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Your Ref: TR010062

Sent by email to:
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Dear Mr Allen

A66 Northern Trans-Pennine: Response to Procedural Decisions (Rule 9 Letter)

On 29 July 2022, the Examining Authority (ExA) issued a letter setting out a number of Procedural Decisions, under section 89 of the Planning Act 2008 (as amended) and Rule 9 of The Infrastructure Planning (Examination Procedure) Rules 2010 (the Rule 9 Letter). This letter outlines the response of National Highways (the Applicant) to the matters raised in the Rule 9 Letter. The following documents are provided alongside this letter:

1. Development Consent Order Application Errata Report (Document Reference 6.1)
2. An updated Environmental Statement Chapter 16 Summary (Document Reference 3.2 (A)) (Clean and Tracked Versions)
3. An updated Book of Reference (Document Reference 5.7 (A)) (Clean and Tracked Versions)
4. Updated Land Plans for Schemes 0102 & 0405 (Document Reference 5.13 (A))
5. Updated Works Plan – Sheet 2 of 6, for Scheme 06 (Document Reference 5.16 (A))

Annex 1 to this letter sets out further detail on the above documents, in response to the matters raised in the Section 55 Checklist and Annex A of the Rule 9 Letter.

1. Principal Areas of Disagreement Summary Statement

National Highways notes the request for the preparation and submission of Principal Areas of Disagreement Summary Statements from each named local authority and statutory party, together with the North Pennines AONB Partnership and the Gypsy and

Travellers Representatives. National Highways has confirmed with the Planning Inspectorate that Statements of Common Ground are still required with these parties and will be submitted to the ExA as requested during the Examination. National Highways is committed to continuing engagement with stakeholders through the pre-examination and examination stages of the Project.

2. Joint Engagement Statement

National Highways notes the request for a Joint Engagement Statement from:

- a) Eden District Council, Cumbria County Council and Westmorland and Furness Council; and
- b) Richmondshire District Council, North Yorkshire County Council and North Yorkshire Council.

3. Separate draft Development Consent Order

The ExA has made a Procedural Decision requesting that National Highways produces a separate draft Development Consent Order which identifies the current shadow authorities as local authorities for each of the Works identified in Schedule 1 to the draft Development Consent Order. National Highways confirms that it will submit a revised draft Development Consent Order at the first main written submissions deadline, that will be first set out in the Rule 6 letter and then confirmed in the Rule 8 letter once the Examination has commenced. National Highways confirms that all future iterations of the draft Development Consent Order will refer to the current shadow authorities as the local authorities for the purposes of the DCO, as these will be the relevant local authorities at the time of determination of the application (which will be after 1 April 2023, the date when Westmorland and Furness Council and North Yorkshire Council will inherit the roles and functions of, and replace, Cumbria County Council and Eden District Council, and North Yorkshire County Council and Richmondshire District Council, respectively).

4. Matters Arising from Acceptance

National Highways has reviewed the list of omissions and errors in the application documentation, as provided in Annex A of the Rule 9 letter. Following this review National Highways has set out in Annex 1 to this letter, how corrections and any related resubmissions are provided as part of this response.

In preparing the Development Consent Order Application Errata Report (Document Reference 6.1), National Highways noted that where the Special Category Land Plans for Schemes 0102, 0405, 06 and 07 (Document Reference 5.15) have been uploaded to the Planning Inspectorate's website and are also identified in the Examination Library (as Application Document References APP-314 to APP-317) they are labelled as "Special Category Crown Land Plans". Please could this be corrected, with the word "Crown" being deleted (i.e. "Special Category Land Plans") to avoid the potential for confusion between the Special Category Land Plans and the Crown Land Plans.

If you have any further questions or comments, please do not hesitate to get in touch.

Yours sincerely



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Annex 1: Response to matters arising from acceptance

Application Document Number	Document	Examining Authority 9 Comments	National Highways Comments
2.5	General Arrangement Plans	Scheme 09 Stephen Bank to Carkin Moor Sheet 9: Draft DCO Schedule 2 Part 3 (pages 173 and 174) refers to “Dick Scott Lane” General Arrangement Plans states “Dick Scot Lane”. Please check.	Dick Scot Lane is the correct spelling. The typographical error is in the Draft DCO Schedule. This has been noted within the attached Development Consent Order Application Errata Report. This error will be formally addressed within the updated Draft DCO to be submitted at the first main written submissions deadline, that will be first set out in the Rule 6 letter and confirmed in the Rule 8 letter once the Examination has commenced.
3.2	ES Chapter 2	Paragraph (Para) 2.5.7 – references Figures 2.1 to 2.8 but it is actually Figure 2.1, sheets 1 to 8. Para 2.5.8 – references Figures 2.9 to 2.16 but it is actually Figure 2.2, sheets 1 to 8. Para 2.5.9 – references Figures 2.17 to 2.24 but it is actually Figure 2.3, sheets 1 to 8.	The figure references should be Figure 2.1, sheets 1 to 8, Figure 2.2, sheets 1 to 8, and Figure 2.3, sheets 1 to 8. The typographical errors are addressed in the Development Consent Order Application Errata Report.
3.2	ES Chapter 16 Summary	Both the Noise and Drainage sections fail to mention whether the identified likely significant effects are either temporary or permanent. While the ExA is content that this information is set out in Chapters 12 and 14, the Applicant is requested to update Chapter 16 and submit during the Examination.	National Highways has carefully checked both Noise and Drainage and can confirm that the permanence is clearly described with regard to drainage but not for noise. National Highways has included a revised version of the ES Chapter 16 Summary alongside this letter; the revised chapter addresses all missing descriptions of temporary or permanent effects.

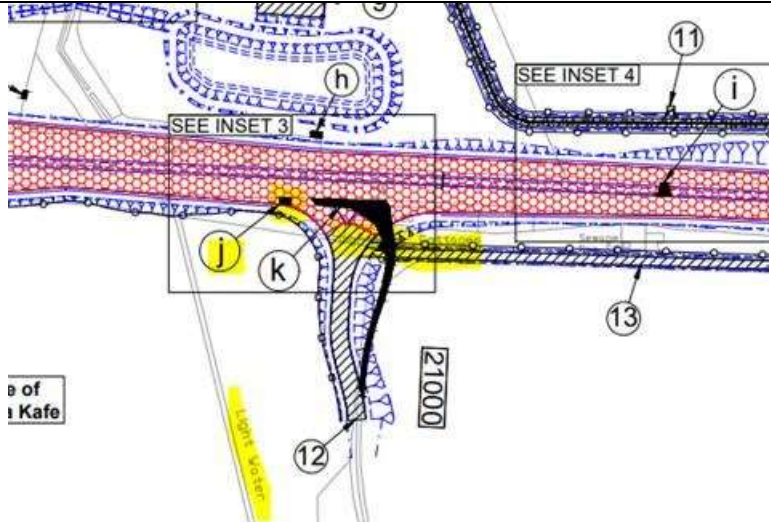
3.2	ES Chapter 9	Para 9.7.209 – there is a stray bullet point at the end of the paragraph, and it is not clear whether there is missing text or the bullet is unintended.	National Highways can confirm that the bullet point was unintended, this error is addressed in the attached Development Consent Order Application Errata Report.
5.4	Consents and Agreements Position Statement	Para 2.3 – Richborough Borough Council should be Richmondshire District Council.	The typographical error is noted in the attached Development Consent Order Application Errata Report. Please note that this typographical error is within paragraph 3.2.3 not paragraph 2.3.
5.8	Statement of Reasons (SoR)	Para 2.1.9 – Please check whether the mentioned carriageway separation for the left turn facility's own signal phase at M6 Junction 40 are shown on the General Arrangement Plans.	<p>National Highways can confirm that the proposal is to widen the carriageway to provide an extra lane and signalise the junction; the left turns do not have a separate phase. As such, the General Arrangement Drawings do not show carriageway separation for the signal phase for the left turn facility.</p> <p>This has been addressed in revised text within paragraph 2.1.9 of the Statement of Reasons, as explained in more detail within the Development Consent Order Application Errata Report.</p>
5.8	Statement of Reasons (SoR)	Para 2.1.17 – Please check whether the mentioned police observation point at the Kemplay Bank overbridges are shown on the General Arrangement Plans.	<p>National Highways does not consider that the police observation points are required to be shown on the General Arrangement Drawings as they are for intermittent mobile speed enforcement purposes only.</p> <p>The text in paragraph 2.1.17 of the Statement of Reasons has been updated for clarity and is included in the Development Consent Order Application Errata Report.</p>

5.8	Statement of Reasons (SoR)	Para 2.1.43 – Please check whether the aforementioned bridleway is in fact a footpath overbridge as shown on the General Arrangement Plans.	National Highways can confirm that the overbridge at Roger Head Farm is intended to be shown as bridleway (rather than footpath) as per the submitted General Arrangement Drawings for Scheme 0405: Temple Sowerby to Appleby (Document Reference 2.5). This is because the owners and occupiers of Roger Head Farm run an equestrian business from the farm premises and will need to be able to pass across the overbridge with horses. National Highways therefore does not believe that any amendments to the General Arrangement Drawings, or to para 2.1.43 of the SoR, are necessary.
5.8	Statement of Reasons (SoR)	Para 2.1.69 – Please check whether the reference to 18 ponds is correct as 20 drainage treatment ponds and flood compensation features for Scheme 06 are shown on the General Arrangement Plans.	National Highways can confirm there are 20 ponds, the typographical error is addressed in the Development Consent Order Application Errata Report.
5.8	Statement of Reasons (SoR)	Para. 7.2.10 and accompanying table – listed Plot 0102-02-54 on the relevant Special Category Land Plan isn't in the SoR table. Please check.	Plot 0102-02-54 has been added to the table accompanying paragraph 7.2.10 of the SoR and a copy of the updated table is included in the attached Development Consent Order Application Errata Report.
5.7	BoR	Applicant is required to check that all plots are contained within the Book of Reference. The search functionality did not consistently identify the plots.	The Book of Reference has been updated and is resubmitted alongside this letter. National Highways has also addressed the search functionality issue in this updated version.
5.13	Land Plans	Scheme 0102: M6 Junction 40 to Kemplay Bank	

	Sheet 1: Plot 0102-01-25 parcel of land to the NW of 0102-01-25 looks to be separate with no label.	National Highways can confirm that Plot 0102-01-25 is one single plot, as is now shown clearly on Inset 1B of the updated Land Plans.
	Sheet 2: Plot 0102-02-01 not immediately clear that parcel of land to the West is included.	National Highways can confirm that Plot 0102-02-01 is one single plot as is now shown clearly on Inset 2H of the updated Land Plans.
	Sheet 2: Plot 0102-02-35 land to SW is not clear if it forms part of Plot 0102-02-35 or is a separate plot.	National Highways can confirm that Plot 0102-02-35 is one single plot as is now clearly labelled on Inset 2I of the updated Land Plans.
	Sheet 2: Inset 2a is missing plot labels.	Plot labels have been added to Inset 2a on Sheet 2.
Scheme 0405: Temple Sowerby to Appleby		
	Sheet 1: Plot 0405-01-51 boundaries are unclear.	National Highways can confirm that Plot 0405-01-51 is a single plot; the duplicate label has been removed from Inset 3F on Sheet 3 of the updated land plans. An additional Inset (Inset 1G) has also been added, as shown on (new) additional Sheet 1C, to identify the extent of Plot 040-01-51 more clearly.
	Sheet 3: Inset 3F Plot 0405-03-49 is labelled twice, unclear if it's a different plot.	National Highways can confirm that Plot 0405-03-49 is a single plot; the duplicate label has been removed, and instead, an additional sub-Inset 3Fa at a scale of 1:50 has been added within the original Inset 3F (at a scale of 1:600) to show more clearly the southern extent of Plot 0405-03-49.
	Sheet 4: Plot 0405-04-34 is listed in BoR but does not appear to exist in the Land Plans.	It is correct that there is no Plot 0405-04-34 on the Land Plans and accordingly reference to Plot 0405-04-34 has been removed from the updated BoR.
	Sheet 5A: Plot 0405-05-09 is marked on Inset 5D but is not contained within the BoR.	It is correct that Plot 0405-05-09 is not referenced in the BoR and accordingly the superfluous label for Plot 0405-

			05-09 has been removed from Inset 5D on the updated Land Plans.
		Sheet 7: Plot 0405-07-37 – Check whether this extend into Inset 7A and should be marked up as such.	Plot 0405-07-37 does extend into Inset 7A; a label has been added to the updated Land Plans so that Plot 0405-07-37 is now identified on the main drawing (Sheet 7) and in Insets 7A and 7G on Sheet 7.
		Scheme 06 Appleby to Brough	
		Sheet 1: Plot 06-01-10 lists plot size as 2435 square metres. This may be incorrect, and the Applicant is asked to check.	The size of Plot 06-01-10 has been corrected in the updated BoR; National Highways can confirm this is 311 square metres.
		Sheet 1: Plot 06-01-39 is keyed in the land plans as 'Permanent Acquisition of Land – Replacement Land', while the 'replacement land' bit isn't mentioned in the BoR.	In the updated BoR, Plot 06-01-39 is identified in Part 5 (Special Category and Replacement Land) as "Replacement Land". This approach is consistent with the way in which replacement land plots have been identified in the BoR for Schemes 0102 and 07. Incidentally, plot descriptions in the BoR reference the current location and nature or use of the land for identification purposes only; they do not indicate the proposed future use of the land for the purposes of the Project and therefore do not include any reference to 'replacement land'.
		Scheme 09: Stephen Bank to Carkin Moor	
		Sheet 1: Plot 09-01-22 refers to plot Northeast of Sykelands Farm, Dalton, Richmond DL11 7HE. Applicant is asked to check this as no reference to Sykelands Farm is found.	The description of Plot 09-01-22 incorrectly referenced Sykelands Farm; this has been corrected to refer to Browson Bank Farm, Dalton, Richmond DL11 7HE in the updated BoR.

		<p>Sheet 9: Draft DCO Schedule 2 Part 3 (pages 173 and 174) refers to “Dick Scott Lane”. Land Plans states “Dick Scot Lane”. Please check.</p>	<p>Dick Scot Lane is the correct spelling and is correct on the Land Plans. The typographical error is within the Draft DCO and has been noted in the attached Development Consent Order Application Errata Report. This error will be formally addressed within the updated Draft DCO to be submitted at the first main written submissions deadline, that will be first set out in the Rule 6 letter and confirmed in the Rule 8 letter once the Examination has commenced.</p>
5.19	Rights of Way and Access Plans	<p>Schemes 03 Penrith to Temple Sowerby; Scheme 07 Bowes Bypass; Scheme 08 Cross Lanes to Rokeby and Scheme 09 Stephen Bank to Carkin Moor. Footpath and Bridleway names are difficult to read on the plans. The Applicant is requested to improve this if possible and update the plans if and when new iterations are to be submitted.</p>	<p>National Highways considers that the footpath and bridleway names within the documents are clear and legible when viewed at the original drawing scale (100% zoom). In preparing the plans care has been taken to ensure that if required to be printed at A3 all text should also be legible at that size.</p>
5.19	Rights of Way and Access Plans	<p>Scheme 03 Penrith to Temple Sowerby Draft DCO Schedule 2 Part 4 (page 177) refers to Reference J “Access to a garden at Lightwater Cottages.” Please check whether this should be shown on the plans as it is absent.</p>	<p>National Highways can confirm that Reference J is included on the submitted plans, an extract of the plan with highlight is included below. The extract also shows (highlighted) the reference to “Lightwater Cottages”.</p>

			
5.19	Rights of Way and Access Plans	Scheme 0405 Temple Sowerby to Appleby Sheet 3: Typo “Existing Winthorn to be emolished”	<p>The typographical error has been noted in the attached Development Consent Order Application Errata Report.</p> <p>At this stage National Highways does not propose to update the Rights of Way and Access Land Plans to address this typographical error.</p>
5.19	Rights of Way and Access Plans	Sheet 7: Draft DCO Schedule 2 Part 3 (page 148) refers to Reference 67 and the “B6552”. The road is not on the corresponding plans. This may be a typographical error.	<p>National Highways can confirm that the reference on Sheet 7 of the Rights of Way and Access Plans is correct; the typographical error is within the Draft DCO and has been noted in the attached Development Consent Order Application Errata Report.</p> <p>This error will be formally addressed within the updated Draft DCO to be submitted at the first main written submissions deadline, that will be first set out in the Rule</p>

			6 letter and confirmed in the Rule 8 letter once the Examination has commenced.
5.19	Rights of Way and Access Plans	Scheme 07: Bowes Bypass Sheet 3: Draft DCO Schedule 2 Part 3 (page 167) refers to Reference 16 as part of Reference R. Reference 16 is not in existence on plans.	National Highways can confirm that this is a typographical error in the Draft DCO and should be Reference 14 (not 16). This has been noted in the attached Development Consent Order Application Errata Report. This error will be formally addressed within the updated Draft DCO to be submitted at the first main written submissions deadline, that will be first set out in the Rule 6 letter and confirmed in the Rule 8 letter once the Examination has commenced.
5.19	Rights of Way and Access Plans	Scheme 09: Stephen Moor to Carkin Moor Draft DCO Schedule 2 Part 3 (pages 173 and 174) refers to "Dick Scott Lane" Corresponding Plans states "Dick Scot Lane". Please check.	Dick Scot Lane is the correct spelling. The typographical error is in the Draft DCO Schedule. This has been noted within the attached Development Consent Order Application Errata Report. This error will be formally addressed within the updated Draft DCO to be submitted at the first main written submissions deadline, that will be first set out in the Rule 6 letter and confirmed in the Rule 8 letter once the Examination has commenced.
5.16	Works Plans	Work Plans refers to schemes 01 to 11 (with no 10) whereas the ES refers to schemes 1 to 8. Please align	National Highways can confirm that, as shown on the Works Plans, the schemes are numbered 0102, 03, 0405, 06, 07, 08, 09 and 011 (no scheme number 10) whilst the submitted Environmental Statement generally refers to schemes by name (rather than by number).

			<p>Where the schemes are referred to elsewhere in the Application documentation by scheme number (as opposed to by scheme name) the above numbering convention is applied. Given that this scheme numbering convention has been used throughout the pre-application consultation stage, National Highways does not anticipate there being a need to use ordinal numbers (for example first scheme, eighth scheme, etc.) to refer to the schemes, and therefore does not anticipate any confusion around scheme identification.</p> <p>Further detail with regards to the numbering convention is included in paragraphs 2.2.1 to 2.2.6 of Understanding the DCO Application (Document Reference 2.1).</p>
5.16	Works Plans	<p>Scheme 06 Appleby to Brough Work No.06-2B: These Works do not appear to correspond with Land Plans Plot 06-02-12. Please check.</p>	<p>National Highways can confirm that the Order Limits are incorrectly shown in the vicinity of Work No. 06-2B on Sheet 2 of the Works Plans for Scheme 06. Sheet 2 of the Works Plans for Scheme 06 has been updated to correctly correspond with the Land Plans and is resubmitted alongside this letter.</p>
5.16	Works Plans	<p>Scheme 08 Cross Lanes to Rokeby Work No.08-2: Schedule 1 Part 6: Scheme 08 Cross Lanes to Rokeby reference is made to “Bowes Footpath 7”. The Works Plans suggests this should be “Rokeby Footpath 7”. Please check.</p>	<p>The correct wording is Rokeby Footpath 7. This is a typographical error in the Draft DCO and has been noted in the attached Development Consent Order Application Errata Report.</p> <p>This error will be addressed within the updated Draft DCO to be submitted at the first main written submissions deadline, that will be first set out in the Rule 6 letter and confirmed in the Rule 8 letter once the Examination has commenced.</p>

5.16	Works Plans	Scheme 09 Stephen Bank to Carkin Moor Sheets 3 and 4 - Work No. 09-9: Work No. 09-9 is shown on sheets 3 and 4. Schedule 1 Part 7 of the draft DCO only refers to the work being on sheet 3.	This is a typographical error in the Draft DCO and has been noted in the attached Development Consent Order Application Errata Report. This error will be addressed within the updated Draft DCO to be submitted at the first main written submissions deadline, that will be first set out in the Rule 6 letter and confirmed in the Rule 8 letter once the Examination has commenced.
5.16	Works Plans	Scheme 09 Sheet 3: Draft DCO Schedule 2 Part 3 (pages 173 and 174) refers to "Dick Scott Lane". Works Plans states "Dick Scot Lane". Please check.	Dick Scot Lane is the correct spelling. This is a typographical error in the Draft DCO and has been noted in the attached Development Consent Order Application Errata Report. This error will be addressed within the updated Draft DCO to be submitted at the first main written submissions deadline, that will be first set out in the Rule 6 letter and confirmed in the Rule 8 letter once the Examination has commenced.
5.14	Crown Land Plans	Schemes 03 Penrith to Temple Sowerby; Scheme 07 Bowes Bypass; Scheme 08 Cross Lanes to Rokeby and Scheme 09 Stephen Bank to Carkin Moor Footpath and Bridleway names difficult to read on plans. The Applicant is requested to improve this if possible for the any updates to the plans to be submitted.	National Highways considers that the footpath and bridleway names within the documents are clear and legible when viewed at the original drawing scale (100% zoom). In preparing the plans care has been taken to ensure that if required to be printed at A3 all text should also be legible at that size.

5.14	Crown Land Plans	Scheme 03 Penrith to Temple Sowerby Draft DCO Schedule 2 Part 4 (page 177) refers to Reference J “Access to a garden at Lightwater Cottages.” Please check whether this should be shown on the plans as it is absent.	National Highways can confirm that Scheme 03 has no Crown Land and as such no amendment is required. The reference to ‘J’ point is responded to at section 5.19 of this table in relation to the Rights of Way and Access Plans.
5.14	Crown Land Plans	Scheme 0405 Temple Sowerby to Appleby Sheet 3: Typo “Existing Winthorn to be emolished”	National Highways can confirm that Scheme 0405 includes no Crown Land; and accordingly there are no Crown Land Plans for Scheme 0405 and no erratum to be addressed.
5.14	Crown Land Plans	Scheme 04/05 Sheet 7: Draft DCO Schedule 2 Part 3 (page 148) refers to Reference 67 and the “B6552”. The road is not on the corresponding plans. This may be a typographical error.	This typographical error does not affect the Crown Land Plans as there are no Crown Land Plans for Scheme 0405; the correct reference is to the “B6542” (which is correctly labelled on the Rights of Way and Access Plans). This is a typographical error in the Draft DCO and has been noted in the attached Development Consent Order Application Errata Report. This error will be addressed within the updated Draft DCO to be submitted at the first main written submissions deadline, that will be first set out in the Rule 6 letter and confirmed in the Rule 8 letter once the Examination has commenced..
5.14	Crown Land Plans	Scheme 07: Bowes Bypass Sheet 3: Draft DCO Schedule 2 Part 3 (page 167) refers to Reference 16 as part of Reference R. Reference 16 is not in existence on plans.	This typographical error does not affect the Crown Land Plans for Scheme 07; it is a typographical error in the Draft DCO and has been noted in the attached Development Consent Order Application Errata Report. This error will be addressed within the updated Draft DCO to be submitted at the first main written submissions deadline, that will be first set out in the Rule

			6 letter and confirmed in the Rule 8 letter once the Examination has commenced.
5.14	Crown Land Plans	Scheme 09: Stephen Moor to Carkin Moor Sheet 3: Draft DCO Schedule 2 Part 3 (pages 173 and 174) refers to "Dick Scott Lane" Crown Land Plans states "Dick Scot Lane". Please check.	<p>This typographical error does not affect the Crown Land Plans as there are no Crown Land Plans for Scheme 09. Dick Scot Lane is the correct spelling. This is a typographical error in the Draft DCO and has been noted in the attached Development Consent Order Application Errata Report.</p> <p>This error will be addressed within the updated Draft DCO to be submitted at the first main written submissions deadline, that will be first set out in the Rule 6 letter and confirmed in the Rule 8 letter once the Examination has commenced.</p>