of infrastructure, design (including materials), and indicative landscaping schemes.</p> <p>The Project Design Report (Application Document 2.3) identifies a number of key design principles which have guided the Project design. This includes the principle that good design fits in its context, which for the A66 means:</p> <p>Project design has been responsive to site context and surroundings, particularly feedback from the local community in terms of their interactions with the A66. Where</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
		<p>possible Project design is reflective of local requirements, such as ensuring walking, cycling and horse-riding provision within proximity to key networks and tourist and community leisure facilities.</p> <p>Planting and grading of landform will be utilised to integrate development with the landform, ecologically connecting and restoring landscape elements between the old and new developments.</p> <p>The choice of boundary treatment around the highway is being given careful consideration. In general, modest fencing around the highway boundary that will generally be appropriate, comprising of timber post and four-rail fencing. At certain locations, noise fencing and/or stockproof treatments may be required to mitigate noise impacts and/or prevent local fauna crossing/penetrating the fence line. Landscape-led elements such as hedgerows and dry-stone walling is being considered for key locations where appropriate.</p> <p>Visual appearance and impacts of the Project have been a key factor in both selection the preferred route, and the design of elements of the Project.</p> <p>Therefore, in summary, the Project conforms with Objective: Development Principle (4) of the Eden District Local Plan.</p>
<p>Objectives: Development Principles (5)</p>	<p>To guide changes in the built environment in a way that takes proper account of climate change, reducing greenhouse gas emissions and promoting energy efficiency in design and construction of all new developments, reducing current flood risk and effectively managing risk. (Policies LS1, LS2, DEV1, ENV5).</p>	<p>Climate change factors have been included in the Project's Flood Risk Assessment (FRA).</p> <p>A FRA has been conducted and is provided in Appendix 14.2: Flood Risk Assessment and Outline Drainage Strategy. The FRA includes a quantitative assessment of flood risk for the scheme, including hydrological and hydraulic modelling. It uses the latest available climate change data to apply the central, higher central, and upper end peak rainfall allowances for the 2080s epoch for all schemes.</p> <p>An in-combination climate change assessment (ICCI) has been conducted to assess likely changes to the significance of effects when considering the combined impact of the Project in a future changed climate on road drainage and the water environment receptors in the surrounding environment. The assessment considers whether climate change could impact the likelihood and magnitude of the effects of the Project on the</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
		<p>road drainage and the water environment receptors, or affect the susceptibility, vulnerability, value or importance of the receptors themselves. The assessment has been based on the latest UK Climate Change Projections and considers a range of climatic hazards including rising temperatures, higher and lower rainfall, and the increased frequency and magnitude of extreme events such as heat waves and flooding.</p> <p>Therefore, in summary, the Project conforms with Objective: Development Principle (5) of the Eden District Local Plan.</p>
A Rich Environment (11)	<p>To protect and enhance the outstanding natural environment, landscape and historic environment of the district, especially the North Pennines AONB, achieving an acceptable balance between facilitating essential development and maintaining the amenity of settlements and the countryside. (Policies ENV1-3).</p>	<p>The Project has sought to protect and enhance the districts natural environment, landscape and historic environment.</p> <p>Construction of each scheme would result in the loss and alteration of landscape character and features such as trees, woodland, hedges, walls and modification of landform. The operation of each scheme would result in impacts on landscape of longer duration along with impacts on views and visual amenity.</p> <p>The purpose of landscape mitigation is to avoid, minimise, restore or offset potential landscape and visual impacts of the Project. The principal means of mitigation is embedded in the design of each scheme through considered alignment and associated earthworks to achieve the best fit with topography and sensitive landscape features.</p> <p>The landscape planting design would include a range of measures designed to complement the local landscape character using species of local provenance with appropriate consideration of climate change resilient species. Mitigation planting may also function as visual screening when it has become established and reaches a reasonable height. The measures would include:</p> <ul style="list-style-type: none"> • Woodland and woodland edge planting • Linear belts of trees and shrubs • Blocks of mixed species native woodland • Scattered trees • Scrub

Local Policy No.	Local Policy Description	Compliance with Local Policy
		<ul style="list-style-type: none"> • Hedgerows • Hedgerows with trees • Individual trees • Ecological planting for ponds and marginal wetland areas • Species rich grassland. <p>Essential mitigation for each scheme is described from paragraph 10.9.10 of Chapter 10 (Landscape and Visual) of ES (Application Documents 3.2-3.4).</p> <p>The Project aims to protect and conserve the North Pennines and is outlined in Chapter 10 (Landscape and Visual) of the ES.</p> <p>All relevant North Pennines AONB documents have been consulted, and stakeholders engaged from the outset to ensure all relevant North Pennines AONB policies are adhered to within the design.</p> <p>Regarding the study area, local landscape character, national and local landscape designations that coincide with the study area are considered in the assessment. Visibility of the Project from the study area for Temple Sowerby to Appleby, Appleby to Brough and Bowes Bypass has informed the assessment of effects on the North Pennines AONB.</p> <p>Appendix 10.4 of Chapter 10 (Landscape and Visual) of the ES presents the Landscape Character Assessments for the relevant key characteristics of the North Pennines AONB and the applicant's assessment of landscape sensitivity.</p> <p>Section 10.10: Assessment of likely significant effects identifies the likely landscape and visual effects of the Project that are predicted to be significant.</p> <p>Having regard to Temple Sowerby to Appleby, Appleby to Brough and Bowes Bypass, during construction phase, all present high to low levels of sensitivity of the receptor. During the construction phase, the significance of this is also presented as moderate to large/ very large. In terms of residual effects however, there are no predicated significant landscape effects.</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
		<p>Where heritage assets have the possibility to be impacted by the Project, designs of individual schemes have been modified to mitigate historical impacts in line with principles set out in the NPPF.</p> <p>A strategy for mitigating effects on the heritage resources including provision for excavation and recording has been developed. Opportunities for increasing understanding has also been developed. These resources include non-designated archaeological sites.</p> <p>Section 8.9 of Chapter 8 (Cultural Heritage) of the ES concludes that some major adverse impacts may occur during the construction phase of the A66, however in the operational phase the impacts will be moderate at most.</p> <p>Appendix 8.11 of Chapter 8 (Cultural Heritage) of the ES presents an Impact Assessment Table.</p> <p>Therefore, in summary, the Project accords with A Rich Environment (11) of the Eden District Local Plan.</p>
A Rich Environment (12)	To protect and enhance the district's biodiversity and in particular its important species and habitats, making them more accessible to the public where appropriate, including the provision of Green Infrastructure. (Policies ENV1 -4).	<p>The Project has sought to protect and enhance the districts biodiversity.</p> <p>An assessment has been carried out to determine potential impacts and likely significant effects on internationally, nationally and locally designated sites and all ecological receptors potentially impacted by the Project. Where impacts have been identified these have been avoided in the first instance. Where impacts cannot be avoided, appropriate mitigation measures have been set out through consultation with key stakeholders. These are set out at section 6.7: Potential impacts; section 6.9: Assessment of likely significant effects; section 6.8: Essential mitigation and enhancement measures of Chapter 6 (Biodiversity) of the ES; EMP (Application Document 2.7). These are set out at section 6.7: Potential impacts; section 6.9: Assessment of likely significant effects; section 6.8: Essential mitigation and enhancement measures of Chapter 6 (Biodiversity) of the ES and EMP (Application Documents 3.2 and 2.7).</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
		<p>The Project aims to protect and enhance the existing green infrastructure and where possible enhance existing provision.</p> <p>The following outline the measures and how they would minimise the impacts of the Project on biodiversity:</p> <ul style="list-style-type: none"> • Habitats lost to the Project will be replaced on a like-for-like or better basis. • All bat roosts will be replaced in accordance with a mitigation plan approved by Natural England through the EpsL. • Replacement of tree roosting opportunities lost (within trees unconfirmed as roosts) as a result of site clearance will be required to mitigate the medium-term temporal reduction in tree roosting opportunities within the Project. • As part of the habitat mitigation work, habitats suitable for badger foraging will be created within the Order Limits of the Project. This mitigates for the loss of foraging and sett building habitat as a result of the Project, but also provides the opportunity for existing badger populations to expand into previously unsuitable habitat. • Greening of the proposed bridges detailed in Table 6 12: Locations of greening of bridges to maintain habitat connectivity in Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4) will maintain north-south connectivity, reduce the barrier effect of the Project and avoid species mortality that could otherwise be caused by potential road traffic collisions. • Replacement planting on both sides of the bridges will maximise the effectiveness of the mitigation's connectivity to surrounding habitats. Inclusion of both light and noise deflection screens into the bridge design further enhances the mitigation's effectiveness to provide a sheltered crossing point for species such as bats commuting within the landscape. • The green bridges will incorporate a minimum 1m wide strip of trees or wooded scrub along one road verge, with connective planting to the north and south approaches of the bridge, providing a continuous green corridor across the live carriageway. • Planting of woodland habitats, including linear woodland and hedgerows, on both the northern and southern approaches to the underpass structures listed in Table 6-13: Locations of planting surrounding underpasses to maintain

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		<p>habitat connectivity in Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4), will also provide connectivity for species such as bats across the Project once in operation.</p> <ul style="list-style-type: none"> • The landscaping and habitat replacement works are anticipated to provide equivalent habitat connectivity in an east-west direction across the Project, by linking habitats between the locations where crossing provision has been provided in the form of greening overbridges, planting leading from or to underbridges, and creating tree canopy links across the live carriageway. • Tree planting will take place at specific locations (Table 6 15: Locations of tree planting either side of new carriageway) on the verges either side of the new live carriageway to avoid and minimise potential injury and mortality caused by road traffic collisions by raising commuting bats over the live carriageway. • Improvement of the existing habitats will enhance habitats for bats to forage and commute within in the short to longer term and for roosting in the longer term when the roost features develop in maturing trees. • Woodland areas that will be created across the Project will provide a mosaic of foraging resource in combination with the reinstatement of the linear habitats to provide landscape connectivity. <p>Provision of multiple engineering balancing ponds will provide focused prey sources for bats that favour collecting prey over water or from around the marginal vegetation that will develop.</p> <p>As such, the Project will implement measures to protect and enhance green infrastructure where possible and the Project conforms with Policy ENV4 of the Local Plan.</p> <p>Therefore, in summary, the Project conforms with A Rich Environment (12) of the Eden District Local Plan.</p>
A Rich Environment (14)	To promote the heritage and unique landscape qualities of Eden locally, nationally and internationally. (Policy ENV2).	Chapter 10 (Landscape and Visual) of the ES details how the Project would promote the heritage and landscape of Eden through implementation of mitigation and suitable landscaping across the various schemes:

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		<p><u>M6 Junction 40 to Kemplay Bank</u></p> <p>The junction above the M6 would be restored with species rich grassland, mixed deciduous and coniferous tree planting to ensure visual continuity and ecological connectivity.</p> <p>The south bound M6 off slip to the A592 filter lane borders the Gillian Way Business Park, where the existing visual screening would be restored and enhanced with mixed species woodland planting.</p> <p>The existing woodland screening on the A66 link to Kemplay Roundabout would be restored and enhanced to maximise ecological connectivity. Species rich grassland on southern facing embankments would provide the potential for invertebrate habitat, whilst restoring and extending the woodland planting increase visual screening.</p> <p><u>Penrith to Temple Sowerby</u></p> <p>Crossing the River Eamont, the density of the roadside woodland decreases giving way to a more open agrarian landscape with small tree belts, scattered trees and hedgerows and the relict parkland of Brougham Castle. The on-off slip of the B6262 south of Brougham Castle would be seen in the context of restored field boundaries of Cumbria dry stone walling, individual specimen trees and scrub planting with species rich grassland.</p> <p>The Countess Pillar scheduled monument on the boundary of an embankment would be kept clear of vegetation to ensure open sight lines of it from the road.</p> <p><u>Temple Sowerby to Appleby</u></p> <p>Linear tree belt and shrub planting would provide screening of views towards the new roundabout and link road south of properties at Illings View. Linear tree belt and shrub planting would also be present to the south of Spittals Farm where a realigned underpass provides farm access from south of the A66 mainline.</p> <p>As the mainline sweeps north-east at Lowmoor Row, embankments would be softened to 1:20 slopes as opposed to 1:3 standard batter in order to restore to</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
		<p>agriculture where possible. The combination of dry-stone walls and hedgerows would provide visual screening towards the mainline in cutting and link road to Priest Lane.</p> <p>New landform created by false cutting and landscape earthworks in addition to reinstatement of historic field patterns with locally characteristic materials would provide restoration to currently degraded landscape character.</p> <p>Integration of woodland and woodland edge planting would provide screening of views towards the overbridge at the realigned Cross Street whilst providing additional woodland character.</p> <p>South of the British Gypsum Works the mainline would be retained in cutting to ensure distant views towards the North Pennines AONB NP AONB are maintained. Embankments and false cuttings would be planted with woodland and woodland edge to provide landscape and visual integration for road users and nearby residents.</p> <p>The mainline would pass through deep cutting at Sleastonhow Lane, with the lane itself realigned as an overpass. Woodland edge and hedgerow planting on the overpass would provide visual screening of vehicles.</p> <p><u>Appleby to Brough</u></p> <p>The detention ponds at New Hall and Dyke Nook are an opportunity to increase the biodiversity of the area. The inclusion of mixed species blocks of tree planting would contribute to the reduction in the linearity of the roadside planting. The species rich grassland and creation of 'glade' environments would provide additional variations that are both ecologically and visually diverse.</p> <p>The offline section, north west of Warcop village and army camp, would bypass Wheat Sheaf Farm, Walk Mill and the other outlying buildings associated with Toddygill Hall. The route remains offline as it approaches Brough bypassing West View, Mains House, the embankments, and detention ponds of the off-line section, with south facing slopes that would be planted with species rich grasslands that are suitable for invertebrate habitat. These areas would provide additional ecological benefits and the</p>

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		<p>mixed species woodland would provide seasonal variation, screening, and would break the linearity of the route.</p> <p>The long-distance walking route 'The Pennine Way' becomes 'A Pennine Journey' and south of Appleby there is a link to the Dales Highway National Trail.</p> <p>Therefore, in summary, the Project conforms with A Rich Environment (14) of the Eden District Local Plan.</p>
Policy AP1, A Town Plan for Appleby	<p>The Town Plan for Appleby aims to deliver:</p> <p>New Homes - Land for 392 additional new homes will be provided in the town during the plan period. The main locations for housing are South-east of Station Road and adjacent to the Coal Yard, Station Road and behind Cross Croft.</p>	<p>In reviewing the adopted local plan proposals map, it is confirmed that the Project's Order Limits do not encroach into these allocation sites and therefore does not preclude the development of additional new homes as outlined in Policy AP1 of the Eden District Local Plan .</p>
Policy DEV1, General Approach to New Development	<p>When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves economic, social and environmental conditions in the area. Planning applications that accord with policies</p>	<p>The Project meets Policy DEV1 General Approach to New Development of the Eden Local Plan.</p> <p>The A66 is an important link to local and regional services, employment and education opportunities for communities and towns along the route, as well as providing a commuter link to the many towns and villages. This is particularly important given that there is very little public transport provision along the route, with no comparable rail route and very limited bus service provision.</p> <p>The improved linkage which would be provided by the Project benefits communities within the north of England, who, due to the rural nature of the region, often lack access to key local services for example, GP surgeries, primary schools and supermarkets. These people are often required to commute over longer distances to access improved employment opportunities. The increased flow (as a result of the average additional growth expected as a result of more reliable journeys) also reflects the opportunity for more tourists to benefit from improved links to areas such as the</p>

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	<p>in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permissions unless material considerations indicate otherwise – taking into account whether:</p> <ol style="list-style-type: none"> 1 Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or 2 Specific policies in that Framework indicate that development should be restricted. 	<p>Lake District and the North Pennines Area AONB, thereby improving the economies within this area.</p> <p>The Project creates a more accessible and inclusive transport network along the A66 corridor and therefore offers a range of opportunities and choices for people to connect with jobs, services and friends and family.</p> <p>Therefore, in summary, the Project conforms with Policy DEV1 of the Eden District Local Plan.</p>
<p>Policy DEV2, Water Management and Flood Risk</p>	<p>New development must be in a location which meets each of the following criteria:</p>	<p>The Project has considered water management and flood risk. This is presented in Chapter 14 (Road Drainage and the Water Environment) of the ES.</p> <p>A Flood Risk Assessment has been conducted and is provided in Appendix 14.2: Flood Risk Assessment and Outline Drainage Strategy. The FRA includes a</p>

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	<p>Would not compromise the effectiveness of existing flood defences.</p> <p>Meets the sequential approach to development in flood risk areas. Inappropriate development will not be permitted in flood zones 2 and 3, critical drainage areas or areas which have a history of groundwater flooding, or where it would increase flood risk elsewhere unless there is an overriding need and a clear absence of a suitable alternative site. If sites, as an exception, need to be developed in areas at risk of flooding, suitable flood protection measures will be required. Major development, defined in Appendix 2, should be informed by a flood risk assessment.</p> <p>New development must incorporate Sustainable Drainage Systems (SuDS), where practicable, to manage surface water run-off. All applications for major development, defined in Appendix 2, will be subject to review by the Lead Local Flood Authority.</p> <p>Surface water should be discharged in the following order of priority:</p>	<p>quantitative assessment of flood risk for the scheme, including hydrological and hydraulic modelling. It uses the latest available climate change data to apply the central, higher central, and upper end peak rainfall allowances for the 2080s epoch for all schemes.</p> <p>An in-combination climate change assessment (ICCI) has been conducted to assess likely changes to the significance of effects when considering the combined impact of the Project in a future changed climate on road drainage and the water environment receptors in the surrounding environment. The assessment considers whether climate change could impact the likelihood and magnitude of the effects of the Project on the road drainage and the water environment receptors, or affect the susceptibility, vulnerability, value or importance of the receptors themselves. The assessment has been based on the latest UK Climate Change Projections and considers a range of climatic hazards including rising temperatures, higher and lower rainfall, and the increased frequency and magnitude of extreme events such as heat waves and flooding.</p> <p><u>Surface Water</u></p> <p>Given the potential changes in hydrology as a result of construction of the Project upon baseflows of watercourses from cuttings and embankment drainage, minimal changes to the flow regimes across the route wide study area are anticipated.</p> <p>With the sensitivity of the receptors across the route wide study area ranging from 'Low' to 'Very High', and a magnitude of impact of negligible, the effect would be neutral to slight adverse and not significant.</p> <p>The effects upon surface water quantity are principally related to new embankments, earth bund and cuttings, and the interactions with existing water features. These potential effects are very similar during construction and operation of the scheme. The significance of effects is therefore considered to be the same as the construction assessment.</p> <p><u>Water Quality</u></p>

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	<ul style="list-style-type: none"> • To an adequate soak away or some other form of infiltration system • By an attenuated discharge to a watercourse. • By an attenuated discharge to a public surface water sewer. • By an attenuated discharge to a public combined sewer. <p>Applicants will need to submit clear evidence demonstrating why there is no alternative option but to discharge surface water to the public sewerage system and that the additional discharge can be accommodated. The presumption will be against the discharge of surface water to the public sewerage network.</p>	<p>Regarding the construction phase, following the implementation of mitigation listed in Ground and Surface Water Management Plan (Annex B7 of the EMP, Application Document 2.7), the magnitude of a pollution incident as a consequence of the construction of the Project on the surface water receptors in the route wide study area is likely to be negligible.</p> <p>During the operational phase, the drainage design of the scheme directs runoff from the mainline carriageway and realigned side roads to 69 outfalls that discharge to surface waters.</p> <p>It is considered that the magnitude of impact of sediment and dissolved metals discharging into surface watercourse receptors is negligible. The effect would be slight adverse and not significant.</p> <p>Adverse effects upon designated areas, such as the River Eden SAC, and surface water abstraction points downstream of the discharge locations for the proposed drainage network are not anticipated.</p> <p>Therefore, in summary, the Project conforms with Policy DEV2 of the Eden District Local Plan.</p>
Policy DEV3, Transport, Accessibility and Rights of Way	New development will be encouraged in areas with existing public transport availability, or in areas where new development is likely to lead to the creation of available public transport. Developments likely to generate severe adverse travel impacts will not be permitted where they are in isolated or difficult to access locations unless an overwhelming	The Project improves the national road network to achieve a modern standard dual carriageway, improving the vital connection between North Yorkshire and Cumbria, with the upgrading of remaining single carriageway sections on the route to dual carriageway. Local road networks will also be improved, with parts of the old A66 being placed into the local road network to ensure quicker and safer local journeys. The plans will reduce congestion and upgrade existing road infrastructure to a high-performing standard. The TA (Application Document 3.7) shows the Project would enable significant increases in traffic volumes using the A66 through increased capacity and a reduction in delays.

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	<p>environmental, social or economic need can be demonstrated.</p> <p>Development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion. Development should provide safe and convenient access for pedestrians, cyclists and disabled people.</p> <p>Applications for major development (defined in Appendix 2), will be expected to be accompanied by a Travel Plan and/or a Transport Assessment showing all the following criteria:</p> <p>How the site will be safely connected to public transport.</p> <p>How the site will meet the needs and safety concerns of pedestrians and cyclists.</p> <p>How the impact of any heavy goods vehicles accessing the site will be minimised, including during the construction phase.</p> <p>The impact of the development on the local highway network.</p>	<p>Whilst the Project does have impacts (as expressed in the ES), the Project has been designed to meet the objectives set out above and will minimise social and environmental impacts and improve quality of life. In addition, the Project would result in an overall reduction in disturbance from traffic noise and nearby communities affected by rat running and congestion; as well as improving connectivity between communities across the route corridor. These improvements would improve quality of life within those communities. These benefits are described in further detail in chapter 3 of the CftP (Application Document 2.2). These benefits are considered to outweigh the disbenefits of the Project.</p> <p>Therefore, in summary, the Project conforms with Policy DEV3 of the Eden District Local Plan.</p>

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	<p>How the site will ensure the permeability and accessibility of the area.</p> <p>How the site safely and conveniently links to main attractors (such as schools, retail and employment uses).</p> <p>Development will not be supported where it meets any of the following criteria, individually or cumulatively in combination with other development proposals:</p> <p>It would prevent the future opening of any road or rail schemes under consideration.</p> <p>It would remove an existing right of way, unless there is no alternative suitable location and the benefits from the development would justify the loss, or where an acceptable diversion is provided, and a legal diversion order obtained.</p> <p>It would lead to a material increase or significant change in the character of traffic (vehicles, pedestrians, cyclists, horse riders and animals) using a rail crossing, unless it can be demonstrated that safety will not be compromised, in consultation with Network Rail.</p>	

Local Policy No.	Local Policy Description	Compliance with Local Policy
	Evidence shows that there would be a severe, unmitigated impact of the surrounding highway network.	
Policy ENV1, Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity	<p>New development will be required to avoid any net loss of biodiversity and geodiversity, and where possible enhance existing assets. Should emerging proposals identify potential impacts upon designated sites, regard should be given to the objectives for each of the hierarchy of sites.</p> <p>The following designations are of international importance and will be afforded the highest level of protection:</p> <p><u>International/European Sites</u></p> <ul style="list-style-type: none"> • Special Areas of Conservation (SAC). • Special Protection Areas (SPA). • Candidate SACs or SPAs. • Ramsar sites. <p>Where harm cannot be avoided, development will only be permitted where mitigation measures would result in no</p>	<p>The Project has sought to avoid any net loss of biodiversity and geodiversity, and where possible it has enhanced existing assets.</p> <p>In reference to the hierarchy of sites, the following designations sit within the EDC area within the following schemes:</p> <p><u>M6 Junction 40 to Kemplay Bank</u></p> <p>The River Eden SAC and River Eden Tributaries SSSI are within the Order Limits of this scheme. Cowraik Quarry SSSI and LNR is 1.6km north of the Order Limits.</p> <p>Skirsgill Wood LWS and Eamont Bridge and Banks of River Eamont SIS are within the Order Limits of this scheme. The following designated sites are outside Order Limits but within 1km: Myers Beck LWS (444m north), Lowther Bridge SIS (393m south) and Yanwath Wood LWS (53m south).</p> <p>6No areas of ancient woodland listed on the Ancient Tree Inventory are located within 1km of this scheme; however, Skirsgill Wood LWS and Yanwath Wood LWS have been identified as having the potential presence of ancient woodland habitat. Six veteran trees and four notable trees are outside of, but within 1km of, the Order Limits for this scheme.</p> <p><u>Penrith to Temple Sowerby</u></p> <p>The River Eden SAC and River Eden and Tributaries SSSI are within the Order Limits of this scheme. Udford Low Moss SSSI is 923m north of this scheme and Cowraik Quarry SSSI and LNR is 1.7km north.</p> <p>The following designated sites are outside of the Order Limits of this scheme: Eamont Bridge, Banks of River Eamont SIS (396m west), Whinfell Forest LWS (200m south) and Watersmeet (Eamont & Eden) LWS (1km north).</p>

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	<p>significant harm being caused. Where the proposal cannot rule out possible significant effects, no alternatives exist and the proposal is deemed to be of overriding public interest, the proposals will only be permitted if adequate compensatory measures can be put in place.</p> <p><u>National Sites</u></p> <p>The following areas are of national importance to the promotion and protection of biodiversity and geodiversity:</p> <ul style="list-style-type: none"> • Sites of Special Scientific Interest (SSSI). • National Nature Reserves (NNR). • Limestone Pavement Orders (LPO). <p>Protection of these sites will be given significant weight when determining planning applications. Proposals which either directly or indirectly impact on the integrity of the sites will only be permitted in exceptional circumstances, where alternative sites have been ruled out and significant benefits have been</p>	<p>The Ancient Woodland Site Tiperary and Dudford Woods is 658m north of this scheme. There are two veteran trees and three notable trees within 1km of this scheme.</p> <p><u>Temple Sowerby to Appleby</u></p> <p>The River Eden SAC and River Eden and Tributaries SSSI are within the Order Limits of this scheme. Temple Sowerby Moss SSSI is 143m north-west of this scheme.</p> <p>Chapel Wood LWS is within the Order Limits of this scheme. The following non-statutory designated sites are within 1km of this scheme but outside the Order Limits: Ross Wood LWS (208m south); Dowpits Wood LWS (948m south); Acorn Bank Woods and Garden LWS (957m north); Bolton Shingle Bank SIS (237 south west); R. Eden, Oglebird Scar Ers SIS (455m west); Temple Sowerby Shingle Bank SIS (615m north-west) and Roadside Verges C2L (8A and 8B) (843m south-west).</p> <p>Chapel Wood Ancient Woodland lies immediately south of the Order Limits. The following Ancient Woodland Sites are within 1km of this scheme but outside the Order Limits: Oglebird Plantation (451m north-west); Ross Wood (208m south); and Dowpits Wood (941m south-east).</p> <p>There are four veteran trees, four notable trees and three potential veteran or ancient trees within 1km of this scheme but outside of the Order Limits.</p> <p><u>Appleby to Brough</u></p> <p>There are no statutory designated sites within the Order Limits of this scheme. There are nine statutory designated sites within 2km of this scheme: River Eden SAC (377m south); Moor House Upper Teesdale SAC (902m north); Helbeck and Swindale Woods SAC (427m north); North Pennine Moors SPA (902m north); River Eden and Tributaries SSSI (377m south); Helbeck Wood SSSI (428m north); Swindale SSSI (1.3km north-east); Appleby Fells SSSI (902m north); and George Gill SSSI (395m north-west).</p> <p>There are no non-statutory designated sites within the Order Limits for this scheme. There are seven non-statutory designated sites within 1km of this scheme: Sandford</p>

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	<p>identified which outweigh the impacts on the ecological network.</p> <p><u>Local Sites</u></p> <p>The following areas are considered of local importance to the promotion and protection of biodiversity:</p> <ul style="list-style-type: none"> • County Wildlife Sites (CWS). • Regionally Important Geological Sites (RIGS). • Local Nature Reserves (LNR). • Habitats and Species in the Cumbria Biodiversity Action Plan (BAP). • Habitats and Species of Principal Importance (NERC Act Section 41 list). <p>Development which directly or indirectly affects these sites should only be permitted in circumstances where there is an identified need for development in that location. The benefits derived from development must significantly outweigh the harm</p>	<p>Mire LWS (7m south); Swindale Woodland LWS (515m south); Helbeck Wood SIS (428m north) and Roadside verges C2P (10A and 10B) (14m south); C25 (7A and 7B) (15m south); C25 (4A and 4B) (917m south-east) and C25 (6A and 6B) (585m south).</p> <p>There are no Ancient Woodland Sites within the Order Limits of this scheme. There are two Ancient Woodland Sites within 1km of this scheme: Kiln Hill Wood (623m north) and Yosgill Wood (429m north).</p> <p>There are no ancient, veteran or notable trees within the Order Limits for this scheme. There is one ancient tree, five veteran trees and one notable tree within 1km of this scheme.</p> <p>An assessment has been carried out to determine potential impacts and likely significant effects on internationally, nationally and locally designated sites and all ecological receptors potentially impacted by the Project. Where impacts have been identified these have been avoided in the first instance. Where impacts cannot be avoided, appropriate mitigation measures have been set out through consultation with key stakeholders. These are set out at section 6.8: Potential impacts; section 6.10: Assessment of likely significant effects; section 6.9: Essential mitigation and enhancement measures of Chapter 6 (Biodiversity) of the ES; EMP (Application Document 2.7) These are set out at section 6.8: Potential impacts; section 6.10: Assessment of likely significant effects; section 6.9: Essential mitigation and enhancement measures of Chapter 6 (Biodiversity) of the ES and EMP (Application Documents 3.2 and 2.7). In summary there will be no adverse effects to the integrity of any European sites.</p> <p>Any designated sites of geological conservation importance have been identified at an international, national and local level through the review of desk-based information sources. The Project has been identified to run through North Pennines AONB and UNESCO Global Geopark. Any likely effects imposed by the Project identified within the Geopark, will be mitigated through design and enhancement opportunities where possible. These are set out at section 9.9 Essential mitigation and enhancement measures a Chapter 9 (Geology and Soils) of the ES. Specifically, a series of</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
	<p>and loss to species, soils and habitats.</p> <p>All development, where appropriate, should follow the following principles:</p> <p>It will protect and maintain and enhance habitats or species in the Cumbria Biodiversity Action Plan, including the linked wildlife corridors which support them.</p> <p>It will protect, maintain and enhance features of geological value identified in the Cumbria Geodiversity Action Plan.</p> <p>Residential and commercial sites will consider the benefits of including wildlife corridors as part of the open space requirement within new development.</p> <p>Where the significant development of agricultural land is deemed to be necessary, applicants should seek to avoid the best and most versatile land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) in preference of developing land of a poorer quality.</p>	<p>designed and embedded mitigation has been incorporated into the EMP (Application Document 2.7) as well as enhancement mitigation measures.</p> <p>To conclude, the Project has sought to avoid any net loss of biodiversity and geodiversity and it is concluded that the Project conforms with Policy ENV1 of the Eden District Local Plan.</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
<p>Policy ENV2, Protection and Enhancement of Landscape and Trees</p>	<p>New development will only be permitted where it conserves and enhances distinctive elements of landscape character and function.</p> <p>Proposals should take account of and complement:</p> <p>The distribution and form of settlements and buildings within their landscape setting.</p> <p>Local styles and materials of buildings within the settlement.</p> <p>Natural elements such as hedgerows, woodland, and local topography.</p> <p>Any visually sensitive skylines or hill and valley sides.</p> <p>The tranquility of the open countryside.</p> <p>The impact of potential new development will be assessed against the criteria within the Cumbrian Landscape Assessment Toolkit (or successor documents) with regard to the particular Character Area's key characteristics, local distinctiveness and capacity for change.</p> <p>Development should contribute to landscape enhancement including</p>	<p>The Project has aimed to conserve and enhance the distinctive elements of landscape character and function. This is addressed in Chapter 10 (Landscape and Visual) of the ES (Application Documents 3.2-3.4).</p> <p>Construction of each scheme would result in the loss and alteration of landscape character and features such as trees, woodland, hedges, walls and modification of landform. Operation of each scheme would result in impacts on landscape of longer duration along with impacts on views and visual amenity.</p> <p>The purpose of landscape mitigation is to avoid, minimise, restore or offset potential landscape and visual impacts of the Project. The principal means of mitigation is embedded in the design of each scheme through considered alignment and associated earthworks to achieve the best fit with topography and sensitive landscape features.</p> <p>A landscape and ecological survey of veteran trees has been used to inform the embedded mitigation of avoiding through amending the design.</p> <p>The landscape planting design would include a range of measures designed to complement the local landscape character using species of local provenance with appropriate consideration of climate change resilient species. Mitigation planting may also function as visual screening when it has become established and reaches a reasonable height. The measures would include:</p> <ul style="list-style-type: none"> • Woodland and woodland edge planting • Linear belts of trees and shrubs • Blocks of mixed species native woodland • Scattered trees • Scrub • Hedgerows • Hedgerows with trees • Individual trees • Ecological planting for ponds and marginal wetland areas • Species rich grassland.

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	<p>the provision of new trees and hedgerows of appropriate species and in suitable locations. Loss of ancient woodland and significant/veteran trees will not be permitted unless it can be demonstrated that there is an overriding need for the development which outweighs their loss.</p>	<p>Essential mitigation for each scheme is described from paragraph 10.9.10 of Chapter 10 (Landscape and Visual) of ES.</p> <p>Table 10-11 presents a summary of significant effects during construction.</p> <p>Therefore, in conclusion, the Project has sought to conserve and enhance the distinctive elements of the surrounding landscape character and function wherever possible.</p>
<p>Policy ENV3, The North Pennines Area of Outstanding Natural Beauty</p>	<p>Development within or affecting the North Pennines AONB will only be permitted where each of the following criteria apply:</p> <p>Individually or cumulatively, it will not have a significant or adverse impact upon the special qualities or statutory purpose of the AONB.</p> <p>It does not lessen or cause harm to the distinctive character of the area, the historic environment, heritage assets and their setting.</p> <p>It adheres to any formally adopted design guides or planning policies, including the North Pennines Management Plan, the North Pennines AONB Planning Guidelines and the North Pennines AONB Building Design Guide.</p> <p>Major developments, defined in Appendix 2, will only be permitted in</p>	<p>The Project aims to protect and conserve the North Pennines and is outlined in Chapter 10 (Landscape and Visual) of the ES. The AONB is partially located in the North Pennines AONB at schemes Temple Sowerby to Appleby, Appleby to Brough and Bowes Bypass. The Project is classed as a major development, and as such full consideration has been given to the relevant criteria in order to conclude that there are exceptional circumstances which are in the long-term public interest.</p> <p>We take each of these considerations in turn:</p> <p>The need for development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy:</p> <ul style="list-style-type: none"> • Despite several upgrades to the route since the 1970s, the A66 still suffers from congestion, unreliable journey times and a higher-than-average number of accidents in some lengths of the route, with a number of accident cluster sites. This is a result of varying road standards and areas of single carriageway lengths. • The Project will improve connectivity for people living and working nearby and creating better facilities for cyclists and pedestrians. Reducing congestion and improving the reliability of people’s journeys between the M6 at Penrith and the A1(M) Scotch Corner and nationwide. It also improves connectivity between the key employment areas of Cumbria, Tees Valley, Durham and Tyne and Wear.

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	<p>exceptional circumstances, where they are in the long-term public interest and where there has been a full consideration of each of the following criteria:</p> <p>The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.</p> <p>The cost of and scope for developing elsewhere outside of the designated area or meeting the need for it in some other way.</p> <p>Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.</p>	<p>The cost of and scope for developing elsewhere outside of the designated area or meeting the need for it in some other way:</p> <ul style="list-style-type: none"> • If the existing A66 route is not improved, it will constrain national and regional connectivity, due to its strategic importance as an east west connection for freight and other vehicle movements and may threaten the transformational growth envisaged by the Northern Powerhouse initiative and the achievement of the Government 'Levelling Up' agenda. • The Project will also make improvements to the local road network, with new junctions and 'offline' improvements, removing local traffic from the A66, making local movements more efficient. • It will improve access to key tourist destinations such as the North Pennines and Lake District. <p>Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated:</p> <ul style="list-style-type: none"> • National Highways has actively sought to avoid or moderate such detrimental effects through the incorporation of appropriate mitigation, the adoption of a landscape-led approach to the design of the Project, and through making substantial changes to the Project design where reductions in adverse effects could be achieved. <p>The Project includes for minor encroachments into the AONB, which as demonstrated in the CftP (Application Document 2.2), there are exceptional circumstances for such encroachment. However, the scale of the encroachment is not considered to be significant, and largely consists of the construction of new local roads to improve walking, cycling and horse-riding provision across the Project.</p> <p>All relevant North Pennines AONB documents have been consulted, and stakeholders engaged from the outset to ensure all relevant North Pennines AONB policies are adhered to within the design.</p> <p>Regarding the study area, local landscape character, national and local landscape designations that coincide with the study area are considered in the assessment.</p>

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		<p>Visibility of the Project from the study area for Temple Sowerby to Appleby, Appleby to Brough and Bowes Bypass has informed the assessment of effects on the North Pennines AONB.</p> <p>Appendix 10.4 of Chapter 10 (Landscape and Visual) of the ES presents the Landscape Character Assessments for the relevant key characteristics of the North Pennines AONB and the applicant’s assessment of landscape sensitivity.</p> <p>Section 10.9: Assessment of likely significant effects identifies the likely landscape and visual effects of the Project that are predicted to be significant.</p> <p>Having regard to Temple Sowerby to Appleby, Appleby to Brough and Bowes Bypass, during construction phase, all present high to low levels of sensitivity of the receptor. During the construction phase, the significance of this is also presented as moderate to large/ very large. In terms of residual effects however, there are no predicated significant landscape effects.</p> <p>National Highways considers that there are exceptional circumstances for the grant of consent for the Project in the North Pennines AONB; there are compelling reasons for the new road and its enhanced capacity, and the benefits of the Project significantly outweigh its costs; and the Project will be carried out to a high environmental standard, including measures that would enhance the environment.</p> <p>Therefore, in summary, the Project conforms with Policy ENV3 of the Eden District Local Plan.</p>
Policy ENV4, Green Infrastructure Networks	<p>A multifunctional network of green infrastructure will be identified, protected, managed and enhanced.</p> <p>Proposals, which protect and enhance the existing network and promote the creation of new green infrastructure will be supported. Development which leads to direct loss, fragmentation or degradation of</p>	<p>The Project aims to protect and enhance the existing green infrastructure and where possible enhance existing provision.</p> <p>The following outline the measures and how they would minimise the impacts of the Project on biodiversity:</p> <ul style="list-style-type: none"> • Habitats lost to the Project will be replaced on a like-for-like or better basis. • All bat roosts will be replaced in accordance with a mitigation plan approved by Natural England through the EPSL.

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	<p>green infrastructure will be resisted unless there is demonstrable evidence of wider public benefits from the proposal. New development should ensure that:</p> <p>Opportunities for the protection and enhancement of the district's green infrastructure network are maximised.</p> <p>Proposals account for any known local deficiencies of green infrastructure identified by the Council.</p> <p>Contributions may be sought for off-site provision where this leads to the creation and maintenance of a strategic network of green infrastructure capable of bringing benefits to the users of the development.</p>	<ul style="list-style-type: none"> • Replacement of tree roosting opportunities lost (within trees unconfirmed as roosts) as a result of site clearance will be required to mitigate the medium-term temporal reduction in tree roosting opportunities within the Project. • As part of the habitat mitigation work, habitats suitable for badger foraging will be created within the Order Limits of the Project. This mitigates for the loss of foraging and sett building habitat as a result of the Project, but also provides the opportunity for existing badger populations to expand into previously unsuitable habitat. • Greening of the proposed bridges detailed in Table 6 12: Locations of greening of bridges to maintain habitat connectivity in Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4) will maintain north-south connectivity, reduce the barrier effect of the Project and avoid species mortality that could otherwise be caused by potential road traffic collisions. • Replacement planting on both sides of the bridges will maximise the effectiveness of the mitigation's connectivity to surrounding habitats. Inclusion of both light and noise deflection screens into the bridge design further enhances the mitigation's effectiveness to provide a sheltered crossing point for species such as bats commuting within the landscape. • The green bridges will incorporate a minimum 1m wide strip of trees or wooded scrub along one road verge, with connective planting to the north and south approaches of the bridge, providing a continuous green corridor across the live carriageway. • Planting of woodland habitats, including linear woodland and hedgerows, on both the northern and southern approaches to the underpass structures listed in Table 6-13: Locations of planting surrounding underpasses to maintain habitat connectivity in Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4), will also provide connectivity for species such as bats across the Project once in operation. • The landscaping and habitat replacement works are anticipated to provide equivalent habitat connectivity in an east-west direction across the Project, by linking habitats between the locations where crossing provision has been provided in the form of greening overbridges, planting leading from or to underbridges, and creating tree canopy links across the live carriageway.

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		<ul style="list-style-type: none"> • Tree planting will take place at specific locations (Table 6 15: Locations of tree planting either side of new carriageway) on the verges either side of the new live carriageway to avoid and minimise potential injury and mortality caused by road traffic collisions by raising commuting bats over the live carriageway. • Improvement of the existing habitats will enhance habitats for bats to forage and commute within in the short to longer term and for roosting in the longer term when the roost features develop in maturing trees. • Woodland areas that will be created across the Project will provide a mosaic of foraging resource in combination with the reinstatement of the linear habitats to provide landscape connectivity. • Provision of multiple engineering balancing ponds will provide focused prey sources for bats that favour collecting prey over water or from around the marginal vegetation that will develop. <p>The mitigation presented in the ES has sought opportunities to protect existing features with biodiversity value and maximise biodiversity enhancements where possible. Further details are set out at section 6.9: Essential mitigation and enhancement measures (Application Documents 3.2-3.4); EMP, including Annex B1 Landscape and Ecological Management Plan ('LEMP') (Application Document 2.7), and Environmental Mitigation Maps (Application Document 2.8).</p> <p>As such, the Project will implement measures to protect and enhance green infrastructure where possible and the Project conforms with Policy ENV4 of the Local Plan.</p>
Policy ENV7, Air Pollution	All major development proposals, defined in Appendix 2, will be required to assess the likely impacts of the proposed development on air quality. Development proposals will be expected to include mitigation measures to offset negative impacts, which may include:	<p>The Project has assessed its likely impacts of air quality as set out in Chapter 5 (Air Quality) of the ES (Application Documents 3.2-3.4).</p> <p>An assessment of likely significant effects has been completed and the results are provided at section 5.10 Assessment of likely significant effects at Chapter 5 (Air Quality) of the ES. The assessment concludes that the significance of the construction phase and operational phase effects are both predicted to be not significant. Therefore, the chapter concludes that it is predicted the effects on air quality at human and ecological receptors would not be significant.</p>

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	<p>Ensuring the development is located within easy reach of established public transport routes.</p> <p>Maximising provision for cycling and pedestrian facilities.</p> <ul style="list-style-type: none"> · Encouraging the use of cleaner transport fuels on site, through the inclusion of electric car charging points. · Contributing towards the improvement of the highway network where the development is predicted to result in increased congestion on the highway network. <p>Development proposed nearby any Air Quality Management Area (AQMA) declared within the district will require an air quality assessment to identify the likely impacts of development upon the designated area. Permission will only be granted if the individual and cumulative impact of the proposed development on air quality is acceptable and appropriate mitigation measures are applied. Contributions towards measures identified to deliver the Air Quality Action Plan will be required as part of the development.</p>	<p>Best practice mitigation measures to reduce effects from construction dust are included in the EMP. These measures include the following:</p> <ul style="list-style-type: none"> • Minimisation of areas to be stripped of vegetation. • Dampening down of dust generating activities and materials, including site roads, during dry weather, in addition to site monitoring (for example, periodic visual inspections within and along site boundaries). • Ensuring vehicles entering and leaving sites are covered to prevent escape of materials during transport. • As far as possible temporary roads should be hard surfaced to reduce dust generation. • Road sweeping to be carried out on access roads and local roads to remove any material tracked out of the site. • Management of stockpiled materials with the potential to generate dust by rolling, covering and/or revegetating as soon as appropriate. <p>Based upon the above, the relevant measures have been incorporated into the Project in considering Air Quality in line with Policy ENV7.</p>

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<p>Policy ENV9, Other Forms of Pollution</p>	<p><u>Noise, Vibration and Dust</u></p> <p>High levels of noise, light or dust will not occur throughout the construction phase of the development, especially at night, during the hours when people are normally sleeping.</p> <p>Development proposals for development likely to cause noise, light, dust, odour or vibration sources must be supported by an adequate assessment to assess risks and their acceptability, and to ensure that appropriate mitigation is put in place to ensure existing noise sensitive premises are not adversely affected.</p> <p><u>Light</u></p> <p>Where a lighting scheme that could impact neighbouring premises is proposed as part of a development, an impact assessment will be required. This will need to evaluate the lighting levels and their acceptability against an agreed methodology. Outdoor lighting schemes will be considered against the following criteria:</p>	<p>During construction, the population in the Project area may be exposed to environmental impacts including noise, dust, visual and lighting impacts and the presence of construction traffic, including HGVs.</p> <p>Section 12.8 of Chapter 12 (Noise and Vibration) of the ES considers the potential impacts of the Project on noise and vibration.</p> <p>Construction noise will be predicted and assessed in accordance with <i>DMRB LA 111</i> by following the methodology defined in <i>BS 5228- 1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Noise' (BS 5228-1) (British Standard, 2014a)</i>⁹. <i>BS 5228- 1:2009+A1:2014</i> provides guidance on predicting and measuring construction noise and assessing its impact on the environment.</p> <p>Construction vibration will be predicted and assessed in accordance with <i>DMRB LA 111</i>, by following the methodology set out in <i>BS 5228-2:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Vibration' (BS 5228-2) (British Standard, 2014b)</i>¹⁰ which provides guidance on predicting and measuring construction vibration and assessing its impact on the environment.</p> <p>Operational noise is to be generated through the traffic using the A66.</p> <p>The potential impacts of construction activities will be minimised by the use of 'best practicable means' (BPM) of noise and vibration control during all construction activities. Mitigation measures will be recommended within the final ES when the details of the construction programme are known.</p> <p>A detailed TMP will be implemented throughout the construction programme to minimise the disruption caused by the construction traffic flows. A detailed phased management plan will be enforced to ensure the traffic on the A66 can be maintained and additional interfaces will likely be implemented if night-time working is required.</p> <p>The alignment of the Project (horizontal and vertical) has been considered as part of the design factors to avoid or minimise noise impacts. To ensure that additional mitigation is practicable and sustainable, the provision of further mitigation will be subject to the following tests:</p>

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	<ul style="list-style-type: none"> • No adverse impact on neighbouring uses, the wider landscape or dark skies. • Light levels being the minimum required for security and working purposes. • Minimising the potential glare and spillage. • Be as energy efficient as possible or run from a renewable energy source. • Minimise upward light pollution. 	<ul style="list-style-type: none"> • Stakeholder engagement and consultation responses • Engineering practicability • Consideration of noise benefit compared to cost of the mitigation • Other environmental effects potentially caused by mitigation (particularly landscape and visual effects). <p>Mitigation of operational road traffic noise may include (but not be limited to) screening (that is, noise barriers and/or earth bunds) or low-noise surfacing or a combination of these. Examples of design and mitigation techniques that may influence noise and vibration impacts are described below:</p> <ul style="list-style-type: none"> • Environmental barriers. These can be in the form of earth mounding or acoustic fencing of various types, or a combination of the two. Environmental barriers are not effective in reducing ground borne vibration and may be only partially effective against airborne vibration. The use of reflective and absorptive barriers could also be considered. • Low-noise surfaces. The principal benefit of low-noise surfaces is the reduction in mid and higher frequency noise generated by tyres at speeds in excess of 75km/h. They are less effective in reducing noise at low speeds where engine noise particularly from heavy vehicles is more dominant and may not be viable for some lengths of the route such as those at higher altitudes. <p>Chapter 5 (Air Quality) of the ES considers the impact upon air quality during both construction and operation and mitigation measures to reduce effects.</p> <p>In line with the standards outlined in sections 2.58 to 2.73 of <i>DMRB LA 105</i> a construction dust assessment has been carried out. The Project has been defined as a major infrastructure Project and the construction dust risk potential categorised as large.</p> <p>Mitigation to reduce construction dust impacts to a negligible level will be included in the EMP as described in <i>DMRB LA 105</i>. This includes development of a dust</p>

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		<p>management plan with measures to monitor effectiveness of mitigation, on-site and off-site inspections and keeping a record of complaints/exceptional dust events.</p> <p>Best practice mitigation measures to reduce effects from construction dust are included in the EMP. These measures include the following:</p> <ul style="list-style-type: none"> • Minimisation of areas to be stripped of vegetation. • Dampening down of dust generating activities and materials, including site roads, during dry weather, in addition to site monitoring (for example, periodic visual inspections within and along site boundaries). • Ensuring vehicles entering and leaving sites are covered to prevent escape of materials during transport. • As far as possible temporary roads should be hard surfaced to reduce dust generation. • Road sweeping to be carried out on access roads and local roads to remove any material tracked out of the site. • Management of stockpiled materials with the potential to generate dust by rolling, covering and/or revegetating as soon as appropriate. <p>Throughout the construction phase, lighting during occasional night-time working will result in additional glare and localised light spill. These combined effects are likely to result in a temporary increase in levels of annoyance, reduced enjoyment of the public realm and open space, and a reduction in the perceived quality of the living environment for the affected communities.</p> <p>Therefore, in summary, the Project conforms with Policy ENV9 of the Eden District Local Plan.</p>
Policy ENV10, Historic Environment	The Council will attach great weight to the conservation and enhancement of the historic environment, heritage assets and their setting, which help to make Eden a distinctive place.	<p>The impact from the Project on heritage assets and their settings has been assessed in Chapter 8 (Cultural Heritage) of the ES (Application Documents 3.2-3.4).</p> <p>Where heritage assets have the possibility to be impacted by the Project, designs of individual schemes have been modified to mitigate historical impacts in line with principles set out in the NPPF.</p>

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	<p>Development proposals that would result in substantial harm to or total loss of significance of a designated heritage asset or its setting will only be permitted where it can be clearly demonstrated that the public benefits of the proposal would outweigh the harm or loss, and that the harm or loss is necessary to achieve those benefits.</p> <p>The Council will require proposals to protect and where appropriate, enhance the significance and setting of Eden’s non-designated heritage assets, including buildings, archaeological sites, parks, landscapes and gardens. Where the harm is outweighed by the public benefits of the proposals, the Council will require an appropriate level of survey and recording, the results of which should be deposited with the Cumbria Historic Environment Record.</p> <p>Where a development proposal affecting an archaeological site is acceptable in principle, the Council will ensure preservation of the remains in situ as a preferred solution. Where in situ preservation is not justified, the development will be required to make adequate</p>	<p>The Project has fully considered the potential impact of the scheme against designated heritage assets.</p> <p>Section 8.9 of Chapter 8 (Cultural Heritage) of the ES presents the Assessment of likely significant effects. It is only during the construction phase that temporary adverse effects on heritage assets are sustained.</p> <p>Essential mitigation of construction impacts would include measures that reduce the likelihood of physical damage as well as changes to the setting that affect the significance of the heritage assets. An investigation of archaeological remains prior to construction and the analysis of artefacts and publication of results following the construction would minimise the direct impacts on archaeological remains. Further, the type and location of mitigation required will be agreed with Historic England and the Cumbria, County Durham and North Yorkshire Archaeological Officers by means of an Historic Environment Mitigation Strategy, to be submitted as part of the EMP.</p> <p>The operational phase of the Project could lead to beneficial and adverse effects on the setting of cultural heritage assets through traffic noise and the visibility of moving vehicles on the road. Adverse impacts during operation will be no different to the permanent impacts that have occurred as part of the construction phase.</p> <p>The Project has undertaken an assessment to assign significance to heritage assets and assess if effects are proportionate to the highly sensitive location in which the Project is located. Section 8.4: Assessment Methodology of Chapter 8 (Cultural Heritage) of the ES (Application Documents 3.2-3.4) describes the approach taken to assessing effects on heritage within the EIA. This ES chapter is the primary document which reports the Project impacts and effects upon heritage assets. It reports the impacts on all designated and non-designated heritage assets. Section 8.6: Baseline Conditions describes the approach undertaken to the Assessment Methodology.</p> <p>In the assessment of the Historic Environment, due to the density of scheduled monuments and associated non-designated archaeological remains along the route of the Project, the study area encompasses a corridor extending 1km either side of the DCO boundary for designated heritage assets and 300m either side of the DCO boundary for non-designated heritage assets. This allows for potentially significant</p>

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	<p>provision for excavation and recording before or during development.</p> <p>All development proposals affecting the historic environment, heritage assets and their settings (including where there is the potential of unknown archaeological assets) will need to be accompanied by an assessment of the significance of the asset and its setting and how it will be affected by the proposed development.</p> <p>The level of information required will be proportionate to the significance of the asset and to the scale of impact of the proposal. For archaeological assets, this may where necessary, include archaeological desk-based assessment and field evaluation.</p> <p>The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any</p>	<p>impacts to the setting of designated and non-designated heritage assets to be identified.</p> <p>Where heritage assets have the possibility to be impacted by the Project, designs of individual schemes have been modified to mitigate historical impacts in line with principles set out in the NPPF.</p> <p>An Archaeological desk-based assessment and Archaeological trenching has occurred along the Project which has revealed archaeological assets of importance (Review of Archaeology assessment to be completed)</p> <p>A strategy for mitigating effects on the heritage resources including provision for excavation and recording has been developed. Opportunities for increasing understanding has also been developed. These resources include non-designated archaeological sites.</p> <p>Section 8.9 of Chapter 8 (Cultural Heritage) of the ES concludes that some major adverse impacts may occur during the construction phase of the A66, however in the operational phase the impacts will be moderate at most.</p> <p>Appendix 8.11 of Chapter 8 (Cultural Heritage) of the ES presents an Impact Assessment Table.</p> <p>In summary, the Project has sought to ensure that heritage and non-designated heritage assets and their settings have been conserved and where possible enhanced.</p>

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	harm or loss and the significance of the heritage asset.	
Policy COM2, Protection of Open Space, Sport, Leisure and Recreation Facilities	<p>Development proposals that result in the loss of open space, sport, leisure, allotments, recreational and cultural facilities will not be permitted. The exception to this will be where the benefits of the development outweigh the loss. Proposals must satisfy each of the following criteria:</p> <ul style="list-style-type: none"> • There is a strong social or economic justification for the development. • There is no longer a need for the facility in the area, or if a need remains, alternative provision will be provided nearby. <p>Any replacement facility must provide an equivalent or greater net benefit to the community, in terms of quality, availability and accessibility of open space or recreational opportunities.</p> <p>Where development of a small area of the site would enable investment to improve the rest of the site this may be taken into account as a circumstance under which benefits</p>	<p>The Project has reviewed points within its Order Limits where there is the possibility for the Project to encroach into areas of designated open space and sports, leisure and recreational facilities.</p> <p>As such, an assessment within Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4) has considered the Project's likely significant effects on green space and community sports facilities.</p> <p>Meetings have taken place with Sports England to discuss the proposals affecting Ullswater College Rugby Pitch at Penrith and the MoD Playing Pitch and Replacement at Warcop.</p> <p>The scheme requires a land take from the Ministry of Defence (MoD). This includes the permanent acquisition of land which contains a playing field and a helipad, which could be utilised by emergency services, and which has a high sensitivity. The loss represents a major adverse impact, which would be significant. However, the embedded mitigation within the scheme design means that both the playing field and helipad will be relocated to the south of the scheme, off Castlehill Road. The replacement facilities will be fully operational before the closure of the existing provisions due to the potential use as an emergency services helipad. As such the residual impact will be no change which will be a neutral effect</p> <p>The Kirkby Thore Primary School sports pitch will be temporarily required to facilitate the diversion of a utility and will be returned to its existing use upon completion of the diversion works. The temporary land take equates to approximately 0.15ha which is approximately 35% of the outdoor space available to the school. This represents a major adverse temporary impact on the very high sensitivity receptor, which will be a very large adverse significant effect.</p> <p>Under section 131 of the PA 2008, National Highways will provide replacement land in exchange for the Common Land being compulsorily acquired. "Replacement land" is defined in section 131(12) as land which is:</p>

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	<p>may outweigh the loss of a site or facility.</p>	<ul style="list-style-type: none"> • Not less in area than the order land (the area proposed to be acquired). • No less advantageous to the persons, if any, entitled to rights of common or other rights. • No less advantageous to the public. <p>The following areas of replacement land are required in order to conform with the section 131 of the PA 2008:</p> <ul style="list-style-type: none"> • 0.9ha of replacement Common Land at Wetheriggs Country Park and the loss of land at the Ullswater Community College Rugby Field. It should be noted that the Rugby field itself is not affected and suitable spectator areas are maintained. • 1.12ha of replacement Common Land at Ketland Common. <p>Both areas of mitigation will be operational prior to land take of the existing sites.</p> <p>Given the compensatory (replacement) land, and the wider transport, economic and environmental benefits arising from the Project and set out in the CftP at chapter 3 (Application Document 2.2), it is considered that the loss of the small amount of open space lost would be outweighed by the benefits which the Project would deliver.</p> <p>For full details of the above assessments please see Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4).</p>
North Pennines AONB Planning Guidelines SPD and Management Plan		
<p>North Pennines AONB Planning Guidelines SPD and Management Plan</p>	<p>This document provides guidance on development in or affecting the North Pennines Area of Outstanding Natural Beauty (AONB).</p> <p>The main objectives of the Guidelines are to:</p> <ul style="list-style-type: none"> • help promote new development that conserves 	<p>The Project has had regard to the North Pennines AONB throughout its full design evolution. As part of this design process, the wider Planning Guidelines have been considered which are subsequently reflected within the adopted Local Plans of DCC and EDC (where Bowes Bypass and Appleby to Brough schemes reside). The Project's conformity with these planning policies can be viewed within Appendix C and D of this document.</p> <p>Consideration of the AONB has been a significant factor throughout the assessment of the Project including within the PDOR (Application Document 4.1), CftP (Application</p>

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	<p>and enhances the natural beauty of the North Pennines while accommodating the needs of its communities;</p> <ul style="list-style-type: none"> • stimulate the highest standards of design, conservation and development; • support the production and implementation of local planning policy; and • secure a consistency of approach towards planning matters across the AONB. 	<p>Document 2.2) and Chapter 10 (Landscape and Visual) of the ES (Application Documents 3.2-3.4).</p>
Cumbria Landscape Character Guidance and Toolkit		
Cumbria Landscape Character Guidance and Toolkit	<p>The Cumbria Landscape Character Guidance and Toolkit maps and describes the character of different landscape types across the county and provides guidance to help maintain their distinctiveness.</p>	<p>The Project has had due consideration of the CCC's Landscape Character Assessment in Chapter 10 (Landscape and Visual) of the ES (Application Documents 3.2-3.4). Section 10.7 of the chapter 10 identifies the landscape character assessment features which are included in the Order Limits and study area.</p> <p>The Project sits within a series of landscape character types as defined in the CCC Landscape Character Assessment.</p> <p>Appendix 10.4 Landscape Character Assessments of Chapter 10 (Landscape and Visual) of the ES presents the key characteristics of the Landscape Character Assessment and the applicant's assessment of landscape sensitivity.</p>
Richmondshire District Council		

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<p>Schemes in this area comprise:</p> <ul style="list-style-type: none"> - Stephen Bank to Carkin Moor - A1(M) Junction 53 Scotch Corner 		
<p>Richmondshire Local Plan 2012-2028, Core Strategy (2014)</p>		
<p>North Richmondshire Spatial Strategy</p>	<p>Growth in North Richmondshire will be modest, and development will be small in scale, reflecting the role of the Sub Area and its relationship to Darlington.</p> <p>In the Primary Service Villages of Middleton Tyas, Barton and Melsonby support will be given for:</p> <ul style="list-style-type: none"> • the Primary Service Village roles of these three villages which, whilst relatively separate, share a close geographical relationship to the A1 and A66. • In the Secondary Service Villages of Newsham - Ravensworth - Dalton (cluster), Eppleby - Caldwell - Aldbrough (cluster), North Cowton and Gilling West. • small scale and a modest level of development may be acceptable where it supports the social and economic needs and 	<p>The Project is partially situated within the North Richmondshire Spatial Strategy area (Stephen Bank to Carkin Moor and A1(M) Junction 53 Scotch Corner). The A66 and the proposed scheme upgrades offer the opportunity to complement the overall North Richmondshire Spatial strategy including its proximity to the Primary Service Villages which share a close geographical relationship to the A66.</p> <p>The upgrades to the aforementioned schemes will offer the opportunity for improved vehicle movements within this area which will in turn trigger opportunities for future motorway related development in the future. The Project therefore aligns with the requirements of the North Richmondshire Spatial Strategy.</p>

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	<p>sustainability of the local community.</p> <ul style="list-style-type: none"> • Elsewhere in the rural parts of the Sub Area, sustainable development in accordance with Spatial Principle SP3 will be supported. • At junctions on the upgraded A1 motorway, priority will be given to: <input type="checkbox"/> consolidation of the existing and committed employment development at Scotch Corner, with no further expansion onto undeveloped land. • the approved A1: Barton junction Service Area proposal. • appropriate motorway related development will be considered subject to Spatial Principle SP5. 	
Spatial Principle SP5	<p>Employment development should secure diverse economic improvement within the high-quality environment. The Council, its partners and service providers will ensure that 12 hectares of land for employment development, excluding military related needs, are brought forward in the period to 2028 to sustain the economy of the plan area.</p>	<p>The Project offers the opportunity to act as a catalyst for future economic development within its vicinity.</p> <p>The Project will improve connectivity for businesses and residents. It will provide faster, more reliable journeys that will facilitate leisure trips, but also make business-to-business and household-to-business transactions much easier. Saving time for business-related journeys inherently makes businesses more productive and allows for cost savings, thus new businesses to grow and develop in the local area.</p>

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	<p>Major employment development will be encouraged on sites in the Colburn area Support will be given for:</p> <p>development which enables the consolidation and improvement of the existing employment areas at the following key employment locations:</p> <ul style="list-style-type: none"> - Colburn - Gallowfields Estate, Richmond - Gatherley Road, Brompton on Swale - Harmby Road, Leyburn - Stables around Middleham <p>military related development on sites within the Catterick Garrison main site and Marne Barracks appropriate town centre business and tourism uses</p> <ul style="list-style-type: none"> - small scale development elsewhere to meet local employment needs <p>The complete loss of existing employment sites will be resisted where suitable alternative locations do not exist.</p> <p>Appropriate economic development opportunities related to the A1 upgraded junctions at Catterick Central, Scotch Corner and Barton will be considered subject to a</p>	<p>In improving the road infrastructure of the SRN around A1(M) Scotch Corner junction, it will in turn allow future economic development to access the road network safely and offer opportunities for expansion in this area in the future.</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
	<p>detailed appraisal of their requirements to link directly with the strategic road network, the feasibility of this link and local conditions that exist in these locations.</p>	
<p>Core Policy CP1, Planning Positively</p>	<p>When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the plan area.</p> <p>Planning applications that accords with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making</p>	<p>The A66 is an important link to local and regional services, employment and education opportunities for communities and towns along the route, as well as providing a commuter link to the many towns and villages. This is particularly important given that there is very little public transport provision along the route, with no comparable rail route and very limited bus service provision.</p> <p>The improved linkage which would be provided by the Project benefits communities within the north of England, who, due to the rural nature of the region, often lack access to key local services for example, GP surgeries, primary schools and supermarkets. These people are often required to commute over longer distances to access improved employment opportunities. The increased flow (as a result of the average additional growth expected as a result of more reliable journeys) also reflects the opportunity for more tourists to benefit from improved links to areas such as the Lake District and the North Pennines AONB, thereby improving the economies within this area.</p> <p>The Project creates a more accessible and inclusive transport network along the A66 corridor and therefore offers a range of opportunities and choices for people to connect with jobs, services and friends and family.</p> <p>Therefore, in summary, the Project is in conformity with Core Policy CP1 Planning Positively of the Richmondshire Local Plan.</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
	<p>the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:</p> <ul style="list-style-type: none"> • any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework, taken as a whole. • specific policies in that Framework indicate that development should be restricted. 	
<p>Core Policy CP2, Responding to Climate Change</p>	<p><u>Climate Change Adaption</u></p> <p>All new development will be expected to be adaptable to climate change in terms of both its location and the specific design and layout of buildings and associated external spaces. Development proposals should:</p> <ol style="list-style-type: none"> 1. Demonstrate how their design, orientation, materials and construction will minimise mechanical cooling needs and risk of overheating. 	<p>The Project has taken into account the opportunity to be adaptable to climate change through its design. The Project Design Report (Application Document 2.3) sets out a series of design principles which are intended to be delivered through the detailed design and implementation of the Project.</p> <p>The Project follows a series of design principles which help to align the Project with the criteria set out within National Highway's <i>The Road to Good Design</i> (National Highways, 2018).</p> <p>Principle D – Designs that are climate resilient and resource efficient.</p> <p>This principle expands on the following themes:</p> <ul style="list-style-type: none"> • Adaptability and future-proofing • Carbon impact and contribution to UK's net zero targets • Minimising waste and need for new material.

Local Policy No.	Local Policy Description	Compliance with Local Policy
	<p>2. Demonstrate how green infrastructure will be incorporated, including tree planting, green roofs and walls, and soft landscaping, where possible.</p> <p>3. Be steered away from flood risk areas by adopting a sequential approach as set out in prevailing national guidance.</p> <p>4. Be designed to minimise flood risk on-site and elsewhere, by:</p> <ul style="list-style-type: none"> ● Incorporating Sustainable Drainage Systems (SuDS) unless they are demonstrated to be impracticable, or they will pose an unacceptable pollution risk. SuDS should minimise surface water flood risk, protect waterways and provide aesthetic and ecological benefits. ● Not building over or culverting watercourses unless it is to facilitate essential access. ● Encouraging the opening of existing culverts. 	<p>The Project has sought to meet the relevant requirements of Core Policy CP2 as follows:</p> <p>Design (1) – Through implementation of the principles set out within the Project Design Report (Application Document 2.3).</p> <p>Green infrastructure (2) – Through environmental and biodiversity enhancement measures as depicted at Chapter 6 (Biodiversity) (Application Document 3.2)</p> <p>Flood Risk (3) – Through the baseline assessment and subsequent assessment of likely significant effects at Chapter 14 (Road Drainage and Water Environment) of the ES.</p> <p>SuDS (4) – As above</p> <p>Waste Production (5) - Through the baseline assessment and subsequent assessment of likely significant effects at Chapter 11 (Materials and Waste) of the ES.</p> <p>Based upon the above, it is concluded that climate change adaption has been considered through its design and layout and the Project conforms with Core Policy CP2 Responding to Climate Change of the Richmondshire Local Plan.</p>

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	<p>Show how development will seek to minimise waste production.</p>	
<p>Core Policy 3, Achieving Sustainable Development</p>	<ul style="list-style-type: none"> • Support will be given for sustainable development which promotes: <ul style="list-style-type: none"> a) the efficient use of land and infrastructure including developments with a sustainable and complementary mix of uses b) the conservation of scarce resources and reduction of their use, and encouragement of the use and re-use of sustainable resources c) the health, economic and social well-being, amenity and safety of the population d) a reduction in social inequalities and disadvantages within the community e) the quality of natural resources including water, air, land and biodiversity and minimises the impacts of airborne pollution 	<p>The Project contributes towards the achievement of sustainable development.</p> <p>Following the criteria defined within Core Policy 3, the Project has shown that it meets the following points:</p> <ul style="list-style-type: none"> i) Use of land – Careful consideration has been taken with the use of land within the Order Limits in order to bring forward an efficient road scheme. j) Sustainable Resources – The Project has considered its use of materials and resources with Chapter 11 (Materials and Waste) of the ES (Application Documents 3.2-3.4) k) Population – The Project has completed an assessment of likely significant effects in reference to Population and Human Health at Chapter 13 (Population and Human Health) of the ES. l) Social inequalities – The EqIA (Application Document 3.10) has considered groups with protected characteristics and how the Project takes into consideration different social groups. m) Natural resources – The Project has completed an assessment of likely significant effects in reference to air quality, biodiversity, water, land and pollution throughout the ES (Application Documents 3.2-3.4). n) Agricultural land – An agricultural land review has been completed at Chapter 9 (Geology and Soils) of the ES (Application Documents 3.2-3.4). o) Surface water – The Project has taken account of surface water and drainage capabilities within its design as set out within Chapter 14 (Road Drainage and Water Environment) (Application Document 3.2) of the ES.

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	<ul style="list-style-type: none"> f) the protection of the best and most versatile agricultural land g) the natural drainage of surface water mitigating the effects of flash flooding of rivers, drains and drought h) the vitality of the area i) a high quality and adaptability of development j) the character and quality of local landscapes and the wider countryside k) the distinctiveness, character, townscape and setting of settlements l) the historic, environmental and cultural features of acknowledged importance m) the provision of essential services to the public n) the reduction of waste, the promotion of recycling and the provision of suitable and accessible sites which foster sustainable waste management. 	<ul style="list-style-type: none"> p) Vitality – An economic overview of the Project and economic benefits can be viewed at chapter 5 of the CftP (Application Document 2.2). q) Adaptability –The Project has confirmed that it is adaptable to climate change, as set out in Chapter 7 (Climate) of the ES (Application Documents 3.2-3.4). r) Character – The local landscape character and wider countryside has been assessed in Chapter 10 (Landscape and Visual) of the ES (Application Documents 3.2-3.4). s) Setting – The setting of settlements and wider landscape, historic considerations have been discussed within Chapter 10 (Landscape and Visual) and Chapter 8 (Cultural Heritage) of the ES (Application Documents 3.2-3.4). t) Historic -The Project has acknowledged and assessed historic features at Chapter 8 (Cultural Heritage) of the ES (Application Documents 3.2-3.4). u) Essential services – The Project comprises a public road scheme, ensuring that the road network will meet the wider objectives of the SRN and comprises and essential service for the surrounding population. v) Waste – The Project has considered Waste within Chapter 11 (Materials and Waste) of the ES. <p>As a transport scheme, there are clear improvements to accessibility as defined within the TA (Application Document 3.7) and Walking, Cycling and Horse-Riding Proposals (Application Document 2.4).</p> <p>Based upon the above, it is concluded that the Policy meets the relevant requirements of Core Policy 3 of the Richmondshire Local Plan.</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
	<ul style="list-style-type: none"> • Development will be encouraged to utilise previously developed land first (brownfield land), where that land is in a sustainable location and is not of high environmental value, in preference to greenfield sites. The use and development of land will be assessed against the community's housing, economic and social requirements. The sustainability and enhancement of the natural and built environment, minimisation of energy consumption and the need to travel will also be key factors. Development that would significantly harm the natural or built environment, or that would generate a significant adverse traffic impact, without appropriate mitigation, will not be permitted. • Development proposals will be expected to provide an appropriate risk assessment and remediation strategy that addresses any issues of land contamination or land instability arising from past uses or 	

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	<p>activities. Where relevant non-mineral development is proposed within Mineral Safeguarding Areas defined by the mineral planning authority, the local planning authority will expect consideration to be afforded to the extraction of the mineral resource prior to development.</p> <ul style="list-style-type: none"> • Transport schemes that lead to improvements in accessibility will be supported. The potential for more sustainable means of transport related to the uses and users of the development must be addressed. This includes the preparation of travel plans and consideration of the scope to utilise local sourcing of materials and supply chains. The use of locally reclaimed, and the re-use of more sustainable, building materials will be supported where appropriate, where this does not harm the character and appearance of historic and environmental assets. 	
Core Policy CP7, Promoting a Sustainable Economy	In order to develop and sustain the economy of Richmondshire, in	<i>Note: Any monetised values are in 2010 prices. Monetary values are summarised in section 5.3 of the CftP (Application Document 2.2)</i>

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	<p>accordance with Spatial Principle SP5. Support will be given to:</p> <p>a) development which promotes the sustainable growth of the key economic sectors within the area, particularly agriculture, food, military, retail, tourism, leisure and equine enterprises.</p> <p>b) infrastructure necessary to support economic development including communications, high speed broadband and transport investment.</p>	<p>The Project assists in developing and sustaining the economy of Richmondshire.</p> <p>The proposed dualling of the A66 will conform with Core Policy CP7, Promoting a Sustainable Economy due to the development promoting the key economic sector of tourism, due to the heavy traffic travelling to the Lake District and further afield. As with business users of the A66, the scheme is also forecast to achieve journey time and reliability benefits for commuter and other users (which includes leisure trips). To summarise, these social benefits include:</p> <ul style="list-style-type: none"> • £43.5m worth of journey time benefits over the 60-year appraisal period for commuter and other users; and • £147.5m worth of journey time reliability benefits over the 60-year appraisal period for commuter and other users. <p>The Project demonstrates compliance with the NNNPS on this matter, including the Government’s strategic vision for the development of the national road network, wider policies for economic performance, environment, safety, technology, sustainable transport and accessibility, as well as journey reliability and the experience of road users. Subsequently, this emphasises compliance with local policy.</p> <p>To summarise, the Project provides the transport infrastructure necessary to help develop and sustain the economy of Richmondshire. As such, the Project is in conformity with Core Policy CP7 of the Richmondshire Local Plan.</p>
Core Policy CP12, Conserving and Enhancing Environmental and Historic Assets	Development or other initiatives will be supported where they conserve and enhance the significance of the plan area’s natural and man-made, designated or undesignated assets. Development will not be supported which:	<p>The Project seeks to conserve and enhance the significance of the plan area’s natural and man-made, designated and undesignated assets.</p> <p><u>Environmental Assets</u></p> <p>The ES assesses the potential environmental impacts resulting from delivery of the Project.</p> <p>An impact assessment has been carried out to determine likely significant effects on internationally, nationally and locally designated sites and all potential ecological receptors.</p>

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	<p>a) has a detrimental impact upon the significance of a natural or man-made asset</p> <p>b) is inconsistent with the principles of an asset's proper management.</p> <p><u>Environmental Assets</u></p> <p>Where avoidance of adverse impacts is not possible, necessary mitigation must be provided to address any potential harmful implications of development. Where adequate mitigation measures are not possible, compensatory measures will be required. This approach will apply to specific assets as follows:</p> <p>a) within the Nidderdale and the North Pennines Areas of Outstanding Natural Beauty which cover parts of East Witton and Muker Parishes respectively, priority will be given to the conservation and enhancement of the natural beauty of the landscape.</p> <p>b) the landscape character of the plan area will be maintained, enhanced and, where appropriate, restored to ensure</p>	<p>The mitigation presented in the ES has sought opportunities to protect existing features with biodiversity value and maximise biodiversity enhancements where possible.</p> <p>These are set out in further detail in section 6.8: Potential impacts; section 6.9: Essential mitigation and enhancement measures; section 6.10: Assessment of likely significant effects; of Chapter 6 (Biodiversity) of the ES; EMP, including Annex B1 LEMP (Application Document 2.7), and Environmental Mitigation Maps (Application Document 2.8) These are set out in further detail in section 6.8: Potential impacts; section 6.9: Essential mitigation and enhancement measures; section 6.10: Assessment of likely significant effects; of Chapter 6 (Biodiversity) of the ES (Application Documents 3.2-3.4); EMP, including Annex B1 LEMP (Application Document 2.7), and Environmental Mitigation Maps (Application Document 2.8)</p> <p><u>Historic Assets</u></p> <p>The impacts from the Project on both designated and undesignated heritage assets have been assessed in Chapter 8 (Cultural Heritage) of the ES.</p> <p>Where heritage assets are considered to have the possibility to be impacted by the Project, designs have been modified to mitigate historical impacts in line with principles set out in the NPPF.</p> <p>Based on the Project design and associated construction activities, the Project has the potential to impact upon Cultural Heritage during both construction and operation. However, with the implementation of the essential mitigation identified in section 8.8 of Chapter 8 (Cultural Heritage) in the ES, the residual effects of the Project design is considered moderately adverse to minorly adverse on heritage assets.</p> <p><u>Landscape and Visual</u></p> <p>The Project has aimed to conserve and enhance the designated and undesignated areas of landscape value through scheme design and mitigation, this is set out in Chapter 10 (Landscape and Visual) of the ES.</p>

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	<p>a sustainable future for the natural and historic environment.</p> <p>c) the biodiversity and geodiversity of the plan area will be maintained, enhanced and where appropriate, restored to ensure a sustainable future for the natural environment in support of the Yorkshire and Humber Regional Biodiversity Strategy, the North Yorkshire Biodiversity Action Plan, the Richmondshire Biodiversity Action Plan and the Humber River Basin Management Plan. Particular support will be given to initiatives to improve the natural environment where it is poor and lacking in diversity.</p> <p>d) The green infrastructure network of the plan area will be protected and, where appropriate, enhanced to provide a high quality, accessible, diverse and well-connected network of green space to meet the needs of the community, businesses and</p>	<p>The purpose of landscape mitigation is to avoid, minimise, restore or offset potential landscape and visual impacts of the Project. The principal means of mitigation is embedded in the design of each scheme through considered alignment and associated earthworks to achieve the best fit with topography and sensitive landscape features.</p> <p>Landscape mitigation for the Project seeks to replace lost features where practicable and to ameliorate or offset impacts on landscape character. The landscape planting design would include a range of measures designed to complement the local landscape character using species of local provenance with appropriate consideration of climate change resilient species. Mitigation planting may also function as visual screening when it has become established and reaches a reasonable height.</p> <p>In summary, the Project conforms with Core Policy CP12, Conserving and Enhancing Environmental and Historic Assets of the Richmondshire Local Plan.</p>

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	<p>visitors. The key green infrastructure network includes:</p> <ul style="list-style-type: none"> i. Playing fields, outdoor sports facilities, play parks and amenity green space ii. The Coast to Coast walk and views from it iii. Corridors of green space, recreation areas and trees which flow through urban area (particularly Catterick Garrison and Leyburn). iv. The gap between the settlements of Leyburn and Harmby, and the agricultural countryside between Colburn Town, Colburn Village and Hipswell v. Village greens and common land vi. Allotments, cemeteries, churchyards and civic spaces vii. Woodlands, scrubland, grassland, wetland, running water, wasteland, open land and park and gardens, riverbanks, 	

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	<p>cycleways and the Public Rights of Way network.</p> <p>iii. Sites important for biodiversity and geodiversity referred to at Paragraph 4.12.12.</p> <p><u>Historic Assets</u></p> <p>1. Those elements which contribute to the significance of the heritage assets across the Plan area will be conserved and, where appropriate, enhanced. Particular attention will be paid to those assets referred to in Paragraph 4.12.16 which make a particularly important contribution to the character and sense of place of Richmondshire.</p> <p>2. Where a proposal is likely to result in harm to the significance of a designated heritage asset and there are compelling reasons for allowing that development, opportunities will be sought to offset this harm by ensuring that other elements which contribute to the significance of that particular</p>	

Local Policy No.	Local Policy Description	Compliance with Local Policy
	<p>asset are enhanced or their significance better revealed.</p> <p>3. Consideration of development proposals will also need to take into account the objective of securing the long-term existence of the heritage asset. This is particularly the case for those assets which have been identified as being at risk. Enabling development may be considered acceptable in the particular location (site or buildings), where all other alternatives have been explored, and the development or use proposed is the only practical means of securing the future conservation of a heritage asset.</p>	
Core Policy CP13, Promoting High Quality Design	<p>High quality design of both buildings and landscaping is a priority in all development proposals. Support will be given for proposals that:</p> <ul style="list-style-type: none"> a) provide a visually attractive, functional, accessible and low maintenance development b) respect and enhance the local context and its special qualities, including its design 	<p>The Project is supported by a Project Design Report (Application Document 2.3) which sets out a series of design principles which are intended to be delivered through the detailed design and implementation of the Project.</p> <p>The Project follows a series of design principles which help to align the Project with the criteria set out within National Highway's <i>The Road to Good Design</i> (National Highways, 2018).</p> <p>These principles are as follows:</p>

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	<p>features, landscape, social activities, historic environment and nationally and locally recognised designations</p> <p>c) optimise the potential of the site</p> <p>d) minimise the use of scarce resources</p> <p>e) adopt sustainable construction principles</p> <p>f) facilitate access through sustainable forms of transport</p> <p>g) secure improvements to public spaces and incorporate public art, where appropriate.</p> <p>Design of all developments (including transport Projects) must take account of the need to promote safe living environments and reduce the opportunities for crime and the fear of crime, disorder and anti-social behaviour. A balance should be made to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and areas of nature conservation.</p> <p>Development proposals should be supported by a Design Statement.</p>	<p>A – Designs that are integrated in context and express character and a sense of place</p> <p>B – Designs to enhance experience for all users and serve the local community</p> <p>C – Designs to restore and enhance habitats and ecological connectivity</p> <p>D – Designs that are climate resilient and resource efficient</p> <p>E – A collaborative approach to design development.</p> <p>By following these design principles, which leads to a number of different themes, the Project has sought to meet the policy criteria of Policy CP13.</p> <p>In addition, the Project has taken account, at all stages of its development the design opportunities to promote safe living environments, local amenity and areas of nature conservation. These have been considered and assessed accordingly within the relevant chapters of the ES.</p> <p>Therefore, it is concluded that the Project incorporates high quality design principles and meets the requirements of Core Policy CP13 of the Richmondshire District Local Plan.</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
<p>Core Policy CP14, Providing and Delivering Infrastructure</p>	<p>The Council will work with statutory undertakers, utility companies and other agencies to develop an Infrastructure Delivery Plan (IDP) for the Local Plan Core Strategy so as to ensure delivery of adequate infrastructure to serve development and support the local economy.</p> <p>Any adverse impacts arising from new infrastructure should be minimised. Decisions on the provision of infrastructure should be taken on the basis of environmental sustainability as well as cost.</p> <p>Development should provide, or enable the provision of, the infrastructure made necessary by that development. Where it cannot be provided directly, developer contributions will be required to meet the reasonable costs of the provision of new infrastructure made necessary by the development. These requirements will be identified and detailed in the Infrastructure Delivery Plan (IDP) and contributions will be calculated through the associated Community Infrastructure Levy (CIL) Charging Schedule.</p>	<p>The Project is partly referenced in the emerging revised local plan Infrastructure Delivery Plan with reference to upgrades at the A1(M)/A66 Junction and its feeder roads. The Project is not referenced in the 2014 local plan albeit this is likely due to the plans age and transport priorities at the start of the plan period.</p> <p>The CftP (Application Document 2.2) identifies the problems of the A66 between Penrith and Scotch Corner and describes the need for the Project. It identifies traffic problems that affect the local and regional economy, local and regional transportation, local communities and internationally and nationally designated environments. These problems and the consequent need for the Project are articulated in existing government strategies which confirm a long-standing government commitment to improving the A66 SRN. The DfT has set objectives to ensure that the proposed Project resolves these problems and delivers substantive and wide-ranging benefits.</p> <p>As such, it is concluded that the development conforms with the policy in so far that it is providing infrastructure which will serve other developments and the local economy, whilst ensuring that any adverse impacts arising from the provision of this new infrastructure is minimised.</p>

Local Policy No.	Local Policy Description	Compliance with Local Policy
	<p>All infrastructure improvements and investments should be delivered by development, or through developer contributions, in a timely manner and to the required adoptable standards as specified by the relevant responsible organisation or authority.</p>	
Richmondshire Economic Action Plan EAP (2016)		
<p>Priority Three – Improved Connectivity</p>	<p>The Richmondshire Economic Action Plan identifies the priority areas that the Council believes need to be addressed to deliver economic growth, with associated actions that need to be taken to deliver on their identified outcomes.</p> <p>The Plan identifies multiple priorities for growth including ‘Priority Three-Improved Connectivity. Priority Three states that The Council will lobby, secure funding for and enable necessary road improvements to the A66, working with North Yorkshire County Council and the Local Enterprise Partnership to deliver on this.</p>	<p>The Project meets the Priority Three – Improved Connectivity policy in the Richmondshire Economic Action Plan.</p> <p>The A66 improvements will improve connectivity for businesses and residents. It will provide faster, more reliable journeys that will facilitate leisure trips, but also make business-to-business and household-to-business transactions much easier. Saving time for business-related journeys inherently makes businesses more productive and allows for cost savings, thus new businesses to grow and develop in the local area.</p>
Whorlton Village Neighbourhood Plan 2015-2025 (2017)		
<p>Policy WP5, Protection of the Historic Environment</p>	<p>Development proposals will be required to respect the setting and/or character of designated and non-</p>	<p>Stone wall, Whorlton Church, Ferryman’s Cottage and associated structures, Village Green pumps and stone bridge over Whorlton Beck will not be impacted as a result of the Project.</p>

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	<p>designated heritage assets such as stone wall, Whorlton Church, Ferryman's Cottage and associated structures, Village Green pumps and stone bridge over Whorlton Beck. Inappropriate development proposals that cause substantial harm or total loss will be resisted and those that cause less than substantial harm will be weighted against the public benefits. Development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and better reveal the significance and understanding of heritage assets. The more important the asset, the greater weight should be given to its conservation.</p> <p>The National Planning Policy Framework advises that harm to the significance of heritage assets will only be permitted where this is clearly justified and outweighed by the public benefit of the proposal. So, for example substantial harm or total loss to the significance of a designated heritage asset (or archaeological site of national importance) will be permitted only in exceptional circumstances. There is</p>	<p>Nevertheless, the Project has undertaken an assessment to assign significance to heritage assets and assess if effects are proportionate to the highly sensitive location in which the Project is located.</p> <p>Section 8.4 of Chapter 8 (Cultural Heritage) of the ES describes the approach taken to assessing effects on heritage within the EIA. This ES chapter is the primary document which reports the Project impacts and effects upon heritage assets. It reports the impacts on all designated and non-designated heritage assets. Section 8.4 paragraphs 8.4.3 to 8.4.21: Baseline Conditions describes the approach undertaken to the Assessment Methodology.</p> <p>In the assessment of the Historic Environment, due to the density of scheduled monuments and associated non-designated archaeological remains along the route of the Project, the study area encompasses a corridor extending 1km either side of the DCO boundary for designated heritage assets and 300m either side of the DCO boundary for non-designated heritage assets. This allows for potentially significant impacts to the setting of designated and non-designated heritage assets to be identified.</p> <p>To summarise, any adverse impacts upon heritage assets within the Whorlton Neighbourhood Plan area will be subject to less than substantial harm and the Project has taken the relevant measures in approaching and assessing the significance of heritage assets along the route.</p>

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	<p>a general presumption in favour of preservation of non-designated heritage assets. In the case of non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, these will be considered subject to the same policies as those for designated heritage assets and in accordance with the NPPF.</p>	

Abbreviations

Abbreviation	In full
AD	Anno Domini (in the year of our Lord)
ADMS	Advanced Dispersion Modelling System
ALC	Agricultural Land Classification
AM	Ante meridiem (morning)
AONB	Area of Outstanding Natural Beauty
ARN	Affected Route Network
AQMA	Air Quality Management Area
BCA	Broad Character Areas
BCR	Benefit Cost Ratio
BCT	Bat Conservation Trust
BLT	Broad Landscape Types
BMV	Best and Most Versatile
BNG	Biodiversity Net Gain
BNGO	Biodiversity Net Gain Objective
BNL	Basic Noise Level
BPM	Best Practice Measures
BS	British Standard
CCC	Cumbria County Council
CCR	Climate Change Risk
CHER	Cumbria's Historic Environment Record
CIRIA	Construction Industry Research and Information Association
CO2	Carbon Dioxide
COBALT	Cost and Benefit to Accidents – Light Touch
ComMA	Combined Modelling and Appraisal
CftP	Case for the Project
CWS	County Wildlife Site
DCC	Durham County Council
DCO	Development Consent Order
Defra	Department for Environment Food and Rural Affairs
DfT	Department for Transport
DHER	Durham's Historic Environment Record
DMRB	Design Manual for Roads and Bridges
EC	European Commission
ECoW	Ecological Clerk of Works
EDC	Eden District Council

Abbreviation	In full
EIA	Environmental Impact Assessment
ELC	European Landscape Convention
EMP	Environmental Management Plan
EPSL	European Protected Species Licensing
EqIA	Equality Impact Assessment
ES	Environmental Statement
EU	European Union
EV	Electric Vehicle
FRA	Flood Risk Assessment
GB	Great Britain
GDP	Gross Domestic Product
GHG	Greenhouse Gas
GIR	Ground Investigation Report
GVA	Gross Value Added
GDWTE	Groundwater Dependant Terrestrial Ecosystems
ha	Hectare
HER	Historic Environment Record
HEWRAT	Highways England Water Risk Assessment Tool
HGV	Heavy Goods Vehicle
HM	Her Majesty's
HRA	Habitats Regulations Assessment
ICCI	In Combination Climate Impacts
IPD	Infrastructure Planning (Decisions) Regulations 2010/305
IROPI	Imperative Reasons of Overriding Public Interest
km	Kilometre (Unit of Measurement)
LA	Local Authorities
LCA	Landscape Character Assessment
LEP	Local Enterprise Partnership
LEMP	Landscape and Ecological Management Plan
LLFA	Lead Local Flood Authority
LNR	Local Nature Reserve
LOAEL	Lowest Observed Adverse Effect Level
LPA	Local Planning Authority
LSOA	Lower-layer Super Output Area
LV	Air Quality Directive Limit Values
LWS	Local Wildlife Site
m	Metres (Unit of Measurement)

Abbreviation	In full
MAFF	Ministry of Agriculture Fisheries and Food
MCA	Minerals Consultation Atea
mm	Millimetres
MoD	Ministry of Defence
MoRPh	Modular River Physical Survey
mph	Miles per hour
MSA	Mineral Safeguarding Areas
MyRIAD	Motorway Reliability Incidents and Delays
NCA	National Character Areas
NCN	National Cycle Network
NERC	Natural Environment and Rural Communities Act
NHLE	National Heritage List England
NIA	Noise Important Area
NIDP	National Infrastructure Delivery Plan
NMU	Non-Motorised Users
NN NPS	National Networks National Policy Statement
NNR	National Nature Reserve
NO	Nitrogen Oxide
NO2	Nitrogen Dioxide
NOx	Oxides of Nitrogen
NPPF	National Planning Policy Framework
NPS	National Policy Statements
NPSE	Noise Policy Statement for England
NRTM	Northern Regional Traffic Model
NSIP	Nationally Significant Infrastructure Project
NTEM	National Trip End Model
NTP	Northern Trans-Pennine
NTPR	Northern Trans-Pennine Routes
NTPRSS	Northern Trans-Pennine Routes Strategic Study
NTS	Non-Technical Summary
NVMP	Noise and Vibration Management Plan
NYCC	North Yorkshire County Council
NYHER	North Yorkshire's Historic Environment Record
OBC	Outline Business Case
PA 2008	The Planning Act 2008
PC	Principal Contractor
PCF	Project Control Framework

Abbreviation	In full
PCM	Pollution Control Mapping
PCPA 2004	Planning and Compulsory Purchase Act 2004
PDOR	Project Development Overview Report
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PM2.5	Particulate Matter 2.5 micrometres or less in diameter
PM10	Particulate Matter 10 micrometres or less in diameter
PRA	Preferred Route Announcement
PRoW	Public Rights of Way
PSED	Public Sector Equality Duty
PSSR	Primary Sources Study Report
RCP	Representative Concentration Pathways
RDC	Richmondshire District Council
RIGS	Regionally Important Geological Sites
RIS	Road Investment Strategy
RIS1	Road Investment Strategy Period 1
RIS2	Road Investment Strategy Period 2
RSPB	Royal Society for the Protection of Birds
RTM	Regional Traffic Model
RRRA	Roman Roads Research Association
RSA	Road Safety Audit
SAC	Special Area of Conservation
SEP	Strategic Economic Plan
SoS	Secretary of State
SOAEL	Significant Observed Adverse Effect Level
SPA	Special Protection Area
SPD	Supplementary Planning Documents
SPZ	Source Protection Zone
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
STP	Strategic Transport Plan
SuDS	Sustainable Drainage Strategy
SWMP	Site Waste Management Plan
TA	Transport Assessment
TAG	Transport Analysis Guidance
TCPA 1990	Town and Country Planning Act 1990 (as amended)
TfN	Transport for North

Abbreviation	In full
TMP	Traffic Management Plan
TTV	Travel Time Variability
TVCA	Tees Valley Combined Authority
UK	United Kingdom
UKCP18	United Kingdom Climate Projections 18
UNESCO	United National Educational, Scientific and Cultural Organization
WEEE	Waste Electrical and Electronic Equipment
WebTAG	Transport Analysis Guidance
WEI	Wider Economic Impact
WCA	Wildlife and Countryside Act 1981
WCH	Walkers, Cyclists and Horse-Riders
WCHAR	Walking, Cycling Horse Riding Assessment and Review
WFD	Water Framework Directive
WHS	World Heritage Site
WTA	Warcop Training Area
ZoI	Zone of Influence

Glossary

Term	Definition
Accommodation overpass/underpass /structure	A bridge under or over the A66 that serves an affected area of land or property, not considered a public highway.
Accommodation/access road or track	A new or altered access road or track serving an affected area of land or property, not considered a public highway.
(The) Act	The Planning Act 2008
Affected Road Network (ARN)	Those roads within the traffic reliability area which, in the opening year of the project, meet specific criteria set out in DMRB.
Agricultural Land Classification (ALC)	A relative measure of agricultural land quality in England and Wales. In practice, the ALC grades are defined by reference to the land's physical characteristics. The most productive and flexible land falls into Grades 1 & 2 and Subgrade, 3a and collectively comprises about one-third of the agricultural land in England and Wales. About half the land is of moderate quality in Subgrade 3b or poor quality in Grade 4. The remainder is very poor-quality land in Grade 5, which mostly occurs in the uplands.
Air quality limit value	A maximum concentration to be achieved in the atmosphere, either without exception or with a permitted number of exceedances. Limit values are defined in European Union Directives and implemented in UK legislation.
Air Quality Management Area (AQMA)	An area within a local authority boundary where the air quality objectives are not likely to be achieved. The local authority is required to declare the area as an air quality management area and to prepare a local air quality action plan.
Air quality objectives (AQO)	Policy targets generally expressed as a maximum ambient pollutant concentration to be achieved. The objectives are set out in the UK Government's Air Quality Strategy (Department for Environment Food & Rural Affairs, 2007) ³ for the key air pollutants.
Air quality standard	Air quality limit values and objectives.
Alluvial deposits	Natural materials deposited within and adjacent to rivers.
Amenity	The relative pleasantness of a journey, or the ability of communities to achieve enjoyment and/or quality of life.
Ancient Trees	One that has passed beyond maturity and is old, or aged, in comparison with other trees of the same species
Ancient woodland (AW)	Land that has been continually wooded since at least 1600 AD.
Applicant	National Highways
Application	This refers to an application for a Development Consent Order. An application consists of a series of documents and

³ Department for Environment Food & Rural Affairs (2008) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69336/pb12654-air-quality-strategy-vol1-070712.pdf [accessed 9 September 2021]

Term	Definition
	plans which are submitted to the Planning Inspectorate and published on its website.
Appraisal	A process that looks at the worth of a course of action.
Appropriate Assessment	An assessment required by the Habitats Directive and Regulations where a project (or plan) would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects (part of the Habitats Regulations Assessment process).
Area of Outstanding Natural Beauty (AONB)	An area designated under Section 82(1) of the Countryside and Rights of Way Act 2000 for the purpose of conserving and enhancing its natural beauty.
Assessment	A process by which information about effects of a proposed plan, project or intervention is collected, assessed and used to inform decision-making.
Attenuation	The term used in drainage design to indicate a reduction in the rate of flow or flooding risk, for example, by means of a pond to hold back water.
Balancing pond	Part of a drainage system that is used to temporarily store, and thereby attenuate, the flow of surface water run-off.
Baseline	Existing environmental conditions present on, or near a site, against which future changes can be measured or predicted.
Benefit Cost Ratio (BCR)	The benefit cost ratio is a presentation of the amount of benefit being bought for every £1 of cost to the public purse – the higher the BCR the greater the benefit for every £1 spent.
Best and most versatile (BMV) land	Land defined as grade 1, 2 or 3a of the Agricultural Land Classification. This land is considered the most flexible, productive and efficient and is most capable of delivering crops for food and non-food uses.
Best Practicable Means (BPM)	Defined in the Control of Pollution Act 1974 and Environmental Protection Act 1990. Used to describe measures that are 'reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to financial implications'.
Biodiversity	Biological diversity: The variety of life forms in a given area, includes all species of plants and animals, their genetic variation and the complex ecosystems of which they are part.
Biodiversity Action Plan (BAP)	A nationally established programme that seeks to protect and restore threatened species, habitats and biological systems.
Borehole	A hole bored into the ground, usually as part of investigations, typically to test the depth and quality of soil, rock and groundwater. A borehole can also be used to dewater the ground or for a water supply.
Buildability advisors	Provide buildability advice on all aspects of construction and delivery and inputting into the scheme estimates.
Bund	An embankment structure
Carbon Budget	A carbon budget places a restriction on the total amount of greenhouse gases the UK can emit over a 5-year period

Term	Definition
Compensation	Measures taken to offset or compensate for residual adverse effects that cannot be mitigated, or for which mitigation cannot entirely eliminate.
Conformity Table	Table demonstrating the Project's conformity with the NNNPS.
Common Land	Common land is owned, for example by a local council, privately or by the National Trust.
Consent	A statutory permission given to an applicant by a statutory authority, such as the local planning authority or the Secretary of State, that allows a development to be carried out within a specific area of land.
Conservation Area	Defined at Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as those parts of a local planning authority area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.
Consultation	A process by which regulatory authorities, statutory and non-statutory bodies, local authorities, local communities, and those with an interest in the land are approached for information and opinions regarding a development proposal.
County	England is divided into 48 ceremonial counties, which are also known as geographic counties, used for the purposes of administrative, geographical and political demarcation.
Countryside Act 1949	An Act to make provision for National Parks and the establishment of a National Parks Commission; to confer on the Nature Conservancy and local authorities powers for the establishment and maintenance of nature reserves; to make further provision for the recording, creation, maintenance and improvement of public paths and for securing access to open country, and to amend the law relating to rights of way; to confer further powers for preserving and enhancing natural beauty; and for matters connected with the purposes aforesaid.
Cumulative effects	The combined residual effects of a project in its entirety (all schemes), and the combined effects with other projects.
Cutting	A section of road where the surrounding land is at a higher level and the ground has been dug away to put in the road.
Design Manual for Roads and Bridges (DMRB)	A set of documents that provide a comprehensive manual system which accommodates all current standards, advice notes and other published documents relating to the design, assessment and operation of trunk roads.
Detailed Design	The process of taking on and developing the preliminary design.
Development Consent Order (DCO)	The means of obtaining permission for developments categorised as nationally significant infrastructure projects.
Department for Transport (DfT)	DfT is a ministerial department, supported by 23 agencies and public bodies plan and invest in transport infrastructure to keep the UK on the move.

Term	Definition
Disposal	Any operation which is not recovery, even where the operation has as a secondary consequence the reclamation of substances or energy.
Draft DCO boundary	The site boundary used for the purpose of consultation. It includes the land anticipated at this stage likely to be required temporarily and/or permanently for the construction, operation and maintenance of the project.
Earthworks	The process of excavating or increasing level of soil.
Effect	Term used to express the consequence of an impact (expressed as the 'significance of effect'), which is determined by correlating the magnitude of the impact to the importance, or sensitivity, of the receptor or resource in accordance with defined significance criteria. For example, land clearing during construction results in habitat loss (impact), the effect of which is the significance of the habitat loss on the ecological resource.
Embankment	Artificially raised ground, commonly made of earth material, such as stone.
Embedded mitigation	Design measures which are integrated into a project for the purpose of minimising environmental effects.
Enhancement	A measure that is over and above what is required to mitigate the adverse effects of a project.
Environment Agency	The Environment Agency is responsible for environmental protection and regulation in England and plays a central role in implementing the government's environmental strategy. The Environment Agency is the main body responsible for managing the regulation of major industry and waste, treatment of contaminated land, water quality and resources, fisheries, inland river, estuary and harbour navigations and conservation and ecology. They are also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.
Environmental assessment	A method and a process by which information about environmental effects is collected, assessed and used to inform decision-making.
Environmental Assessment Report	Documents the findings of an Environmental Assessment.
Environmental designation	A defined area which is protected by legislation that is threatened by change from manmade and natural influences (for example Ramsar sites, Sites of Special Scientific Interest and Special Areas of Conservation).
Environmental Impact	Any change to the environment, whether adverse or beneficial
Environmental Impact Assessment (EIA)	DMRB LA 104 Environmental assessment and monitoring (DMRB LA 104) (Highways England, 2020) ⁴ defines EIA as:

⁴ Highways England (2020) Design Manual for Roads and Bridges LA 104 Environmental assessment and monitoring, available at: <https://www.standardsforhighways.co.uk/prod/attachments/0f6e0b6a-d08e-4673-8691-cab564d4a60a?inline=true> [accessed 9 September 2021]

Term	Definition
	<p>Statutory process consisting of:</p> <ol style="list-style-type: none"> 1) preparation of an Environmental Statement 2) consultation 3) examination by the competent authority of the information contained within the Environmental Statement 4) the reasoned (justified or evidenced) conclusion by the competent authority on the significant effects of the project on the environment 5) the reasoned (justified or evidenced) decision by the competent authority to grant or refuse development consent
Environmental Management Plan (EMP)	<p>Provides the framework for recording environmental risks, commitments and other environmental constraints and clearly identifies the structures and processes that will be used to manage and control these aspects. The EMP also seeks to ensure compliance with relevant environmental legislation, government policy objectives and scheme specific environmental objectives. It also provides the mechanism for monitoring, reviewing and auditing environmental performance and compliance.</p>
Environmental Masterplan	<p>The plans which illustrate the mitigation measures integrated into the design of the scheme.</p>
Environmental Statement (ES)	<p>A statutory report produced by the applicant including:</p> <ol style="list-style-type: none"> 1) a description of the project 2) a description of the likely significant effects of the project on the environment 3) a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment 4) a description of the reasonable alternatives 5) a non-technical summary 6) any additional information relevant to the characteristics of a project.
Essential mitigation	<p>Mitigation critical for the delivery of a project which can be acquired through statutory powers. These are measures required to reduce and if possible offset likely significant environmental effects, in support of the reported significance of effects in the environmental assessment.</p>
Examining authority	<p>The person(s) appointed by the Secretary of State (SoS) to assess the DCO application and make a recommendation to the SoS.</p>
Floodplain	<p>A floodplain or flood plain is an area of land adjacent to a stream or river which stretches from the banks of its channel to the base of the enclosing valley walls and which experiences flooding during periods of high discharge.</p>
Future baseline	<p>An outline of the likely evolution of the current state of the environment without implementation of the project.</p>
Flood Risk Assessment	<p>An assessment of the likelihood of flooding in a particular area so that development needs and mitigation measures can be considered</p>

Term	Definition
Flood zones	Flood Zones refer to the probability of river and sea flooding. They are available to view on the Environment Agency's website.
Flood Zone 1	Land having a less than 1 in 1,000 annual probability of river or sea flooding.
Flood Zone 2	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding.
Flood Zone 3	Land having a 1 in 100 or greater annual probability of river flooding; or land having a 1 in 200 or greater annual probability of sea flooding.
Geodiversity	The diversity of rocks, fossils, minerals and soils, landforms and geological processes that constitute the topography, landscape and the underlying structure of the Earth.
Green Belts	A buffer between towns, and between town and countryside. The green belt designation is a planning tool and the aim of green belt policy is to prevent urban sprawl by keeping land permanently open.
Greenhouse Gas (GHG)	A gas that contributes towards global warming by trapping heat given off from the earth's surface. Under the United Nations' Kyoto Protocol, the 6 GHG gases are carbon dioxide, methane, nitrous oxide, perfluorocarbons, hydrofluorocarbons and sulphur hexafluoride.
Government	The Government of the United Kingdom
Groundwater	Groundwater is the water present beneath Earth's surface in soil pore spaces and in the fractures of rock formations.
Ground investigation	To obtain information on the physical properties of soil and rock around a site.
Gypsies and Travellers	Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
Habitat Regulations Assessment (HRA)	A HRA is required where a project may have significant effects on a site by affecting its function to support protected habitats or species. Its purpose is to assess the implications of the proposal in respect of the site's conservation objective. The assessment is undertaken by the competent authority, in this case the Secretary of State.
Heavy Goods Vehicle (HGV)	A goods vehicle over 3.5 tonnes, including rigid and articulated lorries.
Heritage Resources	Heritage Resources are those resources, both human and natural, created by activities from the past that remain to inform present and future societies of that past
Historic Environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Term	Definition
Historic Environment Record (HER)	Information services that provide access to comprehensive and dynamic resources relating to the archaeology and historic built environment of a defined geographic area.
Impact	Change that is caused by an action (for example land clearing (action) during construction which results in habitat loss (impact)).
International Obligations	An obligation created or arising by or under any international convention, treaty or agreement.
Key characteristics (landscape)	The combination of elements that are particularly important to the current character of the landscape and help to give an area its particularly distinctive sense of place.
Landscape character area (LCA)	Distinct, recognisable and consistent patterns of elements and activity that make one landscape different from another. Note these can be a combination of landscape, biodiversity, geodiversity and economic activity that follow natural, rather than administrative boundaries.
Landscape Elements	Broad classification types of component parts of the landscape with specific requirements or management needs to achieve their longer-term objectives. These can be subdivided according to their detailed design or management needs relating to their function.
Land Use	What land is used for, based on broad categories of functional land cover, such as urban and industrial use and the different types of agriculture and forestry.
Legislation	A law or set of laws proposed by a government and given force/made official by a parliament.
Levelling Up	Levelling Up White Paper sets out how we will spread opportunity more equally across the UK.
Listed Building	A structure which has been placed on the Statutory List of Buildings of Special Architectural or Historic Interest to protect its architectural and historic interest.
Light Detection and Ranging (LIDAR)	A remote sensing method that uses light in the form of a pulsed laser to measure ranges (variable distances) to the Earth.
Local Authority	An administrative body of local government.
Local Development Plan	The set of documents and plans that sets out the local authority's policies and proposals for the development and use of land in their area.
Local Green Space	Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities
Local Impact Report	A report produced by a local authority which gives details of the likely impact of the proposed development on the local authority's area (or any part of that area). As part of the examination process, the Planning Inspectorate will invite relevant local authorities to submit local impact reports by a given deadline.

Term	Definition
Local Nature Reserve	Local Nature Reserves (LNRs) are a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 by principal local authorities.
Lowest Observed Adverse Effect Level (LOAEL)	This is a level of noise exposure above which adverse effects on health and quality of life can be detected.
Mainline	The carriageway carrying the main flow of traffic, generally traffic passing straight through a junction or interchange.
Materials Management Plan (MMP)	A Materials Management Plan is a mechanism by which those who are developing a site can comply with Environment Agency regulations for excavated ground materials.
Matters Prescribed	Prescribed matter means a matter referred to in sub-paragraph
Metropolitan Open Land	Land designated as Metropolitan Open Land in London Borough is afforded the same level of protection as Green Belt. The designation is intended to protect areas of landscape, recreation, nature conservation and scientific interest.
Mineral sites	Operational sites or sites identified within strategic planning documents for the extraction of minerals.
Mitigation	Measures including any process, activity, or design to avoid, reduce, remedy or compensate for negative environmental impacts or effects of a development.
Mitigation measures	Methods employed to avoid, reduce, remedy or compensate for significant adverse impacts of development proposals.
Monitoring	A continuing assessment of the performance of the Project, including mitigation measures. This determines if effects occur as predicted or if operations remain within acceptable limits, and if mitigation measures are as effective as predicted.
National Character Area (NCA)	Areas of England defined by their unique combination of landscape, biodiversity, geodiversity, history and cultural and economic activity.
National Cycle Network (NCN)	The National Cycle Network is a series of safe, traffic-free paths and quiet on-road cycling and walking routes that connect to every major town and city.
National Highways	National Highways operates, maintains and improves England's motorways and major A road
National Infrastructure Delivery Plan (NIDP)	A national policy document issued by the government which describes how the government will support the delivery of key infrastructure projects and programmes to the end of this Parliament.
National Parks	National Parks are parts of the countryside protected for their landscape
National Planning Policy Framework (NPPF)	The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.

Term	Definition
National Parks	National Parks are parts of the countryside protected for their landscape
National Trails	National Trails are long distance walking, cycling and horse riding routes through the best landscapes in England and Wales. Long distance walking, cycling and horse riding routes through the best landscapes in England and Wales
Nationally Significant Infrastructure Project (NSIP)	Large scale developments which require a type of consent known as 'development consent' under procedures governed by the Planning Act 2008.
National Networks National Policy Statement 2014 (NN NPS)	A national policy document issued by the government which sets out the need for and the government's policies for the development of nationally significant infrastructure projects on road and rail networks in England. The NNNPS. It is the basis for the examination of a Development Consent Order application by the Planning Inspectorate and decisions by the Secretary of State. It was adopted designated as national policy by the UK Parliament Secretary of State in March January 2015.
Natural England	Natural England was established by the Natural Environment and Rural Communities Act 2006. Their purpose is to help conserve, enhance and manage the natural environment for the benefit of present and future generations, thereby contributing to sustainable development.
Nature Improvement Area	Nature Improvement Areas are areas of the country where partnerships have been set up to enhance the natural environment. Nature Improvement Areas embody an integrated, holistic approach that was signalled in Natural Environment White Paper (Department for Environment Food & Rural Affairs, 2014) ⁵ and England Biodiversity Strategy (Department for Environment Food & Rural Affairs, 2020) ⁶ , joining up objectives for biodiversity, water, soils, farming and the low-carbon economy to improve the functioning of ecosystems.
Noise Barrier	A solid construction that reduces unwanted sound. It may take many forms including: engineering cutting; retaining wall; noise fence barrier; landscape earthworks; a 'low-level' barrier on a viaduct; a parapet barrier on a viaduct; or any combination of these measures. Also called an attenuation barrier.
Noise Important Areas (NIA)	These areas provide a framework for the local management of the Important Areas.
Non-hazardous waste	Waste that is neither classified as inert nor hazardous

⁵ Department for Environment Food & Rural Affairs (2014) Natural Environment White Paper, available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/366526/newp-imp-update-oct-2014.pdf [accessed 9 September 2021]

⁶ Department for Environment Food & Rural Affairs (2020) Biodiversity 2020: A strategy for England's wildlife and ecosystem services, available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69446/pb13583-biodiversity-strategy-2020-111111.pdf [accessed 9 September 2021]

Term	Definition
NOX	Oxides of Nitrogen – which encompasses all nitrogen species although mainly NO and NO2.
Northern Powerhouse	The Northern Powerhouse is the government’s vision for a super-connected, globally competitive northern economy with a flourishing private sector, a highly-skilled population, and world-renowned civic and business leadership
Opening Year	In the case of the A66 project, assumed to be 2029.
Operational	The functioning of a project on completion of construction.
Order limits	The extent of land required for the Project
Peat resource	Existing or potential peat extraction sites.
Planning Act 2008 (PA 2008)	The Planning Act 2008 (as amended). Act of Parliament which sets out the statutory requirements and planning application process for nationally significant infrastructure projects, such as energy, water, transport and waste. Applications for Development Consent Order are submitted following the processes set out in the Planning Act. The Act has subsequently been amended.
Planning Inspectorate (PINS)	The government agency responsible for operating the planning process for nationally significant infrastructure projects and for examining applications for development consent under the Planning Act 2008, on behalf of the Secretary of State.
PINS Advice Note	The Planning Inspectorate published series of advice notes that are intended to inform applicants, consultees, the public and others about a range of process matters in relation to the Planning Act 2008 (PA2008).
Planning Permission	Planning Permission formal permission from a local authority for the erection or alteration of buildings or similar development.
PM10	Particulate matter with a diameter of 10 microns or less.
Preliminary design	The design on which the application for development consent is based.
Preliminary Environmental Information (PEI)	PEI is defined in the EIA Regulations as ‘information referred to in Part 1 of Schedule 4 (information for inclusion in environmental statements) which – (a) has been compiled by the applicant; and (b) is reasonably required to assess the environmental effects of the development (and of any associated development).’
Prescribed Matter	A matter referred to in sub-paragraph.
Programme	A series of steps that have been identified or series of projects that are linked by dependency.
Project	This Project comprises of eight individual schemes. Scheme names are (west to east): M6 Junction 40 to Kemplay Bank Penrith to Temple Sowerby Temple Sowerby to Appleby Appleby to Brough

Term	Definition
	Bowes Bypass Cross Lanes to Rokeby Stephen Bank to Carkin Moor A1(M) Junction 53 Scotch Corner
Protected Characteristic Groups (PCGs)	A protected group is a group of people sharing a common trait who are legally protected from being discriminated against on the basis of that trait. Under the Equality Act 2010 this includes: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
Public Rights of Way (PRoW)	A way over which the public have a right to pass and repass. The route may be used on foot, on (or leading) a horse, on a pedal cycle or with a motor vehicle, depending on its status. Although the land may be owned by a private individual, the public may still gain access across that land along a specific route
Receptor	A defined individual environmental feature usually associated with population, fauna and flora that has potential to be affected by a project.
Recovery	Any operation, the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
Recycling	Any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes
Re-use	Any operation by which products or components that are not waste are used again for the same purpose for which they were conceived.
Registered Parks and Gardens (RPG)	Parks and gardens listed on a register that includes sites of particular historic importance and of special historic interest in England. The main purposes of the register is to celebrate designed landscapes of note and to encourage appropriate protection.
Regulations	Official rules or acts to control something, generally made in relation to legislation.
Residual impact	Effects on the environment that occur after mitigation of potential impacts has been implemented.
Resource	A defined but generally collective environmental feature usually associated with soil, water, air, climatic factors, landscape, material assets, including the architectural and archaeological heritage that has potential to be affected by a project
Road Investment Strategy (RIS)	The Road Investment Strategy outlines a long-term programme for England's motorways and major roads supported by stable funding needed to plan ahead.
Scheduled Monument	Historic building or site included in the Schedule of Monuments kept by the Secretary of State for Culture, Media

Term	Definition
	and Sport under the regime set out in the Ancient Monuments and Archaeological Areas Act 1979.
Scheme	This project comprises of eight schemes. Scheme names are (west to east): M6 Junction 40 to Kemplay Bank Penrith to Temple Sowerby Temple Sowerby to Appleby Appleby to Brough Bowes Bypass Cross Lanes to Rokeby Stephen Bank to Carkin Moor A1(M) Junction 53 Scotch Corner
Scoping Opinion	A written opinion of the relevant consenting authority, following a request from the applicant, as to the information to be provided in the Environmental Statement.
Secretary of State (SoS)	The Secretary of State for Transport.
Sensitivity	The extent to which the receiving environment can accept and accommodate change without experiencing adverse effects.
Setting	DMRB LA 106 defines setting as the surroundings in which a cultural heritage resource is experienced.
Significant Observed Adverse Effect Level (SOAEL)	This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
Significance (of effect)	A measure of the importance or gravity of the environmental effect, defined by significance criteria specific to the environmental topic.
Site of Special Scientific Interest (SSSI)	A conservation designation denoting a protected area in the UK, designated due to special interest in its flora, fauna, geological or physiographical features. They are protected by law to conserve their wildlife or geology.
Site Waste Management Plan (SWMP)	A management plan to encourage the effective management of materials and ensure waste is considered at all stages of a project - from design through to completion. Although no longer a regulatory requirement in England, SWMPs are still considered to be good practice.
Source Protection Zone (SPZ)	Area of groundwater protected by the Environment Agency.
Special Area of Conservation (SAC)	A site designated under the Habitats Directive as internationally important sites for threatened habitats and species. Following the UK's exit from the European Union, SACs now form part of the UK's National Site Network.
Special Protection Area (SPA)	A site designated under the European Union Directive on the Conservation of Wild Birds. Following the UK's exit from the European Union, SACs now form part of the UK's National Site Network.
Stakeholder	An organisation or individual with an interest in the Project.
Statutory	Related to legislation or prescribed in law or regulation.

Term	Definition
Statutory consultees	Organisations that must be consulted on relevant projects. Statutory Consultees are listed in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.
Statutory Environmental Bodies (SEB)	Environment Agency, Historic England and Natural England.
Sterilise	Substantially constrain / prevent existing and potential future use and extraction of materials
Study Area	The spatial area within which environmental effects are assessed i.e. extending a distance from the DCO boundary in which significant environmental effects could occur (this may vary between the topic areas).
Sustainable drainage systems (SuDS)	Drainage solutions that provide an alternative to the direct channelling of surface water through networks of pipes and sewers to nearby watercourses.
Traffic modelling or forecasting	The process used to estimate the number of vehicles using a specific section of road or defined network of roads.
Unitary Authority	A unitary authority is a local authority responsible for all local government functions within its area or performing additional functions that elsewhere are usually performed by a higher level of sub-national government or the national government.
Veteran Trees	All ancient trees are veteran trees, but not all veteran trees are ancient. A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value.
Visual Amenity	The overall pleasantness of the views people enjoy of their surroundings, which provides an attractive visual setting or backdrop for the enjoyment of activities of the people living, working, recreating, visiting or travelling through an area.
Visual Receptor	People who may have a view of a proposed development during construction or operation.
Walkers, cyclists and horse riders	Walkers, cyclists and horse riders using the network.
Waste (general)	Any substance or object which the holder disposes or intends / is required to dispose.
Waste hierarchy	The waste hierarchy ranks waste management options according to what is best for the environment. It gives top priority to preventing waste in the first place. When waste is created, it gives priority to preparing it for re-use, then recycling, then recovery, and last of all disposal (e.g. landfill).
Waste Infrastructure	Facilities that handle, treat/prepare for reuse, recycle and dispose (landfill) of waste.
Waste Local Plan	Provides further information in support of the implementation of waste planning policy.
Water Framework Directive (WFD)	The Water Framework Directive (2000/60/EC) (WFD) is a wide- ranging piece of European environmental legislation for

Term	Definition
	the protection of water resources that is being transposed into UK Law.
White Paper	White papers are policy documents produced by the Government that set out their proposals for future legislation.
Working Days	A day other than a Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971.
World Health Organisation (WHO)	The World Health Organization is a specialised agency of the United Nations that is concerned with international public health.
World Heritage Site (WHS)	A World Heritage Site is a landmark or area with legal protection by an international convention administered by the United Nations Educational, Scientific and Cultural Organization (UNESCO). World Heritage Sites are designated by UNESCO for having cultural, historical, scientific or other form of significance.