

A66 Northern Trans-Pennine Project

TR010062

6.5 Applicant's Response to Relevant Representations Part 4 of 4

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A66 Northern Trans-Pennine Project
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**NH/AS/6.5 Applicant's Response to Relevant
Representations Part 4 of 4**

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5. Response to Relevant Representations made by Interested Parties subject to a Statement of Common Ground

5.1. Introduction

- 5.1.6. This section provides the National Highways response to Relevant Representations made by Interested Parties who have entered into a Statement of Common Ground with National Highways.
- 5.1.2 National Highways will continue to engage on these matters throughout the course of the Examination. Therefore, this chapter includes a summary of the status of engagement at the time of writing, recognising that further correspondence may be required.
- 5.1.3 This Section therefore does not seek to repeat National Highways' full response to Relevant Representations made by Interested Parties subject to ongoing engagement. Instead, it provides a summary of how National Highways has responded to the relevant Interested Party and the outcome of any direct engagement with the Party since the Relevant Representation was submitted. The Relevant Representation reference, Interested Party name and National Highways response is set out in the tables that follow.

5.2. Response to Relevant Representations made by Interested Parties subject to a Statement of Common Ground

Table 5-1: Response to Relevant Representations made by Interested Parties subject to a Statement of Common Ground

Interested Party and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
Durham County Council, RR-073	Case for the Project	In principle, Durham County Council supports the proposed route for the Bowes Bypass proposal.	National Highways acknowledges the support for the proposed route for the Bowes Bypass and continue to engage with Durham County Council as is documented within the Statement of Common Ground (SoCG) (Document Reference 4.5, APP-278).
Durham County Council, RR-073	Case for the Project	In principle, Durham County Council SUPPORTS the proposed junction at Cross Lanes. In principle, Durham County Council DOES NOT OBJECT to the proposed junction at Rokeby, however, given the lesser impact of the "Blue" route, referred to in the Statutory Consultation, in relation to increased traffic on the B6277 The Sills, the strong preference of the Council remains for the "Blue" route.	National Highways welcomes the explanation from Durham County Council of why they do not object to the proposed junction at Rokeby as set out in Appendix 1 of DCC's Relevant Rep. It is understood that when considering the "Black" vs "Blue" route, DCC had previously objected to National Highways preference of the "Black" route, mainly due to the impact of the additional traffic on the B6277 compared to the "Blue" route. However, in their representation DCC retain their preference for the blue route although acknowledging in Appendix 1 of their relevant representation that the traffic modelling has shown that the difference between the routes would be just 127 vehicles per day. DCC go on to confirm that given the benefits of traffic reduction through Barnard Castle, it is not considered that the additional 127 vehicles per day in the "Black" route scenario vs the "Blue" route scenario, would be sufficient grounds for an objection by DCC to National Highways preference of the "Black" route.

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			<p>The acknowledgment by DCC that the findings of the EIA, traffic modelling and heritage work undertaken provide a justification for the black route reinforces National Highway's decision in preferring the black route. Furthermore, National Highway's concur with DCC's comment "that design refinement and the preparation of the heritage mitigation strategy in the Environmental Management Plan provides a reasoned justification for the selected route". Given the conclusions reached by DCC on the black (proposed preferred route) and the alternative blue route National Highway's do not consider that these present sufficient grounds to make a change from the proposed route alignment and junction arrangements at Rokeby.</p> <p>Further detail about the process, the alternatives considered, and the wider factors that have informed the decision-making process for alternative routes assessed is set out in the Project Development Overview Report (PDOR) (Document Reference 4.1, APP-244) and in Chapter 3 of the Environmental Statement (Assessment of Alternatives) (Document Reference 3.2, APP-046). The Detailed Heritage Mitigation Strategy is included in Annex B3 to the Environmental Management Plan (Document Reference 2.7, APP-023) which will be developed in detail (as required by the EMP-D-CH-01) prior to the start of works.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
Durham County Council, RR-073	Cultural Heritage	<p>In terms of cultural heritage in respect of the “Blue” route, the balance of harm derived from the “Black” (subject of the DCO application) or “Blue” route is nuanced and, as such, whilst the “Blue” route remains the preference for the reasons set out in Appendix 1 to this letter, it is acknowledged that design refinement and the preparation of the heritage mitigation strategy in the Environmental Management Plan provides a reasoned justification for the selected route.</p>	<p>National Highways acknowledges the comment and feedback provided in Appendix 1. The positive comments about the detailed design refinement process and proposed mitigation are duly noted.</p>
Durham County Council, RR-073	Legal	<p>Under which legislation does National Highways propose to carry out ancillary highway works to the Local Highway Authority’s network? This is important for DCC as both highway and permit Authority as to how it addresses the construction of the works</p> <p>Has a Side Road Order been produced by National Highways? This would be needed to address, stopping / diversion / change in status / de-trunking / reclassification of highways impacted by the scheme. This Order is very important as it will determine what (and what not) the council inherits for the scheme.</p>	<p>National Highways continue to engage with Cumbria County Council (CCC) on the de-trunking proposals, as will be reported in the Statement of Common Ground. It is our understanding that CCC are continuing to work on the de-trunking proposals with their specialist team.</p> <p>The Planning Act 2008 established an infrastructure planning regime with the aim, among other matters, of providing a single consent process which avoids the potential delays associated with having the same project being considered through the lens of multiple authorisation regimes. The draft DCO (Document Reference 5.1, APP-285) contains all the necessary statutory powers and authorisations required to construct, operate and maintain the Scheme. This includes development consent (an authorisation broadly equivalent to the grant of planning permission under the Town and Country Planning Act 1990) the authorisation to carry out works to side roads (as would normally be contained in a side roads order</p>

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			<p>made under section 14 and other enabling powers under the Highways Act 1990) and to regulate traffic (as would normally be contained in Traffic Regulation Order made under the Road Traffic Regulation Act 1984).</p> <p>The key statutory powers and provisions concerning streets and highways included in the draft DCO include:</p> <ul style="list-style-type: none"> • article 4 provides for the grant of development consent for the authorised development described in Schedule 1 to the DCO. • article 9 sets out which parties are responsible for maintaining the highways constructed, altered or diverted through the implementation of the powers in the DCO. It also sets out that where such highways are to be maintained by a party other than National Highways, the works must be carried out to the reasonable satisfaction of the party that is to maintain them. • article 10 permits National Highways to stop up streets and private means of access permanently, as shown on the rights of way and access plans (Document Reference 5.19, APP-342 to APP-349) and as specified in Schedule 2 to the draft DCO. These provisions are analogous to a side roads order made under the Highway Act 1980 and the rights of way and access plans have been prepared with regard to the guidance that applies to the preparation of the Site Plans that would accompany side roads order. • article 40 provides for the classification of roads as set out in Schedule 7. That Schedule makes reference to the

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			<p>classification of roads plans (Document Reference 5.20, APP-350 to APP-356) and also includes descriptions of roads to be de-trunked, with reference to the de-trunking plans (Document Reference 5.21, APP-357 to APP-363).</p> <ul style="list-style-type: none"> articles 41 and 42 make provision for clearways and traffic regulation measures in relation to the roads to described in Schedule 8 to the draft DCO, by reference to the traffic regulation measures (clearways and prohibitions) plans (Document Reference 5.22, APP-364 to APP-370) and the traffic regulation measures (speed limits) plans (Document Reference 5.23, APP-371 to APP-377). These provisions are of equivalent effect to a traffic regulation order made under the Road Traffic Regulation Act 1984.
Durham County Council, RR-073	Design Engineering and Construction	As part of the preliminary design process and before land take is determined a Stage 1 Road Safety Audit should have been carried out which would include works on the LHN. Has this been seen by DCC Highways.	A Stage 1 Road Safety Audit (RSA) has been carried out. Both the RSA report and Designers Response Report for the Bowes Bypass scheme and the Cross Lanes to Rokeby scheme has been shared with Durham County Council on the 8 November 2022. Any comments will be reviewed and discussed through our ongoing engagement and scheduled meetings, and this will be documented as relevant in an updated version of the Statement of Common Ground (Document Reference 4.5, APP-278) with Durham County Council.
Durham County Council, RR-073	Design, Engineering and Construction	It is understood that there would be a number of departures and relaxations from standard on some of the works proposed to become part of the LRN. DCC as Local Highway Authority would need to see these,	Local Authority Departures from Standard application forms for the Bowes Bypass and Cross Lanes to Rokeby Schemes have been drafted with the relevant rationale and has been shared with Durham County Council on 27

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		and the rationale behind them before they could be agreed too. When would these be available for comment?	October 2022 and discussed at meetings on 31 October 2022 and 14 November 2022. We expect the Council will provide a Determination on the Departures from Standard sought. Liaison will continue through our scheduled meetings and the discussions and formal determination document will be recorded in the SoCG.
Durham County Council, RR-073	Funding and Delivery	Changes to the A66 would result in some changes on the LRN which would require changes to signage, speed limits etc. Can National Highways confirm whether they would be paying for these changes or expecting DCC to fund these changes.	As discussed in National Highways' response above, the draft DCO (Document Reference 5.1, APP-285) makes specific provision for traffic regulation measures matters, such as speed limits, required to integrate the Project into the surrounding highway networks, where required these would be funded by National Highways.
Durham County Council, RR-073	Legal	The changes to the routing of the A66 require some existing adopted highways which serve properties to be severed, to be replaced with new amended routes which would be offered up for adoption. Given that the existing routes do serve property, they could not be closed off until the new routes were fully adopted by the Local Highway Authority. Has this been considered and built into the timetable.	Please refer to National Highways' response above for a general discussion of the main powers contained in the draft DCO (Document Reference 5.1, APP-285) that relate to highways. It should be noted that article 10(2) (permanent stopping up of streets and private means of access) provides that the relevant highways and private means of access are not to be permanently stopped up until their replacements are open for use.
Durham County Council, RR-073	Walking, cycling and horse riding	Access and Rights of Way In general attempts to accommodate and improve the public rights of way network, by providing opportunities to safely cross the A66 and by providing link routes alongside the carriageway are welcomed. However, many of the linking routes provided alongside the carriageway, which all	On the Bowes Bypass, Cross Lanes to Rokeby and Stephen Bank to Carkin Moor schemes, new bridleway provision have been considered where there are existing bridleway facilities to connect into, or where existing bridleways are required to be diverted. Please refer to the Walking, Cycling and Horse Riding (WCH) proposals (Document Reference 2.4, APP-10) for a

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		<p>appear, at least within County Durham, to be marked as “shared pedestrian/cycle path”. The legend for the maps mention “shared pedestrian/bridleway” but none were immediately apparent on the maps. It would seem to make sense to identify all these links as being multi-user shared paths, i.e. for pedestrians, equestrians and cyclists. If the physical space is available then a path suitable for all should be provided.</p> <p>Durham County Council has recently received applications for historic bridleways to be added to the Definitive Map for several routes which lead to the A66. If those routes are proven to have bridleway status then they would need to connect to a route which equestrians know that they can use, and other users also know that equestrians are entitled to use. Future-proofing the link paths to accommodate all users would address that.</p>	<p>summary of the new WCH proposals, with the detail shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-346, APP-347 & APP-348). The full detail of impacts on routes for WCH’s is provided in the Environmental Statement Chapter 13 Population and Human Health (Document Reference 3.23, APP-056). There are no existing bridleways registered on the Definitive Map that cross the existing A66 within the respective scheme extents for Bowes Bypass and Cross Lanes to Rokeby.</p> <p>We note two applications have been made to Durham County Council DMMO register (references 6/22/105 and 6/22/102) for new bridleways west of St Margaret’s Church at Rokeby, and we assume that these are the applications referred to in the representation. National Highways will continue to review these proposals and the potential impact on the DCO application.</p>
Durham County Council, RR-073	Cultural Heritage	<p>These comments relate primarily to the impact of the proposals on cultural heritage with specific reference to above ground assets. The project has been the subject of extensive consultation as detailed in the submission. At the time of statutory consultation, it was highlighted that the promoted preferred option (“Black” route in County Durham, Cross Lanes to Rokeby specifically) differed from the route which was expected to be promoted by the Historic Environment Working Group. General agreement</p>	<p>National Highways acknowledges these comments. An assessment of the alternatives that have been considered throughout the Project development process is provided within Chapter 3 of the Environmental Statement (Assessment of Alternatives) (Document Reference 3.2, APP-046). The Chapter outlines how environmental impacts have been considered to inform the decision-making process. Further detail about the process, the alternatives considered, and the wider factors that have informed the decision-making is set out in the Project</p>

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		<p>had been reached on the Black route options for the Bowes Bypass Section and Stephen Bank to Carkin Moor. It was anticipated that despite the expressed concerns of Historic England in relation to the impact on the Rokeby Park, Registered Park and Garden that the “Blue” route was being developed for promotion. The submitted consultation documentation acknowledged that with the exception of the impact on the Park and Garden, the “Blue” route at Rokeby provided greater benefits.</p> <p>On this basis support could not be offered for the Black route at Rokeby as it failed to offer the wider public benefits identified below in relation to heritage assets. It was the contention of DCC’s Design and Conservation Team that National Highways has misinterpreted policy guidance on harm to designated assets and sought to remove perceived harm rather than undertaking an appropriate weighting exercise of the impact of the proposal in the round. This fact was reinforced when it was demonstrated in a plan provided to DCC by National Highways that further heritage benefits can be drawn from an amended “Blue” route.</p> <p>Since the submission of these comments the scheme has been further developed and a greater breadth of documentation is now available supporting the proposals put forward by National Highways. A number of the benefits which could</p>	<p>Development Overview Report (PDOR) (Document Reference 4.1, APP-244). The positive comments related to the detailed design refinement process and proposed mitigation is duly noted.</p> <p>The final paragraph of this Relevant Representation extract (Matters Raised in Relevant Representation (Verbatim)) refers to the reasons provided by the Council’s Design and Conservation Team. These are addressed in the following rows under the Cultural Heritage topic.</p>

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		<p>have been derived from this proposal in an amended form remain valid, however, it is considered that National Highways has undertaken a detailed and appropriate appraisal of the promoted route. The Design and Conservation Team cannot dispute that the EIA and resultant statement has followed industry standard methods, including for establishing significance along with topic specific guidance as appropriate.</p> <p>On this basis the balance of harm derived from the “Black” or “Blue” route is nuanced and as such whilst the “Blue” route remains the preference of the Design and Conservation Team for the reasons set out below it is acknowledged that design refinement and the preparation of the heritage mitigation strategy in the Environmental Management Plan (EMP) provides a reasoned justification for the selected route.</p>	
Durham County Council, RR-073	Cultural Heritage	No direct impact on cultural heritage anticipated due to selected route. Impact on setting of numerous designated assets may be intensified, however, subject to detailed design and appropriate mitigation this raises no objection	National Highways acknowledges these comments. Consultation with DCC will be undertaken, where appropriate, as the detailed design progresses and the specifics of the Environmental Management Plan are formed.
Durham County Council, RR-073	Cultural Heritage	The route including the junction west of Rokeby would cause some harm to the setting of the grade II* listed Church of St Mary as a result of the physical presence and highway experience of such a junction in use. The continued use of the A66 in such close	National Highways acknowledges these comments and the view that there is no further heritage issue in regard to the County Bridge in Barnard Castle.

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		<p>proximity to the church compounds the issues surrounding risk to the structure. Alternatives exist to substantially reduce the highway impact and enhance setting associated with an amended blue route, but these have not been developed and do not form part of these considerations.</p> <p>Unquantified issues at the grade I listed and scheduled County Bridge in Barnard Castle as a result of traffic flows resulting from the “Black” route were identified at the consultation stage, however, revised modelling as accepted by highway colleagues has demonstrated that in time the proposal will actually improve the current situation, therefore this poses no further heritage issue</p>	<p>An assessment of the alternatives that have been considered throughout the Project development process is provided within Chapter 3 of the Environmental Statement (Assessment of Alternatives) (Document Reference 3.2, APP-046). The Chapter outlines how environmental impacts have been considered to inform the decision-making process. Further detail about the process, the alternatives considered, and the wider factors that have informed the decision-making is set out in the Project Development Overview Report (Document Reference 4.1, APP-244).</p> <p>Environmental Statement Appendix 8.10 Impact Assessment Table (Document Reference 3.4, APP-187) details that the effects upon the Church of St Mary would be slight adverse during both construction and operation which would not be significant.</p>
Durham County Council, RR-073	Cultural Heritage	<p>Much has been achieved to secure a route which balances highway requirements with protecting the cultural heritage of the County. Had more time been afforded to developing a revised “Blue” route and establishing appropriate mitigation to the harm created at the registered Rokeby Park and Garden then it remains the contention that greater built heritage benefits could have been secured. Notwithstanding this it is acknowledged that the “Black” route has avoided physical harm to designated assets and as such meets the tests of such a proposal in the round. Either the “Blue” or the</p>	<p>As stated in Durham County Council’s Relevant Representation, it was determined on balance that the ‘black route’ would be taken forward for further development and as such, no further work was undertaken the ‘blue route’ following this decision.</p> <p>An assessment of the alternatives that have been considered throughout the Project development process is provided within Chapter 3 of the Environmental Statement (Assessment of Alternatives) (Document Reference 3.2, APP-046). The Chapter outlines how environmental impacts have been considered to inform the decision-making process. Further detail about the process, the</p>

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		<p>“Black” option imposes a degree of harm and it is this balance of harm which should be considered as part of the determination process. The following points are highlighted for consideration rather than as points of objection:</p> <ul style="list-style-type: none"> • The “Black” route imposes some harm on the setting of the Church of St Mary by the construction of the western junction arrangement. This compromises to a degree the gateway effect to Rokeby Park created historically as a result of localised topography • The “Black” Route fails to remove the harm to the setting of the Church of St Mary which results from relentless traffic movements in close proximity, a primary reason for the inclusion of the asset on the risk register, this must be balanced with some benefits to the historic environment through reduction of severance between St Mary’s Church and the Old Rectory and the likely reduction of impact risk at the • Gate Piers at the southwest corner of the park. <p>The revised proposal HE565627 AMY HGN S08 SK CH 000020 clearly carries substantial benefits for the improvement of the setting of the listed Church of St Mary by partially stopping up the A66 and de-trunking the section adjacent to the church providing a potential stimulus for reuse.</p>	<p>alternatives considered, and the wider factors that have informed the decision-making is set out in the Project Development Overview Report (Document Reference 4.1, APP-244).</p> <p>With respect to the points highlighted the Environmental Statement Appendix 8.10 Impact Assessment Table (Document Reference 3.2, APP-187) details that the effects upon both the Church of St Mary and the Gate Piers of Rokeby Park would be slight adverse during both construction and operation which would not be significant.</p> <p>It is accepted there will continue to be traffic in the setting of the Church of St Mary, however it is considered to be less compared to the existing scenario as it will no longer be passing between the Church of St Mary and the Old Rectory. The Project Design Principles (Document Reference 5.11, APP-302) sets out a number of specific requirements of any landscaping in this location in order to maintain the current historic setting (see Section 4.6 of the Project Design Principles).</p>

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Durham County Council, RR-073	Cultural Heritage	<p>Archaeology</p> <p>The requisite phases of archaeological assessment and evaluation (HER search, geophysical survey, and trial trenching) have been completed and reports produced on these along with the preparation of a project specific research framework. No archaeological features worthy of preservation in situ have been identified along the section of the route lying within County Durham. It is understood that a mitigation strategy regarding archaeological features of lesser importance, informed by the results of this work, will be produced in due course</p>	<p>The Detailed Heritage Mitigation Strategy is included in Annex B3 to the Environmental Management Plan (EMP) (Document Reference 2.7, APP-023) which will be developed in detail and approved by the Secretary of State as part of a second iteration EMP (as required by the EMP – D-CH-01) prior to the start of works.</p>
Durham County Council, RR-073	Landscape and Visual	<p>Landscape and Visual Impact</p> <p>It is considered that the Landscape and Visual Effects section of the ES is thorough in establishing the baseline conditions of the landscape and visual receptors that would be affected by the proposals and the likely magnitude and significance of effects. The general principles for mitigation set out in the Project Design Principles are well considered. The effectiveness of the proposed mitigation will depend on detailed schemes yet to be submitted</p>	<p>Detailed designs will be derived from the Preliminary Design submitted as part of the DCO Application and described within the Project Design Report (Document Reference 2.3, APP-009). The mitigation principles set out in the Project Design Principles (Document Reference 5.11, APP-301) and the Environment Management Plan (Document Reference 2.7, APP-019) will be applied in the mitigation that is developed as part of these detailed designs.</p>
Durham County Council, RR-073	Development of the Project and Alternatives	<p>Design considerations: Cross Lanes to Rokeby</p> <p>As stated at the Statutory Consultation stage and as noted in the Cultural Heritage comments above, in the absence of design development of an evolved “Blue” route it is difficult to know whether an</p>	<p>It was determined by the Applicant, following review of comments received in response to the Statutory Consultation in Autumn 2021, that on balance the ‘black route’ would be taken forward for further development and as such, no further work was undertaken on the ‘blue</p>

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		<p>alternative could have been developed that entailed less harm to landscape and built heritage assets taken in the round than the preferred route. The proposed route avoids direct physical harm to the park. In the absence of an evolved alternative design it is difficult to establish the extent to which beneficial effects of an alternative route on the setting of the Park (and particularly Church Planation / Walk) together with beneficial effects on the setting of the Church of St Mary's, and beneficial effects on user experience of the landscape forming the immediate setting of the park could have offset the physical harm to the Park of a "Blue" route.</p>	<p>route' following this decision. Further detail on the reasoning behind the selection of the route through the Cross Lanes to Rokeby scheme can be found in paragraphs 5.7.33 to 5.7.39 of the Project Development Overview Report (Document Reference 4.1, APP-244) and is summarised below.</p> <p>The Project must adhere to National Policy Statement for National Networks, which addresses Registered Parks and Gardens in section 5.131 which states "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 conversation...Substantial harm to or loss of designated assets of the highest significance, including...grade I and II* Registered Parks and Gardens should be wholly exceptional." As the Blue Route would have resulted in loss of designated area of the Grade II* Registered Park and Garden area, an exceptional circumstances case would have had to have been made. The principal consideration in the preference for the black route (with a western junction at Rokeby) is the impact on the Grade II* Registered Park and Garden at Rokeby Park. The blue route junction would result in loss of a designated area of the Grade II* Registered Park and Garden at Rokeby Park. Whilst impacts on some key views of the blue route junction could be mitigated through careful landform design and reinstatement, the impacts cannot be completely avoided as the blue route junction would still lead to additional fragmentation of the site. It was therefore</p>

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			<p>considered that the blue route junction at Rokeby was likely to be regarded as not conforming with national policy and therefore there was a risk that a DCO application would not secure a grant of consent.</p> <p>It is accepted there will continue to be traffic in the setting of the Church of St Mary, however it is considered to be less compared to the existing scenario as it will no longer be passing between the Church of St Mary and the Old Rectory. The Project Design Principles (Document Reference 5.11, APP-302) sets out a number of specific requirements of any landscaping in this location in order to maintain the current historic setting (see Section 4.6 of the Project Design Principles).</p>
Durham County Council, RR-073	Biodiversity and BNG	<p>It is considered that an appropriate level of ecological survey work has been undertaken and the ecological receptors have been identified alongside an assessment of impacts. A mitigation approach is provided that will minimise impacts and provide compensation where required.</p> <p>There is an inconsistency with regards to biodiversity net gain, the ES Chapter 6 refers to the Environment Act and the need to deliver biodiversity net gains whilst the Environmental Management Plan states that no net loss will be achieved, these are contradictory and clarification and consistency is required. The assumption of officers is that the proposed development should meet the net gain requirements; as such all management and</p>	<p>Biodiversity net gain is not currently a requirement for Nationally Significant Infrastructure Projects, however, National Highways are committed to maximising biodiversity delivery achieved by the Project.</p> <p>The environmental mitigation design has been developed to ensure that mitigation is provided for impacts on protected species, and that replacement habitats are provided for those lost. In order to demonstrate effective mitigation for habitat loss the Project has applied the principle of No Net Loss. To measure this outcome the application of 0% Biodiversity Net Gain (BNG) as set out within Natural England's BNG Metric 2.0 was applied (Metric 2.0 being the available metric at the time of mitigation determination). This approach was discussed and agreed with the Strategic Environmental Bodies,</p>

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		<p>monitoring should align with the requirements for net gain</p>	<p>including Natural England, as part of the Evidence Base process, documented in ECi14 of the Evidence Base table in Appendix 1.1 of the Environmental Statement (ES) (Document Reference 3.4, APP-146).</p> <p>Once the mitigation for protected species, landscape and visual effects and habitat loss was developed and incorporated into the Project, the BNG 2.0 Metric was applied to the overall ecological and landscape mitigation requirements.</p> <p>Following the publication of BNG 3.1 the team are in the process of recalculating the BNG Metric output.</p> <p>Impacts and proposed mitigation measures are detailed within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and underpinned by detailed assessments within separate appendices.</p>
<p>Durham County Council, RR-073</p>	<p>Geology and Soils</p>	<p>The findings of the initial Phase 1 ground investigations and the proposal to carry out further ground investigation (Phase 2) prior to construction to further assess risks to human health/sensitive receptors are considered to be satisfactory. Given this, the following condition should apply.</p> <p>If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy</p>	<p>It is considered that the measures contained within the Environmental Management Plan (Document Reference 2.7, APP-019) are consistent with the requested wording. Reference D-GS-04 states the following, which ensures a robust ground investigation process is completed: Any such investigation and assessment required must be carried out in accordance with the Environment Agency's Land contamination: Risk Management (LC:RM). Additionally, any construction that involves intrusive ground works will not start until Phase 2 targeted ground investigations and risk assessments are completed with</p>

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		<p>shall be produced and where necessary include gas protection measures and method of verification.</p> <p><i>Reason: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.</i></p> <p>Contaminated Land (Phase 4)</p> <p>Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.</i></p> <p>The following should be added as an informative:</p> <p>If unforeseen contamination is encountered, the Local Planning Authority shall be notified in writing immediately. Operations on the affected part of the site shall cease until an investigation and risk assessment, and if necessary, a remediation strategy is carried out in accordance with The</p>	<p>consultation completed with the Environment Agency and relevant planning authority.</p> <p>National Highways will continue to engage with Durham County Council, as is recorded in the Statement of Common Ground.</p>

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		<p>Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) guidance and agreed with the Local Planning Authority. The development shall be completed in accordance with any amended specification of works.</p> <p>Note: Following the submission of a preliminary ground gas risk assessment, for some developments the Local Planning Authority may agree in writing to the installation of Gas Protection Measures as a precautionary measure without first carrying out ground gas monitoring.</p>	
Durham County Council, RR-073	Population and Human Health	<p>Public Health comment</p> <p>Key public health considerations in this project are communities, the environment, the local economies and matters relating to active travel/transport.</p> <p>These matters are considered in the National Highways A66 ES, which sets out: a description of the Project and the reasonable alternatives considered in the development of the design, the environmental setting, the likely significant effects of the Project on local communities and the environment, and the measures proposed to mitigate these effects. PH notes that Chapter 13 of the ES has been undertaken by competent experts with the relevant and appropriate experience in their respective topics.</p>	National Highways duly note the comments provided by DCC and will continue to engage with the Council.

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Durham County Council, RR-073	Population and Human Health	Those affected by such negative impacts may suffer some adverse effects in terms of their health and wellbeing. This is a particularly important consideration for those residents who are vulnerable (and more likely to be negatively impacted by adverse effects) including children and young people, older aged adults, people with disabilities and those with other long-term health conditions.	The potential impacts and effects upon the vulnerable and human health are considered within both the Population and Human Health Chapter of the Environmental Statement (Document Reference 3.2, APP-056) and the Equalities Impact Assessment (Document Reference 3.10, APP-243).
Durham County Council, RR-073	Population and Human Health	<p>Essential mitigations to address impact upon population and human health</p> <p>In Chapter 13.9 of the ES, National Highways identifies essential mitigations that are required to minimise any negative impact of these works upon population and human health. It is not necessarily to list these as they can be accessed via the ES.</p> <p>A key aspect of this PH comment is that these mitigations are implemented, their effectiveness and monitored/reviewed, and that any identified issues are addressed as required. Any delay or failure to address negative population or human health impacts is likely to have a detrimental effect.</p> <p>PH also reinforces the importance of monitoring the construction phase aspects of these works to identify any unforeseen impact in order that any issues can be identified and addressed in efficiently and effectively.</p>	The mitigation and monitoring required in relation to the issues raised will be secured through the Environmental Management Plan (Document Reference 2.7, APP-019).

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Durham County Council, RR-073	Population and Human Health	<p>Improvements in these areas are consistent with local PH priorities, which include supporting economic recovery through a local focus, and improving the places where people live, learn and play (Public Health Strategic Plan, 2021-24).</p> <p>Furthermore, the promotion of active travel is an important element of DCC's efforts to improve physical health (through increased movement), and it is a contributor to efforts to support the population to maintain a healthy weight.</p> <p>This is outlined in the county's Strategic Walking and Cycling Delivery Plan 2019-29. The outcomes of this project should serve to either improve or at least maintain (and not impede) existing access to these modes of travel.</p>	<p>Walking, cycling and horse riding have been considered throughout the Project with new routes being proposed to improve linkages across the route, therefore maintaining as a minimum existing access to active travel. Detail of the proposals is provided within the Walking, Cycling and Horse-riding Proposals (Document Reference 2.4, APP-010).</p>
Durham County Council, RR-073	Population and Human Health	<p>DCC's PH team contributes to wider council economic regeneration work, including efforts to promote good work and equalities in education, training and employment, and to improve access to life-long learning across the social gradient (PH Strategic Plan 2021- 24). Furthermore, PH advocates for the engagement of local public, private and voluntary sector organisations to maximise the 'social value' aspect of their work in County Durham.</p> <p>Accordingly, PH notes the outline 'Skills and Employment Strategy' (Annex B12 Environmental Management Plan) which will set out measures to up</p>	<p>National Highways duly note the comments provided by DCC.</p>

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		<p>skill and maximise the use of a local workforce, support local training infrastructure, and provide opportunities for vulnerable members of the community. This will include measures to increase and extend the range of courses available to young people as well as employing them on the project to develop their skills and qualifications first-hand (i.e. through apprenticeships).</p> <p>Public Health has also provided Public Health Data relevant to the areas where the junctions are located and this is appended to this response.</p> <p>The data is included in Appendix 2. Information provided by Public Health will be incorporated into the Local Impact Report where appropriate.</p>	
Durham County Council, RR-073	Noise and Vibration	<p>Noise and Vibration</p> <p>Officers have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant Durham County Council Technical Advice Notes. As such officers provide the following information to assist you in consideration of any impact upon amenity.</p> <p>The information submitted indicates that the development is likely to breach the thresholds within the TANS (Noise TANS section 3.7 pg. 18). This indicates that the development may, without further controls, lead to a significant impact.</p>	<p>The construction phase and operational mitigation required in relation to the issues raised are identified within the Noise and Vibration Chapter of the Environmental Statement (Document Reference 3.2, APP-055) and secured within the Environmental Management Plan (Document Reference 2.7, APP-019). Further information on the design of any proposed noise mitigation is set out in the Project Design Principles (Document Reference 5.11, APP-302).</p> <p>National Highways acknowledges the comments made regarding the environmental impact assessment of noise and vibration impacts.</p>

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		<p>Officers have reviewed the information provided in relation to noise impact associated with the development, both in terms of the construction and operational phases.</p> <p>The assessments have been undertaken by appropriately qualified and competent consultants and they have followed appropriate methodologies and standards in relation to their assessment and suggested control measures.</p> <p>Noise Sensitive Receptors (NSRs) which are likely to be impacted upon during both phases have been correctly identified.</p> <p>Within the area covered by Durham County Council sensitive receptors will be impacted upon during the construction phase to some degree; with regard to the operational phase some receptors will see benefits from the development and others will see adverse impact, the range of the impacts are detailed within chapter 12 of the ES.</p> <p>The consultants have identified appropriate mitigation measures which should be incorporated within both the development phase and the operational phase, those measures will include use of the Noise Insulation Regulations 1975, that is provision of grants from the Highways Authority, for several properties along the route including several within DCC's area.</p>	

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		<p>The environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 have been assessed. In relation to statutory nuisance there is potential for nuisance during the construction phase, however the developer has proposed measures to mitigate such impacts, which if implemented, should ensure that statutory nuisance will not arise.</p>	
<p>Durham County Council, RR-073</p>	<p>DCO Policy Legislation and Guidance</p>	<p>Development Plan Policy for County Durham Comments have previously been made on this project relating to 1) the provisions of the County Durham Plan including upon its policies, designations and allocations within the vicinity of the A66 Trans-Pennine Project; 2) upon matters pertaining to minerals and waste matters including mineral safeguarding areas; and 3) upon the Whorlton Village Neighbourhood Plan 2015 – 2035. As such the information addressed in these previous responses is not repeated as part of this response. These responses can be provided if required.</p> <p>Legislation and Policy Compliance Statement Section 4.10 addresses DCC. Paragraphs 4.10.2 to 4.10.19 provide a reasonable high level overview of the statutory development plan in County Durham, with suitable references to emerging policies including the Minerals and Waste Policies and</p>	<p>National Highways duly note the comments provided by DCC. Regard has been had to local policy, which is reported in the Legislation and Policy Compliance Statement (Document Reference 3.9, APP-242).</p>

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		<p>Allocations document which it is agreed that no weight can be currently attached to its provisions. The section summarises some, but not all of the key relevant County Durham Plan policies.</p> <p>Specifically, the following are referred to 10, 21, 24, 31, 38, 48 and 56 (with further policies being addressed in Appendix C specifically Policies 10, 14, 21, 26, 28, 29, 31, 35, 38, 39, 40, 41, 42, 43, 44, 48, 55, 56). Specifically in relation to CDP Policy 56 it refers to the partial sterilisation of a mineral safeguarding area and potential mineral site at Cross Lanes to Rokeby which it advises constitutes a large significant effect. It then advises that the Project when viewed as a whole outweighs the need to safeguard mineral in this particular location and also advises that 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).</p> <p>Paragraph 4.10.19 advises that 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. Appendix C refers to the County Durham Plan (2020); Whorlton Village Neighbourhood Plan 2015-2025 (2017); and County Durham Landscape Character Assessment (2008). In relation to the County Durham Plan it addresses the CDP Vision,</p>	

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		<p>Objectives and the following relevant policies 10, 14, 21, 26, 28, 29, 31, 35, 38, 39, 40, 41, 42, 43, 44, 48, 55, 56. It provides commentary on compliance with the CDP vision, strategic objectives and policies and provides cross references to where assessments of effects are provided. Methodologically the approach seems reasonable.</p> <p>It is noted that the commentary on compliance is on occasion high level, but generally detailed where there is a clear relationship between County Durham Plan Policy matters and the scope of the project i.e., Policy 24: Provision of transport Infrastructure or specific environmental policies.</p>	
Durham County Council, RR-073	Materials Assets and Waste	<p>Environmental Statement Chapter 11 Material Assets and Waste</p> <p>Chapter 11 addresses mineral safeguarding sites and peat resources and reports upon Mineral Safeguarding Areas (MSAs) established by Durham County Council (paragraph 11.6.9) and Table 11-7 (Baseline Mineral Safeguarding Areas and Minerals Allocations for each scheme). Regarding:</p> <ul style="list-style-type: none"> • Table 11-7 (page 31 of 56) and references “A mineral operator is proposing a new site to both the west and east of Cross Lanes Junction however this site has not been allocated by DCC. (Boldron Cross Lanes Proposed New Site)” and “The scheme would lie within the unallocated Boldron Cross Lanes proposed mineral site. The design 	<p>Comments duly noted on the potential impacts to the mineral safeguarding area.</p> <p>Regarding the noted differences in landfill figures, due to the size and complexity of the Project including the length and route, it covers three former regional planning areas (the North East, North West and Yorkshire and the Humber) and requires the use of a wide range of waste infrastructure. Therefore, the Environment Agency data for 2020 (the most up to date available at the time of assessment) has been used to ensure consistency across the assessment. It should be noted that the assessment follows the Highways England DMRB LA110 methodology and is based on the availability of predicted future landfill capacity across the whole Project (the total waste infrastructure capacity in the North East, the North West</p>

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		<p>alteration since the PEIR has reduced the scheme footprint in this area, to the betterment of the MSA.”</p> <ul style="list-style-type: none"> • Table 11-36: (Potential impacts to mineral safeguarding sites for Cross Lanes to Rokeby) and paragraphs 11.9.15 to 11.9.18. <p>The Council acknowledges these findings and welcomes the work undertaken to reduce the scheme footprint thereby helping to minimise sterilisation of safeguarded mineral resources.</p> <p>Chapter 11 also addresses the waste effects of the construction of the Project. The information provided on waste from the project including recycled content targets, waste arisings and waste capacity are noted. Regarding Table 11-10 it is suggested that the inert waste landfill capacity figure for County Durham is slightly higher than it should be, and for Northumberland it is slightly lower than it should be. This reflects the misallocation of Hollings Hill Quarry Landfill to County Durham rather than Northumberland in the Environment Agency Remaining Landfill Capacity dataset. The figure provided for nonhazardous landfill capacity for County Durham is queried. The County's only nonhazardous landfill (Joint Stocks has been closed for a number of years and has been under restoration with inert materials – although the capacity has still been reported by the Environment Agency.</p>	<p>and Yorkshire and the Humber). Therefore, the errors pointed out in the Environment Agency data in County Durham do not affect the findings of the assessment as there is sufficient inert and non-hazardous landfill capacity across the regions and according to DMRB LA110 would still not represent a likely significant effect.</p>

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		<p>The potential impacts of the project and schemes in relation to waste are noted (paragraphs 11.7.3 to 11.7.10). The Council's principal interest is related to the 'projects potential to generate large amounts of CD&E waste which could potentially affect the capacity of waste management infrastructure in study area and cause a permanent decrease in landfill capacity. In total it is understood that the project will generate 1,507,883 tonnes of excavation and construction waste with 90% (tonnes) of this waste diverted from landfill via re-use, recycling and recovery based on existing industry practice and project targets outlined in paragraph 11.7.1, as well as mitigation in the ES and the requirements of the EMP (paragraph 11.7.8). The detailed information for each scheme is set out in Table 11-28: (A summary of waste quantities estimated to be generated by demolition, excavation and construction on a scheme basis). See also Table 11-39 (Inert landfill capacity in study area 2 in 2024). In this regard the proposed quantity of CDE waste from the projects schemes within County Durham requiring offsite disposal do not appear significant and should be able to be accommodated within existing landfill capacity within County Durham during the construction time period associated with the project schemes.</p>	

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Durham County Council, RR-073	Population and Human Health	<p>Population and Human Health</p> <p>DCC Public Health (PH) has been asked to comment on the 'Population and Human Health' aspect of this application, to inform a Local Impact Report that is to be prepared by the Council.</p> <p><i>CAVEAT: Public Health (PH) notes that Noise and Air Quality issues are important public health considerations in projects of this nature. Matters relating to Noise and Air Quality for these proposed works have been considered by DCC Environmental Health officers. PH has no adverse comment to make over and above these findings, but notes the importance of ensuring satisfactory responses to any issues identified</i></p>	The comments are duly noted, and any additional comments provided in the Local Impact Report will be considered and discussed through ongoing engagement.
Durham County Council, RR-073	Air Quality	<p>Air Quality</p> <p>DCC has commissioned AECOM to provide comments on Air Quality. AECOM also provided pre-application. As commented on previous submission documents for this development, the scheme is led by National Highways (formerly Highways England) and therefore makes use of the Design Manual for Roads and Bridges (DMRB) guidance, which is considered the appropriate methodology for large scale infrastructure projects on the Strategic Road Network. Comments on the Baseline:</p>	<ol style="list-style-type: none"> 1. Preamble, no response necessary. 2. Duly noted. 3. The NO₂ monitoring locations were informed by the findings of the Preliminary Environmental Information Report (PEIR) and were undertaken at locations where the preliminary assessment identified the likelihood of significant effects. The comments provided, relating to monitoring locations in Barnard Castle, are noted. 4. Post-scheme monitoring is not proposed at the current time due to the absence of likely significant effects in the area.

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		<ol style="list-style-type: none"> 1) Baseline NO₂, PM₁₀ and PM_{2.5} have been presented in Appendix 5.3 Air Quality Baseline Monitoring. No Scheme specific PM₁₀ or PM_{2.5} monitoring has been undertaken and it is noted that there is no nearby existing PM₁₀ or PM_{2.5} monitoring in the study area within DCC. These three pollutants have been assessed for both construction and operational phases. 2) DCC air quality baseline has not been reported specifically to inform the baseline appreciation however considering the distance to the DCC air quality monitoring locations, this is not considered a material issue. 3) Four months of NO₂ monitoring was undertaken for the Scheme between November 2021 to February 2022 at 16 NO₂ locations in triplicate; four of these locations were in DCC (AQM 5, 6, 7 and 8). DCC were not consulted on the locations or given the opportunity to provide insightful, local feedback on the locations where monitoring would be useful. Based on the level of impact indicated by document 3.7 Transport Assessment in both construction and operational phases, it would have been useful to monitor at a sensitive receptor location along the A67 in Barnard Castle, near the river bridge, where a 	<ol style="list-style-type: none"> 5. Reviewer statement, no re 6. The baseline monitoring survey and data annualisation were carried out in line with the guidance in LAQM TG16. Supplementary guidance published by Defra in April 2021¹ for use in reporting 2020 data, which were affected by the activity restrictions associated with Covid-19 lockdown measures, indicates that the diffusion tube sampling and data annualisation methodology in LAQM TG16 remain valid. No further guidance has been issued for 2021/22 data; consequently, the approach is considered appropriate. 7. Baseline air quality monitoring was undertaken at locations along the A1(M), A66 and M6. Helm Wind has been reported to occur along the western side of the Pennines around Cross Fell, leading to reports of localised high winds in this area. No adjustment has been made to the monitoring data, gathered throughout the study area, to account for this infrequent and localised phenomenon nor is a methodology provided in LAQM TG16 for doing so. Meteorological data from both Warcop and Leeming are considered sufficient to account for this potential difference in both long-term and short-term meteorological conditions. The project specific monitoring was also undertaken during November – February and therefore the data accounts for the time-period when this phenomenon occurs. Whilst there

¹ <https://laqm.defra.gov.uk/air-quality/annual-reporting/covid-19-supplementary-guidance-for-laqm-reporting-in-2021/>

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		<p>number of dwellings are located at locations nearby the road edge.</p> <p>4) It is not noted in Appendix 5.3 Air Quality Baseline Monitoring whether post-scheme monitoring is also proposed. This should be confirmed.</p> <p>5) Data from the NO₂ monitoring survey was noted to be annualised to 2019, the model base year, for AQM1 to AQM14, however not for AQM15 and 16; neither of these locations are in DCC. AQM 5 is adjacent to the existing A66, AQM 6 is more than 250m from the A66 at Rokeby, AQM 7 is adjacent to the B6277, and AQM 8 is to the south of the B6277 Lartington Lane. The backcasted adjusted annual mean NO₂ monitoring results for monitors in DCC ranges from 2.6 µg/m³ to 10.2 µg/m³ and therefore below the annual mean objective of 40 µg/m³. The highest concentrations were recorded at AQM 5, adjacent to the existing A66; the unadjusted concentration is noted to be 16.3 µg/m³, showing that the adjustment has reduced the concentrations at this location by almost 40%.</p> <p>6) There is no discussion of appropriateness of the method to adjust monitoring results in light of the Covid-19 pandemic and the changing traffic patterns associated with government lockdowns</p>	<p>may be very localised variations in short-term meteorological conditions, the overall conclusions of the assessment against an annual average are not likely to materially change.</p> <p>8. Roadside NH₃ measurements in the UK are limited although national predictions of mid-year (3-year average) averaged background NH₃ concentrations, taken from the Concentration Based Estimates of Deposition (CBED) model, are available on a 1km x 1km basis. To address this uncertainty, project specific monitoring was undertaken. Whilst no adjustment was made for concentrations to NH₃ (or indeed recognized guidance to do this, particularly around the effects of Covid-19 pandemic), the data collected are considered to be representative to provide an insight to NH₃ levels across the study area, which otherwise would have been absent from the assessment.</p> <p>9. Background nitrogen deposition rates for the ecological sites identified in the assessment were taken from Air Quality Information System (APIS) at the time of ES drafting and assessment, as set out in Chapter 5 Air Quality (Document Reference 3.2, APP-048) (Current Baseline - paragraph 5.7.3).</p> <p>10. Reviewer statement, no response required.</p> <p>11. Model verification factors used in the assessment are reported in Table 4 of Appendix 5.4 Air Quality Assessment Results (Document Reference 3.4, APP-153) and have been applied to the predicted road NO_x</p>

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		<p>and post-lockdown trends. This should be provided.</p> <p>7) The air quality documents reviewed make reference to the influence of Helm Wind between December and April. There is no discussion around the baseline monitoring being undertaken during this period and whether the method of results adjustment or final results presented are representative of annual conditions or whether this should be seen as a limitation of the air quality assessment.</p> <p>8) NH3 Scheme specific monitoring was additionally undertaken during the same period at 13 of the 16 locations of NO2 monitoring. The same four locations are within DCC (AQM 5 to 8). The NH3 monitoring results for the monitors in DCC ranges from 1.6 µg/m³ to 3.3 µg/m³; again the concentration at AQM 5 was the highest. There is no provided discussion around representativeness of this data to the assessed base year of 2019.</p> <p>9) There is no source of background nitrogen deposition rates used in the assessment provided in Appendix 5.3 Air Quality Baseline Monitoring. As per LA 105, this should be included in any reporting.</p> <p>10) Defra annual mean background pollutants concentrations have been used in the</p>	<p>concentrations, used in both the construction and operational phase assessments, as stated in section 5.4.1.8. Tables 2 and 3, also in Appendix 5.4 (Document Reference 3.4, APP-153), provide details of which sites were used to derive the verification factors for the urban (Table 2) and rural (Table 3) road links based on site typology in the construction and operational phase assessments, as stated in section 5.4.1.8. Tables 2 and 3, also in Appendix 5.4, provide details of which sites were used to derive the verification factors for the urban (Table 2) and rural (Table 3) road links based on site typology.</p> <p>12 and 13. There are no DCC monitoring locations adjacent to the ARN (as noted by the Interested Party in comment (2) above which they acknowledge is not a material issue). Available data from a National Highways air quality monitoring station have been used for model verification. Several administrative areas are covered by the assessment study area which is predominantly rural in nature with pockets of urban settlements; overall, air quality is good. In addition to National Highways air quality monitoring data, the model was verified using local authority monitoring data from representative roadside locations adjacent to the ARN. As noted above in response to item (13), site typology was considered and two separate verification factors, one for urban and another for rural road links (and receptors), were derived and applied. Where possible, sites with ≥75%</p>

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		<p>assessment for 2019 and future year 2029; in grid square contribution from major road sector emissions have been removed from the background Nox estimates. This is reasonable. A comparison between Defra modelled and local authority background NO2 monitoring data has been made; this showed that Defra backgrounds were slightly lower than local authority monitored data however there is no discussion on this other than the difference is small (1 µg/m³) and concentrations are below the objective, nor any consideration discussed of factoring the Defra predictions using the monitoring. Given the low levels of predicted model result concentrations, this will not likely materially affect the conclusions.</p> <p>11) There was very little on verification provided in the PEIR. Baseline data from ten sites from local authorities and one National Highways monitor (total 11 sites) are presented in Table 1 of Appendix 5.3 Air Quality Baseline Monitoring; it is understood that seven of these 11 sites have been used to verify the roads model. It would be useful to provide discussion of whether the seven monitors have been used to verify both the construction and operational phase assessments, and the appropriateness of the chosen method to verify each model domain.</p>	<p>data capture were used; where this condition could not be met, in one instance, this has been noted. The verification using the rural zone for use with DCC receptors is considered to be representative as the site typology, setting and traffic were not considered to be materially different and therefore did not warrant an alternative approach or verification factor. The best monitoring data available in the study were also used. Due to the generally low background concentrations in the study area rural locations, an alternative rural factor would however unlikely change the conclusions of the assessment.</p> <p>13 The suitability and representativeness of the verification for use with DCC receptors is set out in the response for item 12 above. The verification factor was derived using available monitoring data collected at representative rural roadside locations with 200m of the ARN. While the RMSE derived does not meet the criteria given in LAQM TG16, the use of two verification points, as opposed to one, reduces uncertainty in the assessment and improves the representativeness of the model verification (as noted above in response to item 13), it is therefore not perceived to be a risk to the assessment findings. No likely significant effects were identified within DCC and any change in verification method is unlikely to material change this conclusion. This is particularly relevant when considering the approach followed in-line with DMRB LA105 (rather than EIA specific</p>

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		<p>12) No DCC monitoring or National Highways monitoring within DCC boundaries has been used to verify the model outputs against measured data. It is further understood that none of the Scheme-specific monitoring has been used for verification. Discussion would be useful in this instance to present how representative the verification is of receptors within DCC.</p> <p>13) The verification is understood to have been undertaken in two zones: rural and urban. It is further understood that the rural zone is to the east using met station RAF Leeming used two monitors to verify; and the urban zone is to the west using met station Warcop Range used five monitors to verify. It is not clear the boundary of the urban/rural receptors assessed, however it is assumed that those within DCC boundary fall within the rural zone. One of the two rural monitors is understood to be the automatic National Highways monitoring station at the A1M southbound at Leeming which only achieve a data capture of 56% in the baseline year of 2019; it should be outlined whether the data used from this station was annualised and whether the used data is considered representative.</p> <p>14) The rural verification zone of two monitors has a bias adjustment factor of 0.632 and an RMSE of</p>	<p>significance criteria), which determines significance only at locations with predicted concentrations above the relevant air quality standard, in this case 40µg/m³ for nitrogen dioxide, which is unlikely to occur for DCC receptors.</p> <p>14 The comment on the exclusion of monitoring locations is noted. Scheme specific monitoring data are set out in Environmental Statement Appendix 5.3 Baseline Air Quality Baseline Monitoring (Document Reference 3.4, APP-152). A detailed review was undertaken on a project level alongside National Highways, in relation to the gathered data and its use for comparison against the formal verification. The data was not used formally in the assessment verification due to the short-time period, however the two verification factors were considered to perform reasonably well and had a high level of agreement to one another. Overall, National Highways concluded that it was unlikely for there to be any material changes to the conclusions of the assessment.</p> <p>15 Reviewer statement, no response required.</p> <p>16 The assessment of construction dust was undertaken for the specific areas on the A66 where works will be undertaken (i.e., Scheme 7, 8 and 9, etc.) for example, where there is a proposed upgrade from single to dual carriageway; change in alignment or new infrastructure (bypass/road/junction). These are illustrated in the Environmental Statement Figure 5.3 Key for the 'Order Limits' (Document Reference 3.3,</p>

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		<p>12.6 µg/m³; this is well outside the RMSE of 10% of the objective (4 µg/m³ for annual mean NO₂) recommended by LAQM TG16. Discussion is required to explain how the results at sensitive receptors presented in DCC and the rural zone as a whole are reliable in this instance. This is considered a potentially material consideration, particularly in light of the presented slight adverse (albeit concluded not significant) effects at receptors in DCC boundary.</p> <p>15) 27 monitoring locations are noted to have been excluded from verification, and the reader of Appendix 5.4 Air Quality Assessment Results is directed to Table 1 for the reasons for exclusion. Table 1 only includes reasons for 19 monitors; none of the 19 sites are within DCC. The eight remaining monitors excluded from verification should be presented alongside the 19 in Table 1. It would be useful to discuss the use of the scheme specific monitoring for verification in light of the poor RMSE, where these are located at site types acceptable for verification as per LAQM TG16.</p> <p>Construction phase Comments on the construction dust phase assessment:</p> <p>16) The PEIR stated that construction phase dust monitoring and post consent air quality</p>	<p>APP-061) . It is acknowledged that identifying all sensitive receptors in the Figure 5.3 is difficult due to the multiple layers on the drawings, however all sensitive receptors within 200m of these Work boundaries, in-line with DMRB LA105, were identified using the up-to-date Address Point data available at the time of drafting and included in the assessment (and Table 5-8 in Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-048)); of which these are highlighted in Figure 5.3.</p> <p>17 Comment noted. Dust from mineral workings is unlikely to extend beyond 400m from its source. It is anticipated that the site operator will be using a combination of good site practice and industry best practice mitigation measures, secured through a planning condition. This will be agreed with the local regulator, to limit any dust arising. Consequently, no significant adverse effect would be expected.</p> <p>18 Duly noted, the use of ultra-low sulphur diesel, electric plant and hydrogen plant will be considered prior to construction commencement.</p> <p>19 Duly noted, dust mitigation measures will be refined through the development of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) which will be developed through the DCO Process in consultation with DCC, where required.</p> <p>20 Duly noted, the EMP will refer to the relevant figure which identifies receptor locations that could be</p>

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		<p>monitoring may be required, subject to findings of the final ES. A qualitative assessment of the impact of nuisance dust arising during construction is noted to have been undertaken, using standards set out in Section 2.56 of DMRB LA 105. Sensitive receptors within 200m of dust producing activities have been identified within Figure 5.3.</p> <p>17) Following a review of the sections of the project (Schemes 7, 8 and 9) in DCC, there are a large number of sensitive receptors nearby the construction activity at Bowes village and a number in the vicinity of the A66. Three ecological sites assessed fall in DCC's boundary: Rokeby Park, Mortham Wood (ERIC LWS) and Graham's Gill JackWood Ancient Woodland and Steven Band Road Verge (NEYEDC LWS). There would appear to be a number of residential dust sensitive receptors in DCC not identified in Figure 5.3 which should be considered in Table 5-8 of the Assessment of likely significant effects from construction dust in Chapter 5 Air Quality.</p> <p>18) There is no discussion provided in the documents reviewed of existing levels of baseline dust. For example, Hulands Quarry within DCC is an existing source of emissions;</p>	<p>affected by construction phase impacts (this acknowledges that Environmental Statement "Figure 5.3 Air Quality Construction Phase Assessment" (Document Reference 3.3, APP-067) may be superseded through design development).</p> <p>21 Duly noted, final monitoring locations will be reviewed through the continued development of the EMP and the design.</p> <p>22 Duly noted, if air quality monitoring is undertaken, samples will be sent to an accredited laboratory.</p> <p>23 Construction traffic data provided for the Project were limited to vehicle movements only based on the anticipated construction programme and phasing. No speed banding data was available to consider and assess as part of the Air Quality study</p> <p>24 Average Annual Daily Traffic (AADT) was used in the construction phase traffic assessment to maintain consistency with the operational phase assessment. Consistent with the guidance in DMRB LA105, a proportionate approach was taken to the speed pivoting process. AADT was used because, as noted in the guidance, the possibility of exceedances of air quality thresholds was considered to be low. This is reflected in the assessment's findings as set out in the Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-048).</p> <p>25 The overall busiest construction year was forecast to be 2025; however, to be consistent with the noise</p>

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		<p>this would be useful to be considered in the assessment.</p> <p>19) At the scoping stage, as shown in the Scoping Opinion Appendices, it was requested that mitigation measures be included for non-road mobile machinery. Further assessment has been screened out of the ES chapter however in the Environmental Management Plan Annex B4 Air Quality and Dust Management there are measures listed in Section B4.6. The use of ultra-low sulphur diesel, electric plant and hydrogen plant is noted to be considered and used where practicable. This should be confirmed with DCC prior to construction commencement.</p> <p>20) The Project is considered to have a large construction dust risk potential due to potential impact to receptors and consequently mitigation measures are noted to be required to reduce the frequency and intensity of potential dust impacts. Best practice dust mitigation measures are proposed in the EMP; the Chapter states that this will reduce the impact to a negligible level through the use of a dust 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>assessment, the air quality assessment is based on 2024.</p> <p>26 The construction traffic assessment methodology followed the same approach used for the operational modelling, except for the level of detail in the traffic data, i.e., no speed band information (as acknowledged above in response to item 24).</p> <p>27 Data provided for the Project and the construction traffic movements were screened in-line with the criteria in LA105 (where available). The worst-case scenario of the peak-averaged daily construction traffic were used and the ARN identified based on the changes in vehicle flows, as set out in the assessment as set out in the Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-048). The location of construction compounds will be reviewed through the continued development of the design.</p> <p>28 The data highlighted in the Transport Assessment (Document Reference 3.7, APP-236) is based on a worst-case unlikely scenario for potential local short-term diversions, with no assumed mitigation in-place. As such, given the uncertainty around likelihood and duration, following discussion at a Project level, they were not considered appropriate to be included within the Air Quality Assessment. are based on a worst-case unlikely scenario for potential local short-term diversions, with no assumed mitigation in-place. As such, given the uncertain around likelihood and duration, following discussion at a Project level, they</p>

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		<p>Final dust mitigation measures should be agreed with DCC.</p> <p>21) There are a number of human health and ecological receptors relevant to the construction phase air quality impacts in DCC. It is recommended that the EMP refers to 'Figure 5.3 Air Quality Construction Phase Assessment' so that receptor locations identified are considered within the refinement of the EMP.</p> <p>22) No monitoring other than visual inspection is committed to. Following reviews of recent Planning Applications, DCC are aware that DDG monitoring at receptors adjacent to the A66 at Hulands Quarry has had historic exceedances of dust deposition limits. This location should be considered for monitoring.</p> <p>23) Should air quality monitoring be undertaken, the air quality samples are noted to be possibly sent to an accredited laboratory; this should be committed to.</p> <p>AECOM has provided the following comments on the construction traffic assessment:</p> <p>24) It was noted at the PEIR stage that no construction phase road traffic was available for assessment. The PEIR stated that an assessment of such emissions will be undertaken as part of the EIA and reported in the</p>	<p>were not considered appropriate to be included within the Air Quality Assessment.</p> <p>Paragraph 11.7.4 of the Transport Assessment (Document Reference 3.7, APP-236) states:</p> <p><i>"The impacts identified within this will help inform the potential issues that may arise during construction such that mitigation can be considered and implemented where possible. 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 TTM (Temporary Traffic Management) with the aim of reducing the delays."</i></p> <p>Annex B13 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-033) provides an extended essay plan for the Construction Traffic Management Plan (CTMP) for the Project. It will be completed on an iterative basis by the Principal Contractor (PC) as the Project progresses through detailed design and will set out the proposed Temporary Traffic Management (TTM) measures for implementation during the construction of the Project.</p> <p>Major local businesses and other stakeholders that are likely to be impacted by the proposed traffic management will also be consulted regarding this CTMP. This will ensure that a comprehensive, detailed Traffic</p>

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		<p>Environmental Statement (ES). ADMS Roads modelling is understood to have been undertaken for limited sections of the scheme – between M60 Junction 40 to Brough and between east of Bowes, to Scotch Corner. This Affected Road Network is understood to be determined based on changes of 1000 AADT or more and/or changes of 200 AADT or more as a result of the construction phase; the chapter does not make reference to speed bands factoring into the determination of the construction phase traffic ARN therefore it is assumed that this is not a part of the criteria used; this is not following LA 105 guidance.</p> <p>25) It is not clear whether AADT has been used for the construction phase assessment, or whether traffic data provided was split by the four periods required by LA 105 at detailed air quality assessment stage of morning (AM), inter peak, evening peak (PM) and overnight period (OP). This should be clarified and if AADT has been used, reasons provided as to why this is considered acceptable and any limitations associated with this method choice.</p> <p>26) Construction years are between 2024 and 2029. With reference to Figures 11-2 and 11-3 in Chapter 3.7 Transport Assessment of the ES, the peak construction traffic from workers and</p>	<p>Management Plan is available and understood by all parties prior to commencing the works on site.</p> <p>The CTMP will be developed to ensure that the following key objectives are considered and addressed:</p> <ul style="list-style-type: none"> • Safety of the travelling public, non-motorised users and roadworkers to ensure that no person is injured either working within or travelling through the site on the strategic road network • Clarity of temporary traffic management schemes to ensure that the CTMP is built around the customers and stakeholders • Minimising delays to travellers on both trunk and local roads • Meeting the needs of the relevant Local Highway Authorities • Addressing the needs of key local stakeholders • Maintaining adequate access for the emergency services and all affected properties during the construction works. <p>29 Transport Assessment (Document Reference 3.7, APP-236) Figure 11-1 sets out the indicative construction programme per scheme, with works around Bowes and then Rokeby and Cross Lanes Junction being Scheme 7 and 8 respectively, showing two-year construction programmes. All worst-case construction traffic movements were reviewed against DMRB LA105 criteria and included in the ARN where the criteria were triggered.</p>

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		<p>wagons per month is understood to be in April/May 2025 and the overall busiest year for construction will be 2025. 2024 is understood to have been assessed. The year of traffic modelled, or a method to explain how the consultant has assessed the worst-case impacts of the scheme, and the chosen year of emissions factors should be explained.</p> <p>27) There is no detail on the methodology provided in the Environmental Statement Appendix 5.2 Air Quality Assessment Methodology for the dispersion modelling assessment of construction traffic, in the same level of detail as for the operational phase assessment. This should be provided to understand the construction phase traffic data and TRA, model input parameters, verification process and choice of met station data. If these parameters are the same as for the operation phase traffic emissions assessment of effects, then this should be stated, and justification of the method provided in relation to the construction phase affected road network.</p> <p>28) With reference to Figure 5.3 Air Quality Construction Phase Assessment, the construction phase ARN only falls within DCCs boundary on the A66 to the east of Barnard Castle leading to Scotch Corner. There appears to be no ARN east of Bowes at Scheme 7</p>	<p>30 Duly noted, the CTMP will be developed by the appointed contractor to ensure construction vehicles avoid areas where there are sensitive receptors close to routes used by construction traffic and air pollutant levels are approaching their respective AQOs</p> <p>31 Reviewer statement, no response required.</p> <p>32 There does appear to be a drafting error in the Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-048) Paragraph 5.10.17, where Rokeby Park LWS should have been referenced with a change of 24% against the critical load of 10, with a change in 2.4 kg N/ha/yr. No further transect receptor locations have been included as the predicted change in annual mean NO_x at these locations is considered to be imperceptible (<0.3µg/m³), in-line with DMRB LA105.), in-line with DMRB LA105.</p> <p>33 The impacts at these receptors have not been reported or illustrated as the predicted change in annual mean NO_x at these locations is considered to be imperceptible (<0.3µg/m³), in-line with DMRB LA105. This approach is set out in sections 5.5.7 to 5.5.9 of Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-048).</p> <p>34 Duly noted, as the detailed design progresses, the EMP and Annex B4 will develop based on further detailed construction information through the DCO Process.</p>

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		<p>Bowes Bypass and also no ARN to the west of Scheme 8 Cross Lanes to Rokeby. One of two construction compounds is noted by the Air Quality Chapter to be in Bowes, amongst other locations. It is understood that the construction traffic impact assessment in this area does not fall into the ARN and has been scoped out of requiring assessment on local air quality, possibly due to the criteria for AADT and HDV flow changes provided in Paragraph 5.6.4 of the Chapter not being exceeded. Explanation as to why these sections would not be materially affected by the scheme should be provided to suitably scope out these sections of construction within DCC, particularly in light of Bowes construction compound being in this location. A table similar to that provided for the operational phase traffic Table 5-10 would be useful. The other construction compound locations should be confirmed and agreed with DCC prior to construction commencing</p> <p>29) Explanation should also be provided as to how Barnard Castle does not fall within the ARN for the construction phase. Following a review of Chapter 3.7 Transport Assessment it is apparent there is at least a 2,000 two-way AADT increase at A67 Barnard Castle Bridge in both Scenario C and D. It is additionally noted that Scenarios C</p>	<p>35 Reviewer statement, no response required. 36 Reviewer statement, no response required. 37 Reviewer statement, no response required. 38 Reviewer statement, no response required. 39 Consistent with the guidance in DMRB LA105, a proportionate approach was taken to the speed pivoting process. AADT was used in the operational phase assessment because, as noted in the guidance, the possibility of exceedances of air quality thresholds was considered to be low. This is reflected in the assessment's findings. 40 Meteorological data for the eastern side were taken from RAF Leeming based on distance to the scheme as pointed out, but also due to the proximity of the ARN which would be considered and assessed in the modelling, particularly the A1(M), where potential likely significant effects were identified at sensitive receptors in the PIER. A National Highways continuous automatic monitoring station is also located at Leeming, which was included for model verification following the PIER findings. For these purposes, Leeming was considered to be the most appropriate and no other sites were considered necessary to include. Helm wind is discussed in the response to item (7) above. 41 The difference is due to the fact that the increase of 7,727 AADT noted by Chapter 5 Air Quality of the Environmental Statement (Document Reference 3.2,</p>

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		<p>and D combined are for a length of more than two years.</p> <p>30) Following a review of Figure 11-1 in Chapter 3.7 Transport Assessment, it would appear that some of the construction phase scenarios will have similarities. It should be confirmed in the Air Quality Chapter how long the construction phase as a whole will be in areas of DCC and evidence provided as to how this has informed the screening and ARN determination.</p> <p>31) A particular concern is noted to be if construction-related vehicles affected or diverted local traffic within locations with sensitive receptors close to the routes for the compounds approaching the AQO. As noted in EMP Annex B13 Construction Traffic Management Plan (Application Document 2.7), the Construction Traffic Management Plan to be developed by the appointed contractor will ensure construction vehicles avoid these areas.</p> <p>32) There are predicted annual mean NO₂ changes across the scheme at human health receptors of more than 0.4 µg/m³ but no exceedances of the AQO in the first year of construction 2024 across the entire project assessed receptors. There are</p>	<p>APP-048) refers to Bowes Bypass to the east of the proposed east facing slips. The 6,300 AADT forecast increase noted in the Transport Assessment refers to Bowes Bypass to the west of the proposed east facing slips.</p> <p>42 Reviewer statement, no response required.</p> <p>43 Reviewer statement, no response required.</p> <p>The AADT change criterion is taken from Note 2, section 2.1 in DMRB LA105. The NO₂ change criterion is also quoted from section 2.90, item 2 in DMRB LA105. For NO_x, the Environment Agency² and the Institute of Air Quality Management³ use an identical air pollutant change criterion approach in their respective guidance to determine perceptibility and the need for further assessment.</p>

² <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit#screen-out-insignificant-pcs>

³ Moorcroft and Barrowcliffe et al. (2017). Land-use Planning & Development Control: Planning for Air Quality. v1.2. Institute of Air Quality Management, London

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		<p>two human receptors (HSR 64 and HSR 65) assessed in DCC for the construction phase modelling of impacts. The impact is 0.1 µg/m³ at both assessed receptor locations in DCC, with total predicted concentrations below 10 µg/m³. No exceedances of PM10 and PM2.5 AQOs are predicted. No significant adverse effects are therefore determined.</p> <p>33) Of the three designated habitats presented within Figure 5.3 in DCC, only one (Rokeby Park and Mortham Wood (ERIC LWS)) is reported on, however it would appear that transect receptor points have not been modelled. This does not align with the requirements of LA 105 guidance. At the distance of 7.5m from the road edge, there is a 24% increase in nitrogen deposition compared to the critical load for this site. Chapter 5 Air Quality does not reference this site in the discussion, although there may be an error in Paragraph 5.10.17 which refers to Lightwater Alluvial Forest part of the River Eden and Tributaries SSSI, located outside of DCC. This should be checked and confirmed. Chapter 6 of the ES Biodiversity is however noted by Chapter 5 Air Quality to conclude that there will be no likely significant effects at designated habitat sites.</p>	

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		<p>34) Graham's Gill Jack-Wood Ancient Woodland and Steven Band Road Verge (NEYEDC LWS) do not have receptor points or transects marked on Figure 5.3, nor results reported in Table-8. Reasons for not reporting impacts on these two designated habitats should be provided.</p> <p>35) With reference to Chapter 2.7 Environmental Management Plan Annex B4 Air Quality and Dust Management, construction phase traffic mitigation is proposed to include implementation of active traffic management measures. Of the active traffic management measures, it is noted in Paragraph B4.4.2 that there are a number currently being considered. It is therefore understood that no measures have yet been finalised. These should be agreed with DCC. Those listed as potential measures include limiting the use of speed reductions, i.e., through applying higher safe speeds, or limiting the amount of traffic management that is used in areas where the new route is being built adjacent to the existing A66. Reactive traffic management measures would be employed as a last resort, to stop traffic from using the least suitable diversion routes.</p> <p>36) The construction phase of the Project is noted to not impact compliance with the air quality limit values.</p>	

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		<p>37) Cumulative effects due to construction traffic from the cumulative proposed developments, if they occur at the same time as the Project, as well as dust and PM10 generated by construction activities, is noted by Chapter 15 Cumulative Effects to potentially lead to significant adverse effects if adequate mitigation is not implemented. The EMP is noted to ensure that adequate mitigation is in place.</p> <p>Operational Phase</p> <p>AECOM has provided the following comments on the operational phase assessment:</p> <p>38) The opening year was recognised to have not been assessed appropriately in the PEIR, but that the correct opening year of 2029 would be assessed in the ES; this has now been done.</p> <p>39) A compliance assessment using Pollution Climate Mapping (PCM) has been undertaken and none of these are within DCC.</p> <p>40) It is not clear whether AADT has been used for the operational phase assessment, or whether traffic data provided was split by the four periods required by LA 105 at detailing air quality assessment stage of morning (AM), inter peak, evening peak (PM) and overnight period (OP). This should be clarified and if AADT has been used, reasons provided as to why this is</p>	

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		<p>considered acceptable and any limitations associated with this method choice.</p> <p>41) A met station sensitivity assessment was welcomed by DCC at the PEIR stage. Two met stations are noted to have been used in the assessment for the ES, representing east and west study areas Warcop Range and RAF Leeming, for 2019. Leeming has been used in modelling for DCC. There is no discussion other than distance from the scheme as to how representative these two datasets are for the entire scheme, or consideration of alternatives such as Durham Tees Valley Airport. Chapter 5 Air Quality notes that the use of observations from Warcop Range ensure that the Helm Wind is accounted for in the model, however explanation should be provided as to whether this is important to be considered in the eastern model domain.</p> <p>42) An increase of 7,727 AADT is noted by Chapter 5 Air quality to be predicted at A66 near Bowes in 2029 as a result of the project, where traffic flow is noted to increase on A66 but flow is improved. However, Table 7-1 of the Transport Assessment states this value is 6,300 AADT increase. The difference should be explained.</p> <p>43) With reference to Figure 5.4 Operational Phase Air Quality Assessment, the ARN falls within</p>	

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		<p>DCCs boundary on the A1M to the east of Newton Aycliffe, along the A66 from Scotch Corner in the east to Bowes and the border of DCC in the west, the B6277 to Barnard Castle and Rutherford Lane.</p> <p>44) No AQMA is noted to be impacted by the scheme. The scoping report noted that the nearest ARN to the Durham City AQMA was 20km to the south and the TRA did not extend to this far north and was screened out at scoping stage. Paragraph 5.2.3.5 of the Environmental Statement Appendix 5.2 Air Quality Assessment Methodology notes that any potentially affected links not within the TRA have not been modelled as there is less confidence in them. The exclusion of wider areas of potential traffic changes is noted in Appendix 5.2 as appropriate for the Project due to the large difference between reported concentrations and the air quality objectives. This is considered reasonable.</p> <p>45) Paragraph 5.5.7 of the Air Quality Chapter states: "It is important to recognise the limitations of models and to use the outputs appropriately. For instance, traffic flows of less than a 1,000 AADT are not used in assessment as they are below the confidence that can be attributed to a traffic model. In the same way that changes of</p>	

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		<p>less than 1% of the AQO for NO₂ (40 µg/m³ - therefore the criterion is 0.4µg/m³) and NO_X (30µg/m³ - therefore the criterion is 0.3µg/m³) are considered to imperceptible and not considered further in assessment.” This should be expanded on with further explanation.</p> <p>DCC request information on the predicted changes in traffic flows on the A1 (M) northbound into DCC boundary to the east of Newton Aycliffe. It is noted that in the TA that the increase in traffic flows along the scheme route is 7,400 but that on the A1M NB and SB the total change is only 5,500 suggesting that over 1,900AADT do not use the strategic road network but are dissipated onto the local road network. Information should be provided of the flow change as AADT on all of the links off the Scotch Corner junction to understand how traffic is expected. It would be useful to understand if the ARN ends due to changes in traffic flow/composition/speed, or whether this is due to the ending of the TRA and to see the location of the calibration/validation data used and reported in the Transport Assessment. This is of importance to DCC, in particular at the Durham City AQMA. There is additionally no mention of air quality in the Transport Assessment with reference to the determination of the TRA; this should be jointly agreed.</p>	

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Durham County Council, RR-073	Air Quality	<p>46) There are nine human health sensitive receptors assessed in DCC (HSR 57 to HSR 65) for the operational phase. There are no predicted exceedances at human health receptors of any pollutant reported in the chapter, and so no new exceedances as a result of the scheme would be expected within DCC. Results are confirmed to not be presented on a scheme by scheme basis and that the discussion for region 1 in Chapter 5 Air Quality is presents the impact of the overall scheme on the A66 region including the section of the scheme within DCC. The largest human health impact as a result of the scheme is reported to be +0.9 ug/m³, within the DCC boundary at Highly Sensitive Receptor 60 within the Cross Lanes to Rokeby section adjacent to the A66, south of Barnard Castle, to the east of the B6277 junction with the A66. At this location, concentrations are predicted to increase from 9 ug/m³ in DM 2029 to 9.9 ug/m³ in the DS scenario, where an increase of 3,603 AADT is predicted for the A66. It is not clear whether this receptor is the same receptor which was reported in the PEIR to have an increase of +4.0 ug/m³ in annual mean NO₂ at a residential property adjacent to the A66 at Cross Lanes, however the predicted impacts would appear to have dropped significantly in DCC compared to the PEIR stage.</p>	<p>44 National Highways propose to discuss the information below with Durham County Council during the meeting we are currently organising with the Head of Transport and Contract Services at DCC.</p> <p>Figure 8-27 within the Transport Assessment (Document Reference 3.7, APP-236) shows the increase in traffic flows at Scotch Corner Junction. The 2044 design year AADT flow increases within the figure are clarified within the Table below.</p> <table border="1" data-bbox="1317 743 2069 1390"> <thead> <tr> <th>Road</th> <th>Direction</th> <th>AAADT Change</th> </tr> </thead> <tbody> <tr> <td rowspan="2">A1 North</td> <td>NBD</td> <td>+1300</td> </tr> <tr> <td>SBD</td> <td>+1100</td> </tr> <tr> <td rowspan="2">Middleton Tyas Lane</td> <td>EBD</td> <td>+250</td> </tr> <tr> <td>WBD</td> <td>+150</td> </tr> <tr> <td rowspan="2">A1 South</td> <td>SBD</td> <td>+1800</td> </tr> <tr> <td>NBD</td> <td>+1600</td> </tr> <tr> <td rowspan="2">A6055 (South of A6055/A6108 Junction)</td> <td>SBD</td> <td>+10</td> </tr> <tr> <td>NBD</td> <td>+220</td> </tr> <tr> <td rowspan="2">A6108 (Barracks Bank)</td> <td>WBD</td> <td>-72</td> </tr> <tr> <td>EBD</td> <td>-39</td> </tr> <tr> <td rowspan="2">A66</td> <td>WBD</td> <td>+4500</td> </tr> <tr> <td>EBD</td> <td>+4800</td> </tr> <tr> <td rowspan="2">A6055 North of A1 Northbound On-slip Roundabout</td> <td>NBD</td> <td>-3</td> </tr> <tr> <td>SBD</td> <td>+79</td> </tr> </tbody> </table>	Road	Direction	AAADT Change	A1 North	NBD	+1300	SBD	+1100	Middleton Tyas Lane	EBD	+250	WBD	+150	A1 South	SBD	+1800	NBD	+1600	A6055 (South of A6055/A6108 Junction)	SBD	+10	NBD	+220	A6108 (Barracks Bank)	WBD	-72	EBD	-39	A66	WBD	+4500	EBD	+4800	A6055 North of A1 Northbound On-slip Roundabout	NBD	-3	SBD	+79
Road	Direction	AAADT Change																																							
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		<p>47) There are improvements in air quality predicted at three of the nine receptors assessment with the largest improvement predicted to have an impact of -0.6 ug/m³ at HSR 62 and 63 where the proposed A66 alignment moves further away from the HSRs at Rokeby.</p> <p>48) There are no human health sensitive receptors selected and modelled for each ARN link within DCC; this would have provided an understanding of impact of each ARN link. For example, the B6277 is a section of ARN within DCC and a residential property north of Thorsgill Beck has not been included in the dispersion modelling. Receptors are noted by the chapter to have been selected to represent the scale of impacts associated with the project.</p> <p>49) The greatest air quality constraint from the scheme at the PEIR stage related to impacts on nature conservation sites, where there were potential concerns and risk of significant effects with nitrogen deposition and ammonia concentrations. This was noted to be considered in greater detail within the ES. Ammonia was requested to be included at scoping stage however ammonia results at each receptor are not presented. It is noted in Paragraph 5.2.3.20 of Appendix 5.2 Air Quality Assessment Methodology that the National Highways tool has</p>	<p>Further detail of traffic flows at the boundary of County Durham around Newton Aycliffe are provided in the Table below.</p> <table border="1" data-bbox="1312 571 2089 858"> <thead> <tr> <th>Road</th> <th>Direction</th> <th>AADT Change</th> </tr> </thead> <tbody> <tr> <td rowspan="2">A1 North</td> <td>Nbd</td> <td>700</td> </tr> <tr> <td>Sbd</td> <td>680</td> </tr> <tr> <td rowspan="2">A68</td> <td>Ebd</td> <td>-100</td> </tr> <tr> <td>Wbd</td> <td>-150</td> </tr> <tr> <td rowspan="2">B6725</td> <td>Nbd</td> <td>+3</td> </tr> <tr> <td>Sbd</td> <td>+6</td> </tr> </tbody> </table> <p>The Combined Modelling and Appraisal Report (Document Reference 3.8, APP-237) Appendix C Transport Model Package discusses the TRA. Paragraph 3.3.1 states: <i>“The study area and the model’s geographical extent will include the same area as the PCF Stage1 and 2 A66TM model, however, the Transport Reliability Area (TRA) has been extended further north and south at either end of the A66 along the M6 and A1(M). This has been revised considering impacts from the scheme identified within PCF Stage 2 forecasting.”</i></p> <p>The impacts noted above are based on the classifications noted in paragraph 2.1 of DMRB LA105 Air Quality, namely:</p>	Road	Direction	AADT Change	A1 North	Nbd	700	Sbd	680	A68	Ebd	-100	Wbd	-150	B6725	Nbd	+3	Sbd	+6
Road	Direction	AADT Change																			
A1 North	Nbd	700																			
	Sbd	680																			
A68	Ebd	-100																			
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B6725	Nbd	+3																			
	Sbd	+6																			

Interested Party and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
		<p>been used to account for ammonia emissions impact on deposited nitrogen.</p> <p>50) There are nine designated ecological sites (Rokeby Park and Mortham Wood (ERIC LWS), Graham's Gill Jack-Wood Ancient Woodland, Steven Band Road Verge (NEYEDC LWS), Bowes Moor SSSI, North Pennine Moors SPA and SAC, Mill Wood Ancient Woodland, Thorsgill Wood Ancient Woodland) plus a number of Ancient Trees within 200m of the ARN within DCC, with reference to Figure 5.4. Results are not presented for all of these sites in Appendix 5.4, or transect locations shown in Figure 5.4.</p> <p>51) Rokeby Park and Mortham Wood LWS nitrogen deposition is predicted to increase by 13.7% against the critical load whilst North Pennine Moors SPA and SSSI and Bowes Moor SSSI have a maximum increase of 17.6% against the critical load. Stephen Bank Road Verge LWS experiences a beneficial change due to the scheme. No other results of designated sites in DCC are reported. Chapter 5 Air Quality notes that:</p> <p>"These changes cannot be considered to be insignificant as defined in DMRB LA 105. Further discussion of the impacts of the Project on nitrogen deposition at these locations is included in Chapter 6: Biodiversity (section 6.10 Assessment of Likely</p>	<p>1) annual average daily traffic (AADT) $\geq 1,000$; or 2) heavy duty vehicle (HDV) AADT ≥ 200; or 3) a change in speed band; or 4) a change in carriageway alignment by $\geq 5m$.</p> <p>The change in flows due to the scheme within the Durham City AQMA do not exceed these thresholds.</p> <p>45 Reviewer statement, no response required. 46 Reviewer statement, no response required. 47 Reviewer statement, no response required. 48 Reviewer statement, no response required. 49 Transect locations are shown in Environmental Statement Figure 5.1: Cumulative Zones of Influence (Document Reference 3.3, APP-144). Results are only presented where the predicted change in NO_x exceeds $0.3\mu g/m^3$ (1% of the critical load). This is noted on all the sheets within Environmental Statement Figure 5.4: Air Quality Operational Phase Assessment (Document 3.3, APP-068). The reasoning is given in sections 5.5.7 to 5.5.9 of Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-048).</p> <p>50 Reviewer statement, no response required. 51 Please refer to the response to item 14 (above). 52 The outcomes relevant to regional and local are mapped in Table 5-3 in Chapter 5 Air Quality of the</p>

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		<p>Significant Effects)". The Biodiversity chapter considers the impact to Rokeby Park and Mortham Wood LWS as slight adverse (not significant) effect. The impact to North Pennine Moors SPA and SSSI and Bowes Moor SSSI in the Biodiversity chapter notes that blanket bog is the only qualifying feature that may be impacted by changes in nitrogen deposition at this location and it is predicted that a slight adverse (not significant) effect would occur.</p> <p>52) Given the poor RMSE derived from the verification exercise, discussion should be provided on how robust and reliable the results presented are, particularly in light of the impacts to designated ecological sites.</p> <p>53) There is no section in Chapter 5 Air Quality describing outcomes against relevant policies such as the County Durham Plan, other than NPSNN in Paragraph 5.10.84.</p> <p>The operational phase traffic data is noted to include traffic associated with other developments, therefore the air quality impact assessment is noted to be inherently cumulative.</p>	<p>Environmental Statement (Document Reference 3.2, APP-048)</p> <p>53 Comment duly noted.</p>
Durham County Council, RR-073	Climate	<p>Climate</p> <p>54) DCC has commissioned AECOM to provide comments on the Climate chapter of the ES. This document does not intend to provide comment on any element of the Climate chapter or GHG</p>	<p>54 Comment duly noted.</p> <p>55 Traffic data within the climate chapter aligns with the data used in the Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-048) as outlined in the Combined Modelling and Appraisal</p>

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		<p>appendix that does not concern operational road-user emissions. It is advised that these other elements of the Climate chapter and GHG appendix are reviewed by a competent climate change expert.</p> <p>55) Comments and observations on the operational road-user elements described in Chapter 7 of ES and Appendix 7.1 are set out below:</p> <ul style="list-style-type: none"> • Paragraph 7.5.15 states that the “assessment of operational phase emissions from vehicles using the highways infrastructure draws on existing traffic modelling information from earlier stages of the Project, as explained in the Combined Modelling and Appraisal Report (Application Document 3.8)”. This document does not seem to be available on the PINS website. The same paragraph states that “This information is used to calculate emissions... associated with the Traffic Reliability Area”. The chapter then goes on to list the scenarios for which user GHG emissions have been quantified. o Can the applicant please confirm that the “traffic modelling information from earlier stages of the project” that has been used to quantify road user GHG emissions is the correct traffic dataset to be defended at examination, and that this data is consistent with the traffic data used to inform the air quality assessment and noise assessment chapters of the ES? It is noted that the Air Quality chapter of 	<p>Report (Document Reference 3.8, APP-237). Both assessments at PEIR were informed by traffic data for 2031, however this data was updated for the ES assessment for the 2029 opening year, and this updated data for 2029 forms the basis of the road user emissions quantification. Both assessments at PEIR were informed by traffic data for 2031, however this data was updated for the ES assessment for the 2029 opening year, and this updated data for 2029 forms the basis of the road user emissions quantification.</p> <p>56 The Combined Modelling and Appraisal Report Appendix C Transport Model Package (Document Reference 3.8, APP-239) discusses the TRA. Para 3.3.1 states:</p> <p><i>“The study area and the model’s geographical extent will include the same area as the PCF Stage 1 and 2 A66TM model, however, the Transport Reliability Area (TRA) has been extended further north and south at either end of the A66 along the M6 and A1(M). This has been revised considering impacts from the scheme identified within PCF Stage 2 forecasting”.</i></p> <p>The extent of the geographic zone included in the TRA is informed by the road link screening criteria noted in para 2.1 of DMRB LA 105 Air Quality, namely:</p> <ol style="list-style-type: none"> 1) annual average daily traffic (AADT) \geq 1,000; or 2) heavy duty vehicle (HDV) AADT \geq 200; or 3) a change in speed band; or

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		<p>the Preliminary Environmental Information Report was informed by a traffic dataset based on 2031, not the year of opening 2029.</p> <p>56) Can the applicant please provide details on how the Traffic Reliability Area (TRA) referred to was defined. We are interested to know whether or not the potential for climate change impacts was a consideration when the TRA was defined?</p> <ul style="list-style-type: none"> • Paragraph 7.6.5 states that the TRA “was determined based on the regional screening criteria set out in DMRB LA 105”. <ul style="list-style-type: none"> o DMRB LA 105 does not include regional screening criteria. Can the applicant confirm how the TRA was defined? <p>57) Paragraph 7.5.15 and Table 5 of Appendix 7.1 confirm that Version 11 of the Emission Factor Toolkit (EFT) published by Defra was used to quantify CO₂ emissions from the road traffic dataset.</p> <ul style="list-style-type: none"> o Can the applicant provide explanation as to why the National Highways version of the Emission Factor Toolkit (Version 4.3) was not used to quantify CO₂ emissions, given that the A66 project is a highways scheme and the use of Design Manual for Roads and Bridges methodologies elsewhere? <p>58) Paragraph 7.5.16 states that the “emissions drawn from the traffic modelling are provided in</p>	<p>4) a change in carriageway alignment by >=5m.</p> <p>NOTE 1 The AADT and HDV criteria are applied to the sum of carriageways and not individual carriageways.</p> <p>NOTE 2 The 1,000 vehicles and 200 HDVs represent the lowest threshold above which the traffic model can represent change in traffic conditions to a reasonable level of confidence.</p> <p>While these criteria support the definition of the physical extents of the TRA, they were not applied when identifying links within that geographic extent for the GHG assessment – i.e. all road links within the spatial extent of the TRA were included in the GHG assessment (but the air quality criteria supported definition of the outer boundary of the TRA).</p> <p>The TRA definition is provided in LA 105 and is provided within Table 5 of Environmental Statement Appendix 7.1: Greenhouse Gas Assessment (Document Reference 3.4, APP-176). This states the TRA reflects the widest road network the traffic modelling is considered verified/reliable. A more detailed discussion of the development of the TRA is provided in the Combined Modelling and Appraisal Report referred to above.</p> <p>57 There was direct instruction from National Highways to use the speed band factors from the Emission Factors Toolkit v.11 from DEFRA. NH speed band tool version 4.2 was used which includes the EFT v11 emissions within it.</p>

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		<p>carbon dioxide (CO₂) not carbon dioxide equivalents (CO₂e)".</p> <p>o Version 11 of the EFT published by Defra provides direct CO₂ tailpipe emissions and indirect CO₂e emissions from electric vehicle charging.</p> <p>Can the applicant confirm whether or not the road-user GHG values reported in Chapter 7 and Appendix 7.1 of the ES include the indirect CO₂e emissions, as well as tailpipe emissions.</p> <p>59) Table 7-10 of Chapter 7 presents the annual road-user CO₂e emissions for the 2019 baseline, 2029 Do-Minimum (opening year without the proposed scheme) and 2044 Do-Minimum (future year without the proposed scheme) scenarios, as well as Do-Minimum CO₂e emissions over a 60-year appraisal period. Table 7-23 of Chapter 7 presents the equivalent, but for the Do-Something (opening and future years with the proposed scheme). Table 7-23 also provides the changes between Do-Minimum and Do-Something scenarios. Table 4 of Appendix 7.1 provides "operational emissions" associated with "vehicles using the highway infrastructure" for Do-Minimum and DoSomething scenarios.</p> <p>The operational values provided for the Do-Minimum and DoSomething scenarios, and the difference between Do-Minimum and DoSomething values reported in Table 4 of Appendix 7.1 do not match</p>	<p>58 The road user GHG calculation includes emissions associated with electric vehicles within the speed band calculations and as such are included in the total emissions reported in the ES (Document Reference 3.2, APP-044 to 059).</p> <p>59 Table 4 in Environmental Statement Appendix 7.1: Greenhouse Gas Assessment (Document Reference 3.4, APP-176) has the incorrect values for Operation emissions from Road Vehicles (B9). The correct values are presented in the main ES chapter in Table 7.10 and 7.23.</p> <p>60 and 61 Chapter 5.6 in the Combined Modelling and Appraisal Report (Document Reference 3.8, APP-237) discusses the overall change in modelled vehicle distance both with and without the Project. The network performance statistics are based on assigned traffic in the SATURN assignment model. Tables 5-26 to 5-31 of the Combined Modelling and Appraisal Report (Document Reference 3.8, APP-237) show the network statistic scenario values including modelled travel time, distance, speed and total trips. The Report found that the inclusion of the Project increases total distance travelled (by all modelled vehicles) marginally as drivers are prepared to travel further to take advantage of the increased speed and reliability as a result of the links provided by the Project.</p>

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		<p>those reported in Table 7-10 and Table 7-23 within Chapter 7. Can the applicant provide clarity on why the values reported in Table 4 of Appendix 7.1 differ from the road user values reported in Chapter 7 of the ES?</p> <p>60) Nowhere within Chapter 7 or Appendix 7.1 does there appear to be reference to vehicle kilometres travelled. Vehicle kilometres travelled is a useful metric to provide context for changing GHG emissions.</p> <p>It would be useful if the applicant could provide the vehicle kilometres travelled for the scenarios reported in Table 7- 10 and Table 7-23 of Chapter 7 and Table 4 of Appendix 7.1.</p> <p>61) With relation to the point above, there is no commentary as to why the proposed scheme is increasing road-user GHG emissions.</p> <p>An explanation would have been useful to enhance understanding for the layperson, possibly including reference to the changing length of the proposed scheme and journey times – i.e. the proposed scheme itself making the route more favourable to road users, thereby increasing flows.</p>	
Cumbria County Council, RR-123	Case for the Project	<p>Support for the Project</p> <p>The Council supports the principle of dualling the remaining single carriageway sections of the A66 between Penrith and Scotch Corner, as well as</p>	National Highways acknowledges the support for the Project as identified in the representation.

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		improvements to junctions along the route. A suitably designed scheme will improve connectivity within and beyond Cumbria, improve resilience, road safety and journey time reliability, and help to support future economic growth and investment.	
Cumbria County Council, RR-123	Consultation and Engagement Process	The Council acknowledges that the Applicant has engaged in a statutory and non-statutory consultation process. It is however concerned that the inclusion of the Scheme within Project Speed has resulted in an application that has been submitted against extremely tight deadlines and there are some negative impacts of the Scheme that could have been further mitigated with time for more consultation and engagement and the provision of more detail. These matters will need addressing during the Examination.	As described in section 1.4 of the Case for the Project (Document Reference 2.2, APP-008) project Speed is a Government initiative not only “to bring forward proposals to deliver public investment projects more strategically and efficiently” but also “to cut down the time it takes to design, develop, and deliver the right things better and faster than before”. There are positive initiatives taken to achieve this such as “regular and early engagement with the Planning Inspectorate (‘PINs’), Local Authorities (‘LA’s) and Statutory Environmental Bodies (‘SEBs’) (with a focus on design and stakeholder issues)”. This has involved sharing emerging design and findings from assessments with the LAs and SEBs during the pre-application stage and obtaining LA and SEB specialist advice and local knowledge to inform the mitigation measures that are needed to address the negative impacts of the Project. Nevertheless, as would be expected of a DCO Project of this scale and complexity the dialogue on design and mitigation continues during (and as part of) the Examination.
Cumbria County	Design, Engineering	Improving Connections to Local Communities, Maintaining North-South Connectivity and Minimising Severance	National Highways acknowledges the need to develop effective junction solutions, and will continue dialogue with CCC in terms of capacity and resilience at the proposed

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Council, RR-123	and Construction Traffic and Transport	<p>The Project should result in clear and effective junction strategies across the A66 and greater junction safety and legibility, supporting both east and west bound journeys. There should be no loss of north-south connectivity or loss of connectivity for communities and key destinations across the route. The main areas that will suffer an impact on connectivity are around Penrith (M6 Junction 40, Kemplay Bank and Skirsgill) and at a number of locations along the route where right turn movements will be removed or where the new road severs an existing route.</p> <p>Key Junction Improvements</p> <p>The Project should develop effective junction solutions that are able to support forecast traffic flows and alleviate any congestion issues (such as those experienced on a Friday at M6 J40) and at Kemplay Bank. Junctions that are critical to diversion routes should be enhanced to address capacity and resilience concerns. Junction capacity needs to be informed by a clear approach to traffic modelling and forecasts.</p> <p>De-Trunking of the Existing A66</p> <p>The Project needs a clear strategy for the sections of the A66 that will be de-trunked, so that assets adopted by the Council are at an acceptable and agreed standard and appropriate commuted sums are provided to support future upkeep. The</p>	<p>design at Junction M6 J40 (Skirsgill) and Kemplay Bank in terms of how the traffic forecasts have been developed for both average weekday flows and Friday flows. Within this dialogue National Highways will also provide further evidence (traffic analysis/models) regarding the assessment of the junctions on key diversion routes.</p> <p>Any north south routes severed by the proposed A66 alignment will be retained or realigned to ensure that connectivity across the route is maintained. A number of all-movement junctions are proposed along the route to accommodate traffic that will be prohibited from turning right. Whilst it is appreciated that this may increase journey times for certain traffic movements, it is one of the key safety benefits that a dual carriageway provides over a single carriageway road and still maintains connectivity for both local and strategic traffic.</p> <p>Chapter 8.2 of the Transport Assessment (Document Reference 3.7, APP-236) describes the assessment of M6 Junction 40 (Skirsgill) and Kemplay bank Roundabout, both with and without the Project in place.</p> <p>This assessment is based on traffic surveys, capturing volumetric and queue counts at Kemplay Bank and Junction 40 in November 2017. The results of the assessment show that without the project in place;</p> <p>62) At Kemplay Bank, maximum queues of over 800m on a daily basis are anticipated by 2044 (the assessment year) on the A66 West approach in the AM peak period, and on both the A66 west approach and on the</p>

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		<p>transferred assets should be subject to enhancements where necessary to reflect their new role as part of the local road network. There is no agreed approach to de-trunking and the Council needs to have a full understanding of the liabilities that may arise. There are specific concerns regarding the transfer of structures as these carry particular risks.</p>	<p>A686 Carleton Avenue approach in the PM peak period. On Fridays, additional queues of over 800m would be also expected on the A66 East approach.</p> <p>63) At M6 Junction 40 maximum queues of over 800m would be expected on a daily basis on the A592 Ullswater Road.</p> <p>64) With the improvements identified above, as part of the Project;</p> <p>65) At Kemplay Bank, the largest queue that is forecast to occur in 2044 on a daily basis is a maximum 200m on the A686 Carleton Avenue.</p> <p>66) At M6 Junction 40 the largest queue is on the A66 west arm and is a maximum of 347m in the evening peak hour.</p> <p>The significant improvement in the performance of the junctions shows that there should be no loss of connectivity for communities around Penrith (M6 Junction 40, Kemplay Bank and Skirsgill), and that the Project has developed effective junction solutions that are able to support congestion issues such as those experienced on a Friday at Kemplay Bank and Junction 40.</p> <p>Draft De-trunking agreement proposals were issued to Cumbria County Council in September 2022, following consultation with specialists at the Council, where they were available to participate. The proposals include Road Safety Audits, interface of National Highways and Local Authority assets, transfer of assets including related commuted sums and programme milestones. National</p>

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			<p>Highways engagement with Cumbria County Council to progress the De-trunking agreements will continue through the Examination period.</p> <p>Notwithstanding these conclusions National Highways have committed to undertaking further traffic surveys at Junction 40 and Kemplay Bank to further quantify the current congestion issues. This survey work has been completed in September 2022. This is the first opportunity that survey work in this location has been possible since 2019 due to the timing of the Covid Pandemic and its impact on traffic movements. Data collected during the Covid Pandemic would not be considered as a suitable basis for future forecasting due to stipulations within TAG Unit M1.2 Data Sources and Surveys.</p> <p>These surveys will be checked to verify that the microsimulation (traffic) model used to support the DCO application correctly reflects the congestion issues observed. The microsimulation model and the traffic forecasting will be updated to reflect the conditions observed within the September 2022 surveys to appraise the proposed junction improvements.</p>
Cumbria County Council, RR-123	Walking, Cycling and Horse Riding (WCH)	<p>Active Travel</p> <p>The Project should support the delivery of an east-west corridor suitable for walking, cycling and horse riding. The design details need to be agreed and must comply with recognized standards, including LTN 1/20 and Active Travel England guidance.</p>	<p>An east west walking and cycling route has been provided along the length of the proposed upgraded section of the A66. This parallel route has generally been designed in accordance with LTN 1/20, however, there are sections of this where standards have had to be compromised to facilitate specific constraints and/or topography. This facility will be developed further during detailed design and</p>

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		<p>Clarity is needed regarding maintenance responsibilities.</p> <p>The design for walking and cycling</p> <p>The scheme should also address the needs of travellers to Appleby Horse Fair and incorporate meaningful improvements for horse drawn traffic.</p>	<p>through discussions/engagement with Local Authorities, stakeholders and user groups.</p> <p>There will be potential negative impacts on journeys to and from Appleby Horse Fair during construction. However, with the proposed upgrade to dual carriageway standard, we would expect lower traffic volumes on the detrunked sections west of Appleby, which will improve access for local traffic and Fair attendees. In addition, a dual carriageway will provide an increased opportunity to overtake horse-drawn vehicles thus reducing delay to other road users and it is hoped that the route of the old A66 (detrunked) could be utilised as it will have significantly lower traffic volumes and thereby be more suitable for horse drawn vehicles.</p> <p>It is also worth noting that we have amended the design since statutory consultation to address feedback and concerns from attendees of the Appleby Fair and the local authorities. The junction previously impacting the site has now been removed and there is no longer any impact upon the site of the Appleby Fair.</p> <p>Nonetheless we will continue to engage with the Local Authorities on these issues and seek agreement that our proposals represent the optimal solution and that any adverse effects of the scheme such as those identified at Appleby Fair have been appropriately mitigated. Continued engagement with LA's and BHS (among others) will continue during detailed design.</p>

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Cumbria County Council, RR-123	Population and Human Health	<p>Maximising Socio-Economic Benefits</p> <p>10. The Project should maximise the economic benefits resulting from the scheme, deriving social value and legacy benefits. This should include support for skills development to enable local take-up of employment opportunities from the Project, as well as support for the local supply chain to position local businesses to win work. The impacts of accommodating the construction workforce are unclear and may have an adverse impact on the visitor economy, local housing and communities through use of existing accommodation or poor siting of the accommodation. Opportunities should be taken to generate lasting benefits from the provision of accommodation</p>	<p>Annex B12 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-032) provides an outline Skills and Employment Strategy, which will set out measures to upskill and maximise the use of a local workforce and supply chains. Annex B10 of the EMP (Document Reference 2.7, APP-030) provides an outline Construction Worker Travel and Accommodation Plan, which will be developed in consultation with the Local Planning Authorities. It will ensure that additional demand created by non-home-based workers does not place excessive pressure on the local housing market and visitor accommodation supply.</p>
Cumbria County Council, RR-123	Climate	<p>Climate change and Carbon Offsetting</p> <p>We need to be happy with the measures taken in view of national policy and EDC declaration of a climate emergency. A project of this scale, the largest affecting the area, needs to complement and not undermine other local and national efforts towards achieving net zero.</p>	<p>Assessment of the potential effects of the Project on the Climate and any required mitigation is set out in Environmental Statement (ES) Chapter 7 (Document Reference 3.2, APP-050).</p> <p>Whilst the greenhouse gas (GHG) assessment has identified an increase in GHG emissions, in the context of the overall UK GHG emissions the magnitude of the increase will not have a material impact on the Government meeting its carbon reduction targets.</p> <p>National Highways notes that a climate emergency was declared by the UK Parliament in the House of Commons on 01 May 2019, and that EDC have also declared the</p>

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			<p>same status. Highways England considers climate change to be a very important issue, and as such has conducted a thorough assessment of the impact of the Scheme on climate change. The declarations made by the UK Parliament and EDCI do not give cause to alter the conclusions of the ES assessment and the Scheme will make an extremely limited contribution to the UK's carbon targets</p> <p>National Highways also notes paragraph 5.17 of the National Policy Statement for National Networks (NPSNN) which states that it is "very unlikely that a road project will in isolation affect the ability of Government to meet its carbon reduction plans". In the context of the Scheme, we agree with that statement and that this Scheme is assessed and demonstrated to be such a policy compliant case</p> <p>As detailed design progresses opportunities will be sought though construction and design development to reduce the carbon requirement of the Project. Measures to reduce carbon are included within the Environmental Management Plan (Document Reference 2.7, APP-019), see D-CL-01 and MW-CL-01.</p> <p>National Highways notes that a climate emergency was declared by the UK Parliament in the House of Commons and by Cumbria County Council. National Highways considers climate change to be a very important issue, and as such has conducted a thorough assessment of the impact of the Project on climate change. The declarations</p>

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			<p>made by the UK Parliament do not give cause to alter the conclusions of the Environmental Statement assessment and the Project will make an extremely limited contribution to the UK's carbon reduction targets.</p> <p>National Highways also notes paragraph 5.17 of the NPSNN which states that it is "very unlikely that a road project will in isolation affect the ability of Government to meet its carbon reduction plans".</p> <p>In the context of the Project, the greenhouse gas assessment has demonstrated that the Project will not materially affect the ability of Government to meet its carbon reduction targets.</p>
Cumbria County Council, RR-123	Environment and EMP And Flooding and Drainage	<p>Environmental Mitigation</p> <p>The scheme should provide environmental mitigation to minimize harm and boost benefits.</p> <p>There should be opportunities for carbon offsetting across the scheme.</p> <p>The Council has concerns about the drainage proposals for the Project and the potential impact on the water environment. There are matters that need resolving in terms of drainage design principles and details, which have impacts on the extent of land needed for drainage systems, particularly with regard to flood risk and future maintenance liabilities</p>	<p>The likely significant effects of the Project on the environment have been assessed and reported in the Environmental Statement (Document Reference 3.1 and 3.2, APP-043 to APP-059). As part of this, required mitigation has been identified. The delivery of this mitigation is secured through the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) and Project Design Principles (PDP) (Document Reference 5.11, APP-302), compliance with which is secured by the DCO. The Illustrative Environmental Mitigation Plans (Document Reference 2.8, APP-041) set out the indicative proposals for environmental mitigation across the Project.</p>

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			<p>There are currently no proposals for carbon offsetting in the Project, however as detailed design progresses opportunities will be sought through construction and design development to reduce the carbon requirement of the Project. Measures to reduce carbon are included within the EMP, see D-CL-01 and MW-CL-01.</p> <p>Impacts of drainage on watercourses is set out in Chapters 6 (Document Reference 3.2, APP-049) and 14 (Document Reference 3.2, APP-057) of the Environmental Statement.</p> <p>The drainage principles and flood risk considerations for the project are set out in the Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221). Further details will be developed during the detailed design stage, including detailed maintenance liabilities. Land take for drainage systems has been minimised as far as practical within the constraints of the current DMRB design standards, these will be subject to refinement at the detailed design stage. National Highways will continue to engage with the Council throughout this stage.</p>
Cumbria County Council, RR-123	Biodiversity and BNG	Biodiversity net gain is also an issue of importance.	<p>Biodiversity net gain is not currently a requirement for Nationally Significant Infrastructure Projects; however, National Highways are committed to maximising biodiversity delivery achieved by the Project.</p> <p>It is acknowledged that mitigation measures are required as part of the Project. The mitigation measures proposed are set out in the Environmental Management Plan</p>

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			<p>(Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), both of which will be examined as part of the DCO submission and will become certified documents.</p> <p>These two documents and their annexes will secure the mitigation required. Any future design developments, over the course of the DCO that may occur through the Examination process, will be required to take account of the mitigation outlined in these documents.</p> <p>Impacts and proposed mitigation are detailed further within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and underpinned by detailed assessments within separate appendices to ES Chapter 6.</p> <p>The environmental mitigation design has been developed to ensure that mitigation is provided for impacts on protected species, and that replacement habitats are provided for those lost. In order to demonstrate effective mitigation for habitat loss the Project has applied the principle of No Net Loss. To measure this outcome the application of 0% Biodiversity Net Gain (BNG) as set out within Natural England's BNG Metric 2.0 was applied (Metric 2.0 being the available metric at the time of mitigation determination). This approach was discussed and agreed with the Strategic Environmental Bodies, including Natural England, as part of the Evidence Base process, documented in ECi14 of the Evidence Base table</p>

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			<p>in Appendix 1.1 of the Environmental Statement (Document Reference 3.4, APP-146).</p> <p>Once the mitigation for protected species, landscape and visual effects and habitat loss was developed and incorporated into the Project, the BNG 2.0 Metric was applied to the overall ecological and landscape mitigation requirements.</p> <p>Following the publication of BNG 3.1 the team are in the process of recalculating the BNG Metric output.</p>
Cumbria County Council, RR-123	Impacts to Land	<p>Other Matters</p> <p>From a property and land perspective, the Council has significant concerns about the land National Highways is planning to acquire on a permanent basis at Skirsgill and Kemplay Bank due to the serious detrimental effect this will have on the Council's ability to provide essential services.</p>	<p>National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the project, including required mitigation measures. The permanent land required to construct and operate the project is considered to be the minimum land required to construct the Project and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations. For further details please refer to the Project Development Overview Report (Document Reference 4.1, APP-244), Environmental Statement (Document Reference 3.1-3.2, APP-043 to APP-059) and Consultation Report (Document Reference 4.4, APP-252).</p> <p>The proposed layout at Skirsgill and Kemplay Bank (including compound and storage areas) will be developed and refined during the detailed design stage. We will continue to work with the Council through the DCO</p>

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			process and into detailed design to minimise detrimental effects where feasible.
Cumbria County Council, RR-123	Funding and Delivery	<p>Until the submission of the application for the Project the Council was adequately resourced through the PPA to respond to the consultations and engagement with National Highways. Since then, there has been minimal support and the Council has lacked the resources to carry out a review of the application documents. It is not clear therefore, if the Project as submitted has addressed the Council's concerns which were raised in consultation responses. The Council has been left with no alternative but to raise these issues in this representation and set them out in more detail within the accompanying Principal Areas of Disagreement Summary Statement ("PADSS"). There is a need to resolve this resourcing issue to enable the Council to engage effectively with National Highways, engage in the application process and contribute to the detailed design of the Project to support its delivery under Project Speed.</p> <p>On 1 April 2023 local government in Cumbria will change. The current six district councils, along with county council, will be replaced by two new 'unitary' councils. For the area of the County in which the Project is located, the new Westmorland and Furness Council will be created. It will inherit the roles and functions of, and replace, Cumbria County</p>	<p>Cumbria County Council's position in relation to resourcing and reviewing the application documents is understood by National Highways. National Highways has agreed funding within the Planning Performance Agreement to support Cumbria County Council through the Examination period.</p> <p>National Highways is aware of the forthcoming changes in local government and that the changes are scheduled to be implemented before the end of the examination in May 2023. National Highways is currently undertaking a review of the draft DCO to identify the amendments that are required to be made to reflect the change in local government.</p> <p>The Joint Engagement Statement is a very helpful explanation of the transitional and future arrangements of the local authorities in terms of future engagement on the Project. National Highways looks forward to continuing to work with Cumbria County Council and Eden County Council, in addition to working with Westmoreland and Furness Council in its 'Shadow Authority' role and, from 1 April 2023, in its formal capacity.</p> <p>Cumbria County Council's position in relation to resourcing and reviewing the application documents is understood by National Highways.</p> <p>A project funding allocation has been approved by National Highways to provide continuation of (and setup of</p>

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		<p>Council and Eden District Council. From this date Westmorland and Furness Council will be responsible for providing all the services currently delivered in those areas by the three district and borough councils and Cumbria County Council. A Joint Engagement Statement is submitted alongside this representation and sets out how the existing and replacement authorities will engage in the Pre-examination and Examination stages of the Application process.</p>	<p>new) PPAs with all Local Authorities through the DCO Examination period. This will enable Local Authorities to better understand the application documents and support further engagement and collaboration on issues listed within the Principal Areas of Disagreement Summary Statement and Statement of Common Ground.</p>
<p>Cumbria County Council, RR-123</p>	<p>Design, Engineering and Construction Traffic and Transport</p>	<p>Network Resilience To increase the resilience of the route once operational, the scheme should incorporate the use of more and smarter technology, for example variable message signs. Consideration should be given to enhancing the existing strategic diversion routes, specifically the A6 and A685. The impact of the Project on permanent diversion routes needs to be considered and mitigated during the planning and construction phases.</p>	<p>There is a like-for-like replacement of Variable Messaging Signs across the project to maintain standards of driver information. Operational enhancements to strategic diversion routes do not form part of the scope of the project, however, Cumbria County Council will be invited to engage on the development of management plans for operational technology during detailed design stage, to identify optimisations to how strategic diversion routes are managed on the A66. National Highways will also continue to engage Cumbria County Council as part of a separate freight service enhancement study along the A66 corridor, which includes an assessment of HGV driver information on the A685. National Highways is carrying out a review of options to</p>

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			improve network resilience along A685 i.e. between A66 Brough and M6 J38.
Cumbria County Council, RR-123	Design, Engineering and Construction Traffic and Transport	Improved Facilities for HGVs Consideration of the adverse impacts arising from substantial increase in HGV traffic is required. The Project should act as a catalyst to the provision of high quality and dedicated HGV parking and service provision across the A66 corridor. To support the logistics sector NH need to provide clarity on provision of parking and services to accommodate increased usage by HGVs and parking and services demands.	<p>We have met with the Council to discuss CCC's concerns regarding the demand for HGV facilities.</p> <p>Chapters 7 and 8 of the Transport Assessment (Document Reference 3.7, APP-236) consider the impact of the Project on traffic conditions. Paragraph 7.2.3 states that the average additional growth in traffic on the A66 due to the project in 2044 is 30%. Tables 7-5 and 7-6 show the split of traffic between Cars and HGVs with and without the Project. This shows that the growth in HGV traffic due to the project is on average 6%. The smaller growth in HGV traffic is due to the assumptions within the Traffic Model (and in line with the DfT's TAG guidance) that car traffic is more likely to change its destination (within the variable demand model) and its route (due to being more influenced by travel time, rather than travel distance) than HGV traffic. Therefore, traffic growth caused by the project is greater for cars than HGVs.</p> <p>We can confirm that laybys have been proposed in accordance with Design Manual for Roads and Bridges (DRMB) standards.</p> <p>CCC will be consulted as part of a separate nation-wide freight study running in parallel with the DCO Examination. The aim of the study is to identify locations where new freight services and parking might be feasible on the Strategic Road Network. There is currently a £20m lorry</p>

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			<p>parking improvement fund that is available to improve existing facilities up until March 2025.</p> <p>Impacts arising from HGVs have been considered further in the air quality and noise assessments which form part of the Environmental Statement. During the construction phase, potential air quality effects arise from emissions from HDVs (Heavy Duty Vehicles) using the road network. These impacts are discussed further in section 5.10 of Chapter 5 Air Quality of the Environmental Statement (Document Reference 3.2, APP-048). Best practice mitigation measures are discussed in section 5.9.</p> <p>The predicted noise impacts of the Project reflect changes in traffic speed, flow and percentage of HGVs. Additional traffic would be generated on the existing nearby road network by the construction works and therefore road traffic noise levels may increase during construction. Further details are provided in section 12.10 of Chapter 12 Noise and Vibration, with proposed mitigation measures set out in section 12.9 (Document Reference 3.2, APP-055).</p> <p>Possible construction traffic diversion routes are shown in Figure 12.9 of the Environmental Statement and will be the subject of further discussion with local authorities and relevant stakeholders (Document Reference 3.3, APP-120). The selection of these routes will be conducted in line with the Environmental Management Plan (Document Reference 2.7, APP-019) and Construction Traffic Management Plan (Document Reference 2.7, APP-033).</p>

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			<p>Further details on the management of construction impacts arising from HGV traffic are provided in Annex B4 Air Quality and Dust Management (Document Reference 2.7, APP-024), Annex B5 Noise and Vibration Management (Document Reference 2.7, APP-025) and the Construction Traffic Management Plan (Document Reference 2.7, APP-033).</p>
Cumbria County Council, RR-123	Design, Engineering and Construction	<p>Construction impacts (including Diversion Routes) There should be a clear construction traffic management plan and the establishment of suitable diversion routes to support the construction of the new upgraded sections of the A66. Potential diversion routes are not suitable without mitigation and fall outside the DCO boundary.</p>	<p>The Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) incorporates construction phase management, setting out how construction stage mitigation measures would be implemented to manage risks and certain requirements for contractors. Annex B10 (Document Reference 2.7, APP-030) includes the construction worker travel and accommodation plan and Annex B13 (Document Reference 2.7, APP-033) includes the construction traffic management plan. The EMP will be further developed by the Principal Contractors into a second iteration prior to the construction phase of the Project, should the DCO be made, and implemented at construction stage. This will have to be developed in compliance with the EMP, which will be a certified document secured under the DCO.</p> <p>We will look to mitigate disruption to landowners and their businesses during construction through the development of thorough local traffic management and access plans.</p>
Cumbria County	Legal	Introduction and Purpose	<p>National Highways is grateful for the confirmation of the working arrangements proposed for the authorities prior to the transfer of their functions to the Westmorland and</p>

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Council, RR-123		<p>Further to the Examining Authority's letter of 29 July 2022, this paper sets out the Joint Engagement Statement of Cumbria County Council, Eden District Council and Westmorland and Furness Council. It details how the existing and replacement authorities will engage in the Pre-examination and Examination stages of the Application process for the A66 NTP Project, particularly in regard to the submissions of documents such as the Local Impact Report, Written Representations, Statement of Common Ground and Principal Areas of Disagreement Summary Statements.</p> <p>Local Government Reorganisation (LGR) in Cumbria</p> <p>On 1 April 2023 local government in Cumbria will change. The current six district councils, along with Cumbria County Council, will be replaced by two new 'unitary' councils.</p> <p>Westmorland and Furness Council will be created and will inherit the roles and functions of and subsequently replace Cumbria County Council and Eden District Council.</p> <p>The draft Cumbria (Structural Changes) Order 2022 to set out the process of creating the new councils is proceeding through Parliament and will be agreed by 29 March 2023.</p>	<p>Furness Council in April 2023 and welcomes the continued co-ordinated participation of Cumbria County Council and Eden District Council in the examination of National Highway's proposals. National Highways remain open to discussions regarding the formalities required to enable any funding/ PPA agreed to continue to be effective after the LGR.</p>

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		<p>The Order states that on 1st April 2023 the existing district councils and county council will cease to exist.</p> <p>From this date Westmorland and Furness Council will be responsible for providing all the services currently delivered in those areas by the three district and borough councils and the County Council.</p> <p>Established working arrangements between Cumbria County Council and Eden District Council</p> <p>Cumbria County Council and Eden District Council have well established working arrangements to co-ordinate their input into the A66 NTP project.</p> <p>Prior to submission of the Development Consent Application a joint Planning Performance Agreement has provided the mechanism to resource both councils' input to providing an effective response to this complex proposal.</p> <p>To date the councils have used joint technical support from consultants to underpin their responses and ensure a joined-up approach. The councils have engaged with National Highways through joint meetings.</p> <p>Transitional Arrangements</p> <p>Cumbria County Council and Eden District Council will continue to operate and deliver all current services until April 2023 and maintain their responsibilities and decision-making powers as local</p>	

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		<p>highway authority and local planning authority, as well as responding as host authorities to the Application process.</p> <p>In this respect Cumbria County Council and Eden District Council will continue to co-ordinate their input to responses to information relating to the A66 Trans-Pennine Dualling project, including:</p> <ul style="list-style-type: none"> 67) Principal Areas of Disagreement Summary Statements 68) Relevant Representations 69) Local Impact Report 70) Written Representations 71) Statement of Common Ground <p>As part of the process to set up the new unitary councils, 'shadow' authorities were created following elections in May 2022. The Shadow Authority for Westmorland and Furness Council will be overseeing the planning and preparation for the new unitary council between now and April 2023.</p> <p>The Shadow Authority currently has no responsibility for service delivery or decision-making powers, but it operates alongside the existing councils until Westmorland and Furness Council becomes operational on 1 April 2023.</p> <p>In order to maintain an efficient transition between authorities a programme of joint briefings of Cumbria County Council and Eden District Council and</p>	

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		<p>Westmorland and Furness Council elected members is established. Members of all three councils will be briefed on the content of the LIR and other key submissions. Eden's current Cabinet Portfolio holder responsible for planning and development has been appointed to a similar role in the new authority, therefore, providing consistency of political inputs to this project. The resourcing of this project is being considered through the LGR Place Theme and captured within both Highway and Planning workstreams. This work should support the smooth transition between existing and new councils.</p> <p>However, the Councils will not have additional resources following the LGR process meaning that existing resource pressures will remain. Should further PPA or other funding be secured to support local authority's engagement in the project, it would be possible for the PPA to novate to the new Westmorland & Furness Council and resource to transfer</p>	
Eden District Council, RR-127	Impacts to Land	<p>Land acquisition: The Council is open to entering informal without prejudice discussions with respect to the acquisition of land owned by the Council and this has been acknowledged by National Highways. However, this is in the very early stages and we are likely to require further information.</p>	National Highways will continue to engage with Eden District Council on these matters.

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Eden District Council, RR-127	Walking, Cycling and Horse Riding (WCH)	<p>Non-Motorised transport: We seek to ensure that acceptable provision is made in relation to continuity of cycle routes, standard of route, effectiveness of crossing/connection points. Routes through major junctions. In addition, we need to make sure provision is made for horse drawn vehicles particularly as access routes to historic traveller festivals are affected by the proposals.</p>	<p>The project proposals for dealing with non-motorised users is outlined in the Walking, Cycling and Horse-riding Proposals (Document Reference 2.4, APP-010), submitted as part of the DCO application.</p> <p>Existing bridleways will be maintained or diverted to ensure continued connectivity.</p> <p>There will be potential negative impacts on journeys to and from a number of the local historic traveller festivals during construction. However, with the proposed upgrade to dual carriageway standard, we would expect lower traffic volumes on the detrunked sections (particularly west of Appleby) which will improve access for local traffic and Fair attendees. In addition, a dual carriageway will provide an increased opportunity to overtake horse-drawn vehicles thus reducing delay to other road users and it is hoped that the route of the old A66 (detrunked) could be utilised as it will have significantly lower traffic volumes and thereby more suitable for horse drawn vehicles.</p> <p>It is also worth noting that we have amended the design since statutory consultation to address feedback and concerns from attendees of the Appleby Fair and the local authorities.</p> <p>Furthermore, the proposed east/west WCH provision is envisaged to be at least 3m wide and suitable for walkers and off-road bikes and will likely consist of a compact stone or be gravel dust topped.</p>

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			Nonetheless we will continue to engage with the Local Authorities on these issues and seek agreement that its proposals represent the optimal solution and that any adverse effects of the scheme have been appropriately mitigated. Continued engagement with local authorities will continue during detailed design.
Eden District Council, RR-127	Air Quality	Air quality impacts and mitigation need to be understood at a number of locations along the route.	The Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-048) reports the likely significant effects of the Project arising from air quality impacts. It reports these impacts and effects at a number of locations in accordance with the Scoping Opinion received by the SoS and relevant industry guidance. As such it provides a robust assessment. National Highways will engage with Eden District Council regarding the locations referred to.
Eden District Council, RR-127	Noise and Vibration	Noise Impacts and mitigation need to be understood at a number of locations along the route.	Further information is required regarding the specific location of the receptors of concern. Environmental Statement Chapter 12: Noise and Vibration (Document Reference 3.2, APP-055) provides information on impacts of noise, and any mitigation requirements across the Project. It reports these impacts and effects at a number of locations in accordance with the Scoping Opinion received from the SoS and in accordance with relevant industry guidance. As such it provides a robust assessment. National Highways will engage with Eden District Council regarding the locations referred to.

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Eden District Council, RR-127	Landscape and Visual	Landscape quality of the route corridor needs to be understood and commensurate with a route that provides access to and travels through or between the North Pennine AONB, Yorkshire dales National Park, the Westmorland Fells, the Eden Valley and the Lake District National Park which is a World Heritage Site. The way the area presents itself to the users of the route will be important to the long term economy of the area which is to a significant extent reliant on tourism driven by the landscape beauty of the area.	<p>The comment is duly noted and has been taken into account. The landscape setting has been carefully considered within the overarching design vision for the Project and is set out in further detail within the Project Design Principles (Document Reference 5.11, APP-009). The landscape framework and the sense of place created by it is an integral part of the Project.</p> <p>Landscape quality has been considered as part of the Landscape and Visual Chapter of the Environmental Statement (Document Reference 3.2, APP-053).</p>
Eden District Council, RR-127	Design, Engineering and Construction	The design of structures on the routes needs to take into account the effect on the high-quality landscape and historic environment.	Structures design proposals have undergone an aesthetic review to ensure they comply with the overarching design aspirations, as outlined in both the Environmental Statement (ES) and Project Design Principles (PDP) (Document Reference 5.11, APP-302). These designs will be developed further during detailed design ensuring compliance with the afore-mentioned documents, adhering to Project wide principles of design such as LI02 which requires the use of locally specific materials for new structures where reasonably practicable and HEC01 which states "Where appropriate and reasonably practicable, facing materials and details of new structures must be compatible with the visual character of existing adjacent heritage assets". There are further project wide principles as well as scheme specific principles where there are additional heritage and landscape features to take into account during detailed design.

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Eden District Council, RR-127	Climate	Climate change and Carbon Offsetting. We need to be happy with the measures taken in view of national policy and EDC declaration of a climate emergency. A project of this scale, the largest affecting the area, needs to complement and not undermine other local and national efforts towards achieving net zero	<p>The assessment of the potential effects of the Project on the Climate and any required mitigation is set out in Environmental Statement Chapter 7 (Document Reference 3.2, APP-050).</p> <p>Whilst the GHG assessment has identified an increase in GHG emissions, in the context of the overall UK GHG emissions the magnitude of the increase will not have a material impact on the Government meeting its carbon reduction targets.</p> <p>National Highways notes that a climate emergency was declared by EDC and the UK Parliament in the House of Commons on 1 May 2019. National Highways considers climate change to be a very important issue, and as such has conducted a thorough assessment of the impact of the Project on climate change. The declarations made by the UK Parliament do not give cause to alter the conclusions of the Environmental Statement assessment and the Project will make an extremely limited contribution to the UK's carbon reduction targets.</p> <p>National Highways also notes paragraph 5.17 of the National Policy Statement for National Networks (NPSNN) which states that it is "very unlikely that a road project will in isolation affect the ability of Government to meet its carbon reduction plans". In the context of the Project, the greenhouse gas assessment has demonstrated that the Project will not materially affect the ability of Government to meet its carbon reduction targets.</p>

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			<p>As detailed design progresses opportunities will be sought through construction and design development to reduce the carbon requirement of the Project. Measures to reduce carbon are included within the Environmental Management Plan (Document Reference 2.7, APP-019), see D-CL-01 and MW-CL-01.</p>
Eden District Council, RR-127	<p>Design, Engineering and Construction</p> <p>Population and Human Health</p>	<p>Impacts on Wetheriggs Country Park that is affected by land take by the project that impacts on sports facilities, an informal leisure facility, sensitive housing receptors, mature landscaping and biodiversity. A detailed masterplan for this area needs to be put in place to mitigate these impacts in the most effective way.</p>	<p>Chapter 13 Population and Human Health (Document Reference 3.2, APP-056) of the Environmental Statement assesses the impacts upon Wetheriggs Country Park as a community asset. It is acknowledged that there will be a loss of land at Wetheriggs Country Park however it is replaced as detailed in the mitigation section. Section 13.9.21 states that 0.9ha of replacement Common Land will be provided for that lost at Wetheriggs Country Park and the loss of land that is adjacent to the Ullswater Community College Rugby Field. It should be noted that the Rugby field itself is not affected and suitable spectator areas will be maintained. As such the usability of the Park and the sports pitch is unaffected.</p> <p>Section 7.2 of the Statement of Reasons (Document Reference, APP-299) provides further detail of the replacement land to be provided to compensate the local community for land take from Wetheriggs Country Park. The replacement land currently comprises a field used for grazing; the area proposed by way of replacement exceeds the area which will be lost (see table under 7.2.10) and will be capable of beneficial use for the purposes of public recreation. The proposed replacement</p>

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			<p>land is identified on the Special Category Land Plans (Document Reference 5.15, APP-314).</p> <p>Article 34 of the DCO makes provision for the special category land to be acquired once the Secretary of State has certified a scheme for the provision of the replacement land in consultation with the local planning authority. NH will continue to discuss its proposals for the provision of replacement land with Eden District Council.</p> <p>Impacts to landscape have been set out and assessed in the Environmental Statement Chapter 10: Landscape and Visual (Document Reference 3.2, APP-053). Significant adverse effects are predicted during construction as noted in section 10.8.22, but they would be temporary in nature. During operation users of the Park would experience significant adverse visual effects in Year 1 (section 10.8.26) which would reduce to not significant by Year 15 (section 10.8.29).</p> <p>Impacts to biodiversity have been set out and assessed in the Environmental Statement Chapter 6: Biodiversity (Document Reference 3.2, APP-049).</p> <p>The sensitive housing receptors have been assessed across the environmental statement. The likely effects of the Project on residents is covered within the human health assessment of Chapter 13 Population and Human Health (Document Reference 3.2, APP-056). The closest residential receptors are those along Clifford Road to the immediate north of Wetheriggs Country Park. During construction the temporary increase in levels of</p>

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			<p>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. This is assessed as a negative health effect. During operation the visual impacts at year 1 will be a negative health impact which reduces to neutral once vegetation becomes established and the community becomes used to the presence of the new infrastructure.</p> <p>Mitigation measures to reduce the potential impacts of the Project are described within these chapters and have informed the development of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) and associated Annexes, including an outline landscape and ecology management plan. These documents will develop alongside the design of the Project as the DCO progresses.</p> <p>Annex B1 of the EMP (Document Reference 2.7, APP-021) contains an outline Landscape and Ecological Management Plan (LEMP). The EMP requires that the LEMP is developed in further detail in consultation with various stakeholders, including the local planning authorities. Compliance with this process is secured through article 53 of the draft DCO. This will then be subject to approval from the SoS prior to the start of works. The LEMP once approved will contain specifications for long term management and monitoring.</p> <p>Design considerations and context are identified in the Project Design Report (Document Reference 2.3, APP-</p>

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			<p>009) and the design will be guided by the design principles outlined in the Protect Design Principles (Document Reference 5.11, APP-302). As well as the overall design principles which will apply there is a scheme specific design principle identified for Wetheriggs (0102.04 Minimise impacts on mature tree canopy cover at Wetheriggs Country Park to maintain setting and landscape experience as far as reasonably practicable. Opportunities should be explored for the enhancement of Wetheriggs Country Park (CH10000) through woodland management and sensitive replanting.)</p>
Eden District Council, RR-127	Design, Engineering and Construction	Worker Accommodation Strategy needs to be agreed to avoid negative impacts on a sparsely populated rural area that relies heavily on its accommodation stock to support its important tourism industry.	Annex B10 of the Environmental Management Plan (EMP), Construction Worker Travel and Accommodation Plan (Document Reference 2.7, APP-030) provides an outline Construction Worker Travel and Accommodation Plan, which will be developed further in consultation with the Local Planning Authorities including Eden District Council. It will ensure that additional demand created by non-home-based workers can be met by the current local housing market and visitor accommodation supply). The Plan will be completed on an iterative basis by the Principal Contractor as the Project progresses through detailed design and will describe the approach to managing travel and accommodation for construction workers during the construction phase. This process is secured through the EMP (Document Reference 2.7, APP-019).

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Eden District Council, RR-127	Population and Human Health	A local economic optimisation strategy needs to be agreed to impact positively on the local area particularly during the construction phase.	Annex B12 of the EMP (Document Reference 2.7, APP-032) provides an outline Skills and Employment Strategy, which will set out measures to upskill and maximise the use of a local workforce and supply chains. The Strategy will also provide support and guidance to existing businesses that are impacted as a result of the construction and/or operation of Project.
Eden District Council, RR-127	Flooding and Drainage	Impacts on watercourses need to clear and appropriate mitigation agreed.	The impacts on watercourses from the highway drainage system are set out in the Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221). Detailed designs for the mitigation measures will be developed during the detailed design stage in accordance with current legislation and design standards, this process is secured in the Environmental Management Plan. Refer to the Road Drainage and Water Environment section of Table 3.2 in the Environmental Management Plan, (Document Reference 2.7, APP-019)
Eden District Council, RR-127	Biodiversity and BNG	Biodiversity mitigation and net gain in line with the requirements of the Environment Act 2021 need to be delivered.	Biodiversity net gain is not currently a requirement for Nationally Significant Infrastructure Projects; however, National Highways are committed to maximising biodiversity delivery achieved by the Project. The environmental mitigation design has been developed to ensure that mitigation is provided for impacts on protected species, and that replacement habitats are provided for those lost. In order to demonstrate effective mitigation for habitat impact and loss the Project has applied the principle of No Net Loss. To measure this

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			<p>outcome the application of 0% Biodiversity Net Gain (BNG) as set out within Natural England's BNG Metric 2.0 was applied (Metric 2.0 being the available metric at the time of mitigation determination). This approach was discussed and agreed with the Strategic Environmental Bodies, including Natural England, as part of the Evidence Base process, documented in EclA14 of the Evidence Base table in Appendix 1.1 of the Environmental Statement (Document Reference 3.4, APP-146).</p> <p>Once the mitigation for protected species, landscape and visual effects and habitat loss was developed and incorporated into the Project, the BNG 2.0 Metric was applied to the overall ecological and landscape mitigation requirements.</p> <p>Following the publication of BNG 3.1 the team are in the process of recalculating the BNG Metric output.</p> <p>Impacts and proposed mitigation are detailed further within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and underpinned by detailed assessments within separate appendices to ES Chapter 6.</p>
Eden District Council, RR-127	Cultural Heritage	All impacts on the historic environment are not yet understood. Mitigation needs to be agreed.	The likely significant effects on cultural heritage are set out in the Environmental Statement Chapter 8: Cultural Heritage (Document Reference 3.2, APP-051), including necessary mitigation measures. These mitigation measures are contained within the Environmental Management Plan (Document Reference 2.7, APP-019), compliance with which is secured in the DCO. This

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			<p>includes the development of the Heritage Mitigation Strategy, which must be consulted on with the relevant local planning authorities (D-CH-01) and approved by the Secretary of State as part of a second iteration EMP. The Environmental Statement reports an assessment that has been carried out in accordance with the relevant legislation and guidance (as set out in section 8.3 of Chapter 8 within the Environmental Statement) (Document Reference 3.2, APP-051) and therefore reports the likely significant effects of the project on the environment. National Highways will continue to engage with Eden District Council as detailed design progresses.</p>
Eden District Council, RR-127	Design, Engineering and Construction	The potential for post construction use of compounds needs to be considered including permanent access and suitability for other end uses.	<p>Any land possessed temporarily under Article 29 of the Draft DCO (Document Reference 5.1, APP-285) for purposes such as compounds will be returned to the landowner, unless it is acquired for other purposes under article 19. Article 29 of the Draft DCO requires land possessed temporarily to be returned in a condition reasonably satisfactory its owner.</p>
Eden District Council, RR-127	Design, Engineering and Construction	HGV and other services along the route have not been provided for. Proposals need to be agreed and assessed in terms of environmental impacts before the project is consented.	<p>We have met with the Council to discuss their concerns regarding the demand for HGV facilities.</p> <p>Chapters 7 and 8 of the Transport Assessment (Document Reference 3.7, APP-236) consider the impact of the Project on traffic conditions. Paragraph 7.2.3 states that the average additional growth in traffic on the A66 due to the project in 2044 is 30%. Tables 7-5 and 7-6 show the split of traffic between Cars and HGVs with and without the Project. This shows that the growth in HGV traffic due</p>

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			<p>to the project is on average 6%. The smaller growth in HGV traffic is due to the assumptions within the Traffic Model (and in line with the DfT's TAG guidance) that car traffic is more likely to change its destination (within the variable demand model) and its route (due to being more influenced by travel time, rather than travel distance) than HGV traffic. Therefore, traffic growth caused by the project is greater for cars than HGVs.</p> <p>We can confirm that laybys have been proposed in accordance with Design Manual for Roads and Bridges (DRMB) standards.</p> <p>CCC will be consulted as part of a separate nation-wide freight study running in parallel with the DCO Examination. The aim of the study is to identify locations where new freight services and parking might be feasible on the Strategic Road Network. There is currently a £20m lorry parking improvement fund that is available to improve existing facilities up until March 2025.</p> <p>Impacts arising from HGVs have been considered further in the air quality and noise assessments which form part of the Environmental Statement. During the construction phase, potential air quality effects arise from emissions from HDVs (Heavy Duty Vehicles) using the road network. These impacts are discussed further in section 5.10 of Chapter 5 Air Quality of the Environmental Statement (Document Reference 3.2, APP-048). Best practice mitigation measures are discussed in section 5.9.</p>

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			<p>The predicted noise impacts of the Project reflect changes in traffic speed, flow and percentage of HGVs. Additional traffic would be generated on the existing nearby road network by the construction works and therefore road traffic noise levels may increase during construction. Further details are provided in section 12.10 of Chapter 12 Noise and Vibration, with proposed mitigation measures set out in section 12.9 (Document Reference 3.2, APP-055).</p> <p>Possible construction traffic diversion routes are shown in Figure 12.9 of the Environmental Statement and will be the subject of further discussion with local authorities and relevant stakeholders (Document Reference 3.3, APP-120). The selection of these routes will be conducted in line with the Environmental Management Plan (Document Reference 2.7, APP-019) and Construction Traffic Management Plan (Document Reference 2.7, APP-033).</p> <p>Further details on the management of construction impacts arising from HGV traffic are provided in Annex B4 Air Quality and Dust Management (Document Reference 2.7, APP-024), Annex B5 Noise and Vibration Management (Document Reference 2.7, APP-025) and the Construction Traffic Management Plan (Document Reference 2.7, APP-033).</p>
Eden District Council, RR-127	Environment and EMP	Diversion Route impacts and mitigation need to be clear discussed and agreed.	The Environmental Management Plan (Document reference 2.7, APP-019) (EMP) has been developed to control construction impacts, setting out an array of controls required to be implemented in the construction

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			<p>phase. Annex B13 Construction Traffic Management Plan (Document 2.7, APP-033) which sets out the essay plan for a Construction Traffic Management Plan (CTMP) that must be developed]. This essay plan includes the key stakeholders that will be engaged with in the development of the final Construction Traffic Management Plan in section B13.2.1 and includes Eden District Council and Cumbria County Council. Under the EMP, the developed, detailed CTMP is subject to consultation with the local planning and highway authorities (in accordance with the consultation provisions contained within the EMP). The CTMP must then be approved by the Secretary of State as part of a 2nd iteration EMP prior to the start of works (see article 53 of the draft DCO (Document Reference 5.1, APP-285) and paragraph 1.4.11 of the EMP). These are legally enforceable requirements.</p>
Eden District Council, RR-127	Design, Engineering and Construction	Construction Impacts and mitigation need to be clear, discussed and agreed.	Construction impacts are reported in the Environmental Statement. National Highways will continue to engage with Eden District council concerning these impacts and mitigation proposals and report these matters in the Statements of Common Ground.
Eden District Council, RR-127	Impacts to Land	Negotiations on the purchase of land owned by EDC is underway but there are a number of unresolved issues yet to be agreed which need to be the subject of discussion in the Examination.	National Highways will continue to engage with Eden District Council on these matters.

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Eden District Council, RR-127	Environment and EMP	Proposed route alignments requiring removal of mature trees and demolitions need to be avoided wherever possible. There are number of locations where agreement on this is required.	<p>Duly noted. The detailed design will be undertaken within the parameters of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302). These two documents secure mitigation identified as required within the Environmental Statement and its Chapters (Document Reference 3.2, APP-048 to APP-057). This includes where there might be impacts on matures trees or demolition of property. The Environmental Management Plan (Document Reference 2.7, APP-019) Register of Environmental Actions and Commitments C D-LV-04 which requires tree removal to be kept to a minimum, D-BD-05 which requires replanting of lost habitats and D-LV-01 which requires an Arboricultural Impact assessment to be undertaken and tree protection plans be developed. Where trees of particular importance have been identified, measures have been included to ensure their protection such as Project Design Principle 0405.15 which specifies the requirement to retain the veteran oak tree on Sleastonhow Lane.</p> <p>Where the removal of trees is unavoidable there will be replanting as part of the habitat planting mitigation strategy which will be secured through the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302).</p> <p>Demolition of property and housing is required as part of the design submitted in the DCO, the decision for which</p>

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			<p>has been taken in engagement with affected landowners, these have been identified and assessed in Chapter 13 Population and Human Health of the Environmental Statement (Document Reference 3.2, APP-056) by scheme at various points in the report. National Highways will continue to engage with Eden District Council on these matters as will be reported in the SoCG.</p>
Eden District Council, RR-127	Road Drainage and the Water Environment	<p>Water Quality: the potential for the scheme to increase surface water run-off, via additional carriageways and traffic, adding to the nutrient load in rivers and watercourses, which in turn will exacerbate the nutrient neutrality problems facing housing development in the Eden catchment.</p>	<p>The Environmental Statement (ES) Chapter 14: Road Drainage and the Water Environment (Document Reference 3.2, APP-057), the Habitat Regulations Assessment (HRA) Statement to Inform Appropriate Assessment (Document Reference 3.5, APP-234) and (Document Reference 3.6, APP-235) and the Environmental Statement Appendix 14.1 WFD Compliance Assessment (Document Reference 14.1, APP-220) set out the potential effects of any changes to water run-off on watercourses, including the River Eden and its catchment. Based on these assessments, coupled with embedded avoidance and mitigation measures in the outline drainage design, and the Environmental Management Plan (Document Reference 2.7, APP-019) and Annex B7 Ground and Surface Water Management Plan (Document 2.7, APP-027), ES Chapter 14 referenced above section 14.10.13 to 14.10.14 and section 14.10.44 to 14.10.50 notes that there are no significant effects on water quality to any surface water receptor (including the River Eden catchment) in construction or operation.</p>

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			<p>As stated in section 1.5.50 of the HRA (APP-235) referenced above, the Project itself doesn't trigger the Nutrient Neutrality Methodology as there is no accommodation being built as a result of the Project. Section 1.5.38 and section 1.5.42 note that without mitigation there is risk of runoff affecting the River Eden SAC, however as noted in Section 1.5.293 it is considered that with embedded avoidance and mitigation measures that adverse effects on the integrity of the River Eden SAC can be ruled out.</p> <p>Natural England's (2022) <i>Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites</i> lists (in Table 2) the River Eden SAC as a site considered to be in unfavourable condition due to excessive nutrients (in the case of the River Eden SAC it is listed for phosphorous) which require an HRA and where nutrient neutrality is a potential solution to enable development to proceed. According to the Environment Agency's Phosphorus and Freshwater Eutrophication Pressure Narrative (2019) ⁴ the main sources of phosphorus (P) in rivers and lakes are sewage effluent (primarily from water industry sewage treatment works) and losses from agricultural land. Food waste, food and drink additives and P dosing of drinking waters all contribute to sewage P loadings. Septic tanks</p>

⁴ Environment Agency (2019) *Phosphorus and Freshwater Eutrophication Pressure Narrative*. https://consult.environment-agency.gov.uk/++preview++/environment-and-business/challenges-and-choices/user_uploads/phosphorus-pressure-rbmp-2021.pdf [16/09/2022]

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			<p>and package sewage treatment plants are small sources nationally but can be important sources locally, particularly in the headwaters of catchments. Leaking water mains are a newly identified P source entering ground and surface waters. Road runoff or traffic emissions are not listed in the paper and there is considered to be no credible pathway for additional phosphorus to enter River Eden SAC during construction or operation of the Project, either through discharge, surface run off, or leaching to groundwater. In conclusion, given there is no credible pathway for phosphorus pollution (as described above) as a result of the Project, it is considered that nutrient neutrality does not apply to the Project and also that the Project will not exacerbate the problems faced by future housing developments in the area and the need for such development to demonstrate nutrient neutrality.</p>
<p>North Yorkshire County Council and Richmondshire District Council, RR-122</p>	<p>Design, Engineering and Construction</p>	<p>Highway Design Improvements made between the Stephen Bank to Carkin Moor section have the potential to deliver significant benefits to journey times that will free up the existing A66 to support all local users and journeys. The Council expects that clear and effective junction configurations should be developed, not just on the newly dualled section but also the existing junctions on the route. We consider that the scheme should see greater junction safety and legibility .</p>	<p>New junctions have been designed in accordance with the Design Manual for Roads & Bridges (DMRB).</p> <p>At the western scheme extent in the vicinity of Browson Bank, a new westbound slip road is to be constructed to provide access from surrounding villages to the new westbound A66 dual carriageway.</p> <p>To maintain access to Collier Lane, a section of the existing A66 to the west of Ravensworth Lodge would be realigned over approximately 600m to facilitate connection to the new Collier Lane overbridge via a new priority junction.</p>

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			<p>Mains Gill Junction, which is a proposed new compact grade-separated junction to the west of Moor Lane, would provide connectivity between the de-trunked A66 and the proposed mainline of the new A66. This new junction is proposed to be placed in a cutting beneath the proposed alignment of the A66 and connects to the de-trunked A66 to the west of Mainsgill Farm. The southern section of Moor Lane would be stopped up and the highway realigned to connect to the Mains Gill Junction link road.</p> <p>The existing junction connection between the A66 and Warrener Lane would be removed, and a new link provided between Warrener Lane and the de-trunked A66, allowing vehicles travelling from Hartforth to access the proposed A66 alignment via Mains Gill Junction.</p> <p>Details of the development of the route and associated junction layouts can be found in the Project Development Overview Report (PDOR) (Document Reference 4.1, APP-244), specifically section 5.8 Stephen Bank to Carkin Moor.</p> <p>The scheme preliminary design including the developing junction layouts have been subject to a Stage 1 Road Safety Audit (RSA) to highlight any potential safety issues. The design will be further developed during the detailed design stage to rectify any residual safety issues picked up in the Stage 1 RSA. The detailed design will also be subject to a Stage 2 Road Safety Audit.</p>

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			An accompanying signage strategy will be developed at detailed design in consultation with North Yorkshire County Council to assist road users in navigating the new road and junction network.
North Yorkshire County Council and Richmondshire District Council, RR-122	Design, Engineering and Construction	A clear and detailed strategy is required for the section of the A66 that is to be “de-trunked”. It is assumed that any “de-trunked” sections of the existing A66 do not include a maintenance backlog, and that commuted sums will be provided by National Highways to support future upkeep. We also consider that transferred sections of the route should be subject to enhancements where these are considered to best reflect their new role, for example improved junction arrangements or the introduction of improved facilities for non-motorised users.	Draft De-trunking agreement proposals were issued to NYCC and RDC in September 2022, following consultation with Local Authority specialists, where they were available to participate. The proposals include Road Safety Audits, interface of National Highways and Local Authority assets, transfer of assets including related commuted sums and programme milestones. We noted a response from NYCC including requests around structures and surfacing. National Highways engagement with the Local Authorities to progress the De-trunking agreements will continue through the Examination period.
North Yorkshire County Council and Richmondshire District Council, RR-122	Design, Engineering and Construction and Traffic and Transport	The Council requires a clear strategy for the establishment of alternative/diversion routes. It is therefore important that detailed consideration is given to official diversion and “rat-run” routes to support both the construction and operational period of the route and that, where necessary, upgrades are delivered on the local road network to support this. Currently within the DCO submission there are no traffic management details included for the scheme.	Article 53(1) of the draft DCO (Document Reference 5.1, APP-285) provides that National Highways must not commence any part of the authorised development until a second iteration of the Environmental Management Plan (Document Reference 2.7, APP-019) has been submitted to and approved in writing by the Secretary of State. The second iteration must be substantially in accordance with the first iteration of the EMP. The Environmental Management Plan makes specific reference at D-GEN-10 in the Register of Environmental Actions and Commitments (REAC) in section 3.3 that no part of the project can start until a Construction Traffic

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			<p>Management Plan (CTMP) is developed which will include (amongst other requirements) the following: <i>“Details of proposed diversion routes, durations of use and proposals for encouraging compliance with designated diversion routes (with consideration for potential noise impacts).”</i></p> <p>The CTMP will need to be developed in detail in substantial accordance with the essay plan included at Annex B13 of the EMP (Document Reference 2.7, APP-033).</p> <p>The EMP states that the CTMP will include at a minimum a number of commitments during the construction of the Project, such as: <i>“Prior to any closure of the A66 the diversion routes shall be developed in consultation with the Local Highway Authority.”</i></p> <p>The draft DCO also contains a number of highways-related powers including construction and maintenance of new, altered or diverted streets (article 9), permanent stopping up of streets and private means of access (article 10), and temporary prohibition, restriction or regulation of use of streets (article 11). Traffic regulation measures are also provided for in article 42 of the draft DCO and are shown on 5.22 Traffic Regulation Measures Plans (Document Reference 5.22, APP-370, Document Reference 5.23, APP-377) and are described in Schedule 8 to the draft DCO (Document Reference 5.1, APP-285).</p>

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North Yorkshire County Council and Richmondshire District Council, RR-122	Walking, cycling and horse riding (WCH)	The scheme should seek to improve north-south connectivity where the existing PRoW network has been severed by the A66 in the past. The Council supports an offline route strategy for walking and cycling between M6 and A1(M) as an important endeavour for this scheme, that will bring a meaningful benefit for local communities and other road users. In particular we consider that the scheme should seek to support delivery of a Scotch Corner to Penrith "off A66" route suitable for walking and cycling. This would include enhancements along the de-trunked section of the A66.	Please refer to Walking, Cycling and Horse-riding Proposals (Document Reference 2.4, APP-010) which outline the proposed north-south and east-west connectivity improvements within the Stephen Bank to Carkin Moor scheme extents. At A1(M) J53 Scotch Corner, it is proposed to retain the existing WCH provision.
North Yorkshire County Council and Richmondshire District Council, RR-122	Road Drainage and the Water Environment	A drainage review should consider the combining of drainage ponds to reduce costs / land take, along with rationalising of the maintenance of the drainage ponds to be owned by the Council. The current drainage strategy submitted as part of the DCO, gives concern to NYCC, over the existing flooding of the A66 which is to be de-trunked and therefore the responsibility of the Council. This issue remains unresolved.	The current drainage strategy, outlined in 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which the detailed design of the scheme must be compatible with (see commitment D-RDWE-02 in the Environmental Management Plan (document reference 2.7, APP-019) is to provide separate drainage ponds for Trunk Road and Local Road drainage systems, in accordance with the Design Manual for Roads and Bridges and to outfall these ponds via pipes and/ or ditches into the nearest available watercourse. National Highways and the Local Authorities recognise there may be efficiencies in combining the proposed ponds and this will be considered as part of our detailed design work. This may involve amendments to current indicative pond locations and/or shape within the DCO Order Limits and in

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			<p>accordance with the Project Design Principles (Document Reference 5.11, APP-302) (as permitted by the DCO) to better fit the existing landscape including field patterns.</p> <p>There are numerous incidents of flooding to the existing A66 (identified on HADDMS – National Highways trunk road database) that do not directly affect the proposed dual carriageway but affect de-trunked sections of road. These shall be further investigated during future design stages and the drainage design refined where necessary, to satisfy the de-trunking requirements agreed between NH and the Local Authority. Flood risk in these areas is not increased as a result of the proposed scheme.</p> <p>Existing asset information was shared with NYCC between June and July 2022 and a draft de-trunking agreement proposal was issued on 15 September 2022.</p> <p>National Highways will continue to engage with NYCC and RDC on these points, which will be documented within the Statement of Common Ground (SoCG) (Document Reference 4.5, APP-281).</p>
North Yorkshire County Council and Richmondshire District Council, RR-122	Landscape and Visual	<p>Landscape and Visual Improvements</p> <p>The Authority is satisfied that the DCO Application includes an adequate Landscape and Visual Impact Assessment (LVIA) subject to inclusion of selected illustrations (elevations, cross sections and photomontages) to help explain significant effects and illustrate key features of the scheme in a wider context (such as the proposed overbridges).</p>	<p>The Project Design Principles document (Document Reference 5.11, APP-302) is available as part of the DCO Application and sets out the underpinning principles on which the mitigation is based. Interested Parties will have an opportunity to comment on this document during the examination and National highways will consider comments made. In addition, National Highways will</p>

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		<p>The Application should also include an explanation of the design principles in order to demonstrate good design.</p> <p>The Applicant states that the Structures have undergone an aesthetic review to ensure they comply with the overarching design aspirations (ES 10.9.4). Reference is also made to a Project Design Principles document (PDP) (Application Document 5.11). However, this review or PDP document are not clear or evident in the Application.</p> <p>It is acknowledged that illustrative layouts of the key mitigation principles are shown on the visual Environmental Mitigation Maps (Application Document 2.8). However, these are illustrative layouts not intended to be secured by the DCO (ES 2.7.4).</p> <p>The Authority would wish to see an outline landscape strategy (incorporating mitigation) secured through the DCO and would welcome an opportunity to continue to work with the Applicant on detailed aspects of the landscape and visual mitigation, to ensure an appropriate response.</p> <p>The Authority would also wish to see further information and clarification for long-term maintenance and management of proposed landscape mitigation including responsibilities and</p>	<p>continue to engage on these matters with NYCC and RDC as will be recorded in the Statement of Common Ground.</p> <p>Annex B1 of The Environmental Management Plan (EMP) (Document Reference 2.7, APP-021) contains an outline Landscape and Ecological Management Plan (LEMP). The EMP requires that the LEMP is developed in further detail in consultation with various stakeholders, including the local planning authorities. Compliance with this process is secured through article 53 of the draft DCO. This will then be subject to approval from the SoS prior to the start of works. The LEMP once approved will contain specifications for long term management and monitoring.</p> <p>The Project Design Principles (PDP) (Document Reference 5.11, APP-302) outlines key landscaping design considerations with Theme A outlining key principles to promote landscape integration and landscape character amongst others. The detailed design of the Project must be carried out so as to be compatible with the PDP, this is secured in article 54 of the DCO, if made.</p>

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		how landscaping is secured as a permanent element of the scheme through the Order.	
North Yorkshire County Council and Richmondshire District Council, RR-122	Biodiversity and BNG	In relation to Biodiversity Net Gain, the authority welcomes the use of the metric and whilst it is not yet mandatory we would advocate for 10% net gain across area based, linear and river habitats.	<p>Biodiversity Net Gain it is not currently a requirement for Nationally Significant Infrastructure Projects. However, National Highways are committed to maximising biodiversity delivery achieved by the Project.</p> <p>In order to demonstrate effective mitigation for habitat impact and loss the Project has applied the principle of No Net Loss. To measure this outcome the application of 0% Biodiversity Net Gain (BNG) as set out within Natural England's BNG Metric 2.0 was applied (Metric 2.0 being the available metric at the time of mitigation determination). This approach was discussed and agreed with the Strategic Environmental Bodies, including Natural England, as part of the Evidence Base process, documented in ECi14 of the Evidence Base table in Appendix 1.1 of the Environmental Statement (Document Reference 3.4, APP-146).</p>
North Yorkshire County Council and Richmondshire District Council, RR-122	Cultural Heritage	<p>Cultural Heritage</p> <p>The Environmental Statement includes a Cultural Heritage chapter that is supported by a number of specialist assessments. These include a desk based assessment (Appendix 8.1), a geoarchaeological assessment (Appendix 8.3) and an assessment of aerial photographs and LIDAR data (Appendix 8.4). The desk based work is supplemented by the results of archaeological field evaluation in the form of</p>	National Highways note that NYCC and RDC consider that the Cultural Heritage chapter of the ES (Document Reference 3.2, APP-051) and mitigation detailed within it provides a comprehensive review of the significance of the archaeological resource and the impact of the scheme upon it.

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		<p>geophysical survey (Appendix 8.5) and trial trenching (Appendix 8.6). Overall these assessments provide a comprehensive review of the significance of the archaeological resource and the impact of the scheme upon it. I am pleased to see that a Historic Environment Research Statement (Appendix 8.9) has also been produced to guide the assessments and any future mitigation. The part of the scheme in North Yorkshire between Stephen Bank and Carkin Moor will have a direct impact on the Scheduled Monument of Carkin Moor Roman fort and native settlement. The various assessments, particularly the field evaluations, have demonstrated that significant archaeological remains are likely to extend beyond the Scheduled area in the form of a Roman vicus with industrial areas. Various measures have been taken to limit the impact of the proposal on the Scheduled Monument at Carkin Moor by restricting the width of the easement and limiting the amount groundwork.</p>	
<p>North Yorkshire County Council and Richmondshire District Council, RR-122</p>	<p>Noise and Vibration</p>	<p>Environmental Health The assessment of noise and vibration levels in the relevant chapter of the ES can be broadly agreed with. It is important that all aspects of the scheme are considered fully. Further assessment of the adequacy of dealing with these effects will form part of the Local Impact Report.</p>	<p>National Highways will review and comment on the Local Impact Report through the examination and will continue to engage with NYCC and RDC to seek to agree matters as will be reported in the SoCGs.</p>

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North Yorkshire County Council and Richmondshire District Council, RR-122	Biodiversity	The DCO application includes an ecological impact assessment, with associated figures and appendices. The authority has not yet had the chance to review all of these technical documents in detail and will provide comments through the Local Impact Report. The ES identifies that a residual adverse effect remains in relation to barn owl during the operational phase of the development. The authority wishes to work with the applicant to identify appropriate mitigation to minimise the residual effect as far as possible.	Barn Owl assessments are detailed within Chapter 6 Biodiversity of the Environmental Statement (Document Reference 3.2, APP-049). The residual impact identified upon Barn Owl was identified under the assumption that a departure from highway design standards was not possible to allow planting within the usual 4.5m offset for shrubs, 7m for trees with a girth of less than 450mm and 9m for larger trees. Therefore, the assessment undertaken on a worse case basis. National Highways continues to investigate potential mitigation measures having regard to highway design standards and will engage with NYCC and RDC on this point as part of the SoCG process.
North Yorkshire County Council and Richmondshire District Council, RR-122	Funding and Delivery	More work is needed to understand the role of the Authority within the discharge of requirements, Should the role of the Authority become burdensome it is expected that appropriate resources are put in place to support the Authority.	A project funding allocation has been approved by National Highways to provide continuation of (and setup of new) PPAs with all Local Authorities to support further engagement through the DCO Examination period. A subsequent funding package to support Local Authorities and their discharge of requirements associated with (but not limited to) Town and Country Planning Act applications and the Environmental Management Plan has been discussed and will be revisited for consideration once the full scope of these requirements is better understood.
Environment Agency, RR-160	Legal	2.5.1 Issue For National Highways to depart from the approved Design Principles Document (DPD) requires approval from the Secretary of State after they consult with the relevant local authority. No consultation with other relevant consultees is required.	Article 54 of the draft DCO (Document Deference 5.1, APP-285) requires that the scheme must be designed in detail and carried out so that it is compatible with, amongst other things, the Project Design Principles (PDP) (Document Reference 5.11, APP-302). As the Environment Agency state, article 54(2) provides that the

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		<p>Impact The significance of any environmental impacts of a detailed design that deviates from the approved DPD may be unknown.</p> <p>Suggested solution Further engagement between National Highways and us to identify alternative wording to address this concern.</p>	<p>detailed design can depart from this requirement where the Secretary of State approves this, following consultation with the local planning authority. However, the Secretary of State must be satisfied that the departure would not give rise to any materially new or materially worse adverse environmental effects when compared to those reported in the Environmental Statement. As such, it will be for National Highways (or its contractors) to demonstrate this requirement is met, through the submission of robust evidence. Ultimately, a departure where the environmental effects are not known could not properly be approved by the Secretary of State.</p> <p>Nevertheless, National Highways recognises the points made and will continue to engage with the Environment Agency on both this and other issues as part of the Statement of Common Ground process, with the status of agreement on this point recorded.</p>
Environment Agency, RR-160	Legal	<p>2.7: Environmental Management Plan (Rev 1; dated 13/06/2022)</p> <p>General Issue The Statutory Environmental Bodies (Natural England, Environment Agency and Historic England) share general concerns over the National Highways self-approval process as there are many elements of the project still to be worked up.</p> <p>Impact The self-approval process may pose a risk of detrimental impacts to the environment without sufficient regulatory review.</p>	<p>It should be noted that both article 53 of the draft DCO (document reference 5.1, APP-285) and the Environmental Management Plan (Document Reference 2.7, APP-019) (EMP) require that a second iteration of the EMP (or EMPs – there may be multiple second iteration EMPs applicable to different parts of the scheme) must be developed in consultation with stakeholders (in accordance with the process contained in the EMP) and then approved by the Secretary of State prior to the start of the works. As such, that document, which will be the</p>

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		<p>Suggested solution We will all continue to engage with National Highways to work through and advise on the proposed self-approval process and seek further clarification as to what the National Highways self-approval process will entail to enable a fuller assessment of the proposals against our respective statutory remits.</p>	<p>primary management document, would be subject to external approval.</p> <p>Where the EMP (or a second iteration EMP) requires National Highways to make a post consent determination, that must be undertaken in full accordance with the relevant provisions in the EMP (paragraphs 1.4.42 – 1.4.46) ultimately, this means a determination will be made by persons that are functionally separate from the project team, with safeguards required to be put in place to maintain functional separation. This can be compared to a situation, for example, where a local authority applies to itself for planning permission. For full transparency, the specific handling arrangements for post consent determinations to be made by National Highways will be made public.</p> <p>Nevertheless, National Highways note the point made and will continue to engage with the Environment Agency (and other bodies) on both this and other issues as part of the Statement of Common Ground process, with the status of agreement on this point recorded.</p>
<p>Environment Agency, RR-160</p>	<p>Legal</p>	<p>Issue The proposed consultation procedure identified in the EMP does not include any provision for consultees to request and agree extensions to the consultation and we have concerns that the approach being taken may exert challenging demands upon us that would be difficult to service.</p>	<p>National Highways notes the point made and will continue to engage with the Environment Agency (and other bodies) on both this and other issues as part of the Statement of Common Ground process, with the status of agreement on this point recorded.</p> <p>However, it should be noted that to ensure the scheme can be delivered in a timely manner, National Highways considers that there needs to be a level of certainty that</p>

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		<p>Impact An inflexible process may not allow sufficient time for consultees to determine whether submissions pose a risk of harm to the environment.</p> <p>Suggested solution The procedure should be revised to include the ability for consultees to ask National Highways if they would agree to an extension where it is reasonable to do so, such as during incident response work or where resource constraints limit how much we can engage on the proposals.</p> <p>Issue In accordance with the process proposed in the EMP, the proposed consultation procedure allows for one period of re-consultation with consultees before National Highways can determine a submission.</p> <p>However, there is no mechanism to allow for further consultation or discussion before a decision is made should any consultee concerns remain unresolved.</p> <p>Impact Consultees may identify concerns with submissions that are not resolved prior to determination leading to detrimental impacts for the environment.</p> <p>Suggested solution Where consultee concerns remain unresolved after the second period of consultation, the consultees should make it clear whether their concerns can be resolved and if so, explain how to give National Highways an</p>	<p>applies to the timeframes related to formal consultation under the Environmental Management Plan (Document Reference 2.7, APP-019) (EMP) (paragraphs 1.4.17 to 1.4.37) to avoid unnecessary delays or issues becoming protracted. The process set out in the EMP does not preclude 'informal' engagement on the issues outside of the formal process.</p> <p>In addition, it should be noted that the EMP (paragraph 1.4.31) requires that following the second round of consultation with a consultee on a matter, a Summary Report setting out how the consultee's comments have been considered at that second round must be provided to the consultee.</p>

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		<p>opportunity to a) update the submission or b) justify why they do not need comply with the consultee's advice. All opportunities to resolve concerns should be exhausted before a decision is made.</p>	
Environment Agency, RR-160	Environment and EMP	<p>D-RDWE-06 Issue Having regard to our comments on the hydrogeological impact assessment methodology paragraph 14.6.8.5, the list of Ground Water Dependent Terrestrial Ecosystem (GWDTE) might need to be widened.</p> <p>Impact The proposed development may have potential adverse impacts on GWDTEs not currently identified.</p> <p>Suggested solution Alternative methods of assessing the zone of influence of dewatering activities may be required to satisfy the requirements of D-RDWE-06.</p>	<p>This point will be discussed further with the Environment Agency as part of ongoing engagement, and any required updates to the text to ensure appropriate controls are installed at all stages will be proposed.</p> <p>Any proposed change that is considered appropriate will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
Environment Agency, RR-160	Environment and EMP	<p>General Issue The Environmental Management Plan (EMP) includes words or phrases which could be ambiguous in relation to the expected mitigation requirements, for example "where appropriate", "where reasonably practicable" etc.</p> <p>Impact There is the potential for ambiguity in relation to securing mitigation measures that are necessary to protect the environment.</p> <p>Suggested solution Review the wording of the EMP to avoid ambiguity and uncertainty in relation to identifying and securing mitigation measures</p>	<p>The wording contained in the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) has been developed to allow for a reasonable level of flexibility in detailed design and construction methodology, whilst having regard to required environmental outcomes by reference to the Environmental Statement (Document Reference 3.2, APP-044 to 059). Ultimately, the intention is that the commitments contained in the Register of Environmental Actions and Commitments (REACs) set out in the EMP secure necessary mitigation, with strict wording used in those instances where something must be</p>

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		<p>necessary to protect the environment as part of the proposed development.</p>	<p>done. Wording such as “where reasonably practicable” is deployed in relation to measures that may be desirable, but are not essential, in securing a particular environmental outcome. This is to avoid unnecessarily constraining the construction or operation of the project.</p> <p>The EMP is currently in draft form with a view to it being in final form by the end of the examination. As such, its content will evolve as the examination progresses. National Highways will have regard to all comments made during this time, with amendments being implemented where considered appropriate. As part of this, National Highways will continue to engage with statutory environmental bodies such as the Environment Agency, with a view to addressing concerns such as those raised. Any agreed updates will be recorded in the SoCGs and included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
<p>Environment Agency, RR-160</p>	<p>Environment and EMP</p>	<p>General Issue The EMP is supported by a range of supporting documents that have been provided in draft form, but which will require further refinement and detail as more information becomes available and engagement with relevant stakeholders continues.</p> <p>Impact There is limited information available to allow us to comment in detail on the proposed EMP supporting documents.</p>	<p>National Highways agree with the point raised and will continue to consult with relevant stakeholders on the development of further detail in the supporting plans as the detailed design progresses as prescribed in Table 1-1 of the EMP (Document Reference 2.7, APP-019) should the DCO be granted. This will include formal consultation on a second iteration of the EMP, prior to its submission to the Secretary of State for approval, as set out in Section 1.4 of the EMP (Document Reference 2.7, APP-019) and</p>

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		<p>Suggested solution National Highways should continue to engage with us to allow them to refine the content of documents relevant to our remit as outlined in EMP Table 1-1 Consultation requirements for specified commitments.</p>	<p>secured in article 53 of the DCO (Document Reference 5.1, APP-285).</p> <p>The EMP is currently in draft form with a view to it being in final form by the end of the examination. As such, its content will evolve as the examination progresses. National Highways will have regard to all comments made during this time, with amendments being implemented where considered appropriate. As part of this, National Highways will continue to engage with statutory environmental bodies such as the Environment Agency, with a view to addressing concerns such as those raised. Any agreed updates will be recorded in the SoCGs and included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
	Environment and EMP	<p>Issue There is no specific requirement to secure detailed flood risk modelling and mitigation where temporary construction works within flood risk areas are unavoidable.</p> <p>Impact The flood risk impacts of temporary construction works will not be understood or managed effectively.</p> <p>Suggested solution A new site-wide requirement should be added, or an existing requirement should be modified to ensure sufficient assessment and investigations are undertaken to support temporary</p>	<p>The EMP (Document Reference 2.7, APP-019) includes commitments to assess the risk of flooding during construction and set out specific actions to ensure appropriate management of the construction phase during flooding events. These include the preparation of a Working in/near Watercourses method statement (commitment MW-BD-03), Ground and Surface Water Management Plan (commitment D-RDWE-01), both of which must be consulted on with the Environment Agency, amongst others, prior to finalisation.</p> <p>Specific flood modelling for the construction phase is not considered necessary, as flood modelling for the operational phase of the development has been</p>

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		<p>construction works that must take place within flood risk areas.</p>	<p>undertaken and will be updated as detailed design progresses. The modelling undertaken will be used to inform the detailed construction phase planning, including the production of the specific plans noted above. These plans will be further consulted on with the Environment Agency as required by the provisions of the EMP.</p> <p>Engagement is ongoing with the Environment Agency regarding the content of the EMP. Any changes agreed as necessary will be recorded in the SoCG and reflected in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
<p>Environment Agency, RR-160</p>	<p>EMP</p>	<p>Issue The role of Environment Manager(s) includes the following duty, but there is no requirement to self-report any transgressions / incidents to relevant regulators</p> <p>72) Keep a record of all activities on site, environmental problems identified, transgressions noted, and a schedule of all remedial tasks undertaken.</p> <p>Impact In the absence of a requirement to self-report any incidents, harm to the environment may arise where relevant authorities should be notified.</p> <p>Suggested solution Amend the role to include the following:</p> <p>73) Keep a record of all activities on site, environmental problems identified,</p>	<p>National Highways agrees that a process to self-report any transgressions/incidents to relevant regulators where considered appropriate, and to implement any measures required to rectify the incident and prevent future incidents from occurring, would be welcome.</p> <p>The current proposed monitoring and compliance regime is included in the EMP (Document Reference 2.7, APP-019) at Section 6, which describes the monitoring and reporting required (including specifying responsibilities) and the process for implementing corrective action. It also includes provisions around record-keeping for the purposes of inspections by statutory bodies.</p> <p>It is agreed that, in principle, the requirement to self-report any transgressions or incidents (above a certain threshold) to relevant regulators is not clearly articulated in the draft EMP. National Highways propose that this principle is</p>

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		<p>transgressions noted, and a schedule of all remedial tasks undertaken. The Environment Agency, Natural England and / or other relevant regulatory authorities will be notified where appropriate, having regard to the nature and scale of the incident.</p> <p>Issue The role of Ecological Clerk(s) of Work(s) has no duty to self-report any transgressions / incidents to the relevant regulators.</p> <p>Impact In the absence of a requirement to self-report any incidents, harm to the environment may arise where relevant authorities should be notified.</p> <p>Suggested solution Add the following requirement to the ECOW role: Ensure that any environmental problems identified, or transgressions noted, are reported to the Environmental Manager(s) so that where appropriate the Environment Agency, Natural England and / or other relevant regulatory authorities will be notified, having regard to the nature and scale of the incident.</p>	<p>included in the EMP, but the change is best made at Section 6, rather in the specific duties section, as it is Section 6 that specifies the overarching actions that are required to be taken (no matter who holds responsibility).</p> <p>The proposed wording of the change will be discussed with the Environment Agency and any proposed amendments will be reflected in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA). This is particularly in regard to the nature and scale of self-reporting required and the mechanisms for this.</p>
Environment Agency, RR-160	EMP	<p>D-GEN-08 Issue There is no requirement to locate construction works outside areas at high risk of flooding where possible.</p> <p>Impact Construction works may be unnecessarily located in areas at a high risk of flooding.</p>	<p>Where possible construction works and compounds have been located outside areas of high flood risk as shown indicatively on the General Arrangement Drawings (Document Reference 2.5, APP-11 to APP18). Where they are shown within a high flood risk area it is to facilitate the construction of a watercourse crossing which will require temporary access roads and equipment to be located</p>

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		<p>Suggested solution Update D-GEN-08 to ensure temporary compounds, haul routes and storage areas avoid areas at a high risk of flooding where possible:</p> <p>Compound locations, haul routes and storage areas will be selected to avoid designated sites, and be as far away from sensitive receptors as reasonably practicable (for example local residential properties, priority habitats and known locations of protected species, areas at risk of flooding (those in Flood Zone 3))</p>	<p>close to the works. EMP Annex B7 (Document Reference 2.7, APP-027), the outline Ground and Surface Water Management Plan (which must be developed in detailed in accordance with commitment D-RDWE-01 in the EMP) includes commitments regarding management of construction in areas of high flood risk and commitment D-GEN-08 specifies that these should be located away from sensitive receptors.</p> <p>Given the risks associated with flooding during construction, National Highways agree that the proposed amendment is a helpful addition to the EMP, and wording along these lines shall be added to highlight those sensitive receptors includes areas at high risk of flooding. This will be reflected in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
Environment Agency, RR-160	EMP	<p>D-GEN-08 Issue There is no requirement to incorporate necessary lighting control measures, e.g. avoiding lighting of rivers, aquatic habitats, etc.</p> <p>Impact Uncontrolled lighting could detrimentally impact upon the aquatic environment.</p> <p>Suggested solution Update D-GEN-08 to include a commitment to ensure any lighting required during construction includes necessary control measures to avoid impacts on aquatic species and habitats.</p> <p>D-GEN-08 Issue There is a requirement for hoarding and fencing in Flood Zone 3 to be permeable to flood</p>	<p>In relation to Environmental Management Plan (Document Reference 2.7, APP-019) D-GEN-08 point 1, it is highlighted that commitment MW-BD-17 requires a full construction lighting strategy to be prepared and includes the commitment that lighting shall be directed away from watercourses and riparian habitats. It is therefore proposed that this control is already included in the EMP.</p> <p>In relation to D-GEN-08 point 2, it has been agreed in response to RR-160.08 that the requirement to avoid areas of high flood risk shall be included in D-GEN-08. Engagement with the Environment Agency is ongoing, and wording to ensure appropriate controls are in place during</p>

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		<p>flows but there is no reference to how other construction works that may be necessary in areas at a high risk of flooding will be managed, for example temporary buildings within compounds, access tracks, storage areas etc.</p> <p>Cont/d.. 5</p> <p>Impact Some construction features may be at risk of or increase the risk of flooding elsewhere without suitable management / mitigation</p> <p>Suggested solution Update D-GEN-08 requirement to incorporate broader flood risk management controls:</p> <p>74) Temporary development associated with construction shall avoid areas at risk of flooding (those in Flood Zone 3) where possible.</p> <p>Where features (including but not limited to hoarding and fencing, access tracks, compounds and storage areas, temporary buildings) must be in areas at a high risk of flooding, National Highways will demonstrate that the fluvial floodplain and areas liable to other sources of flooding continue to function effectively for storage and conveyance of floodwater without increasing risk elsewhere.</p> <p>D-BD-04 Issue The action is not specific enough in relation to Trout Beck, i.e. it is not just necessary that new watercourse crossings are open span across the river, it needs to ensure the minimum number of</p>	<p>construction to prevent risk of flooding on the site or elsewhere will be discussed with it. This will be recorded in the SoCG, and any updated text will be included an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p> <p>In relation to D-BD-04 point 1, National Highways agree with the points raised by the Environment Agency in relation to D-BD-04. The design of the watercourse crossing itself is specified by a number of controls within the Project Design Principles document (Document Reference 5.11, APP-302) (commitment GB03, 0405.04, 06.07), as well as within the EMP (Document Reference 2.7, APP-019). Both of these documents are certified documents and carry equal weight in ensuring the commitments within them are implemented – see articles 53 and 54 of the DCO (Document Reference 5.1, APP-285), which require compliance with these documents. This point will be discussed further with the Environment Agency as part of ongoing consultation, to determine whether (once both the PDP and EMP commitments are considered alongside each other) the wording needs to be updated. Any agreed change will be reflected in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p> <p>In relation to D-BD-04 point 2, it is highlighted that control measures regarding the design of culverts are included in</p>

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		<p>piers with no embankments across the whole floodplain. The foundation type/depth of piers on Trout Beck floodplain should be designed such that no modifications/new revetment will be required in the long term if the river migrates, and the pier(s) become(s) located within the river channel.</p> <p>Impact The action does not specify all the measures necessary to avoid any impact on the aquatic environment.</p> <p>Suggested solution Update D-BD-04 to refer to additional requirements:</p> <p>New watercourse crossings of the SAC (Trout Beck) shall be open span and the length of the crossing minimised to avoid reduced impacts on the aquatic environment and allow natural river processes to continue, unless otherwise agreed with Natural England and the Environment Agency. The crossing will utilise the minimum number of piers with no embankment across whole floodplain. The foundation type/depth of piers on Trout Beck floodplain will be designed such that no modifications/new revetment would be required in the long term if the river migrates, and the pier(s) become(s) located within the river channel. In addition to the Trout Beck viaduct, the majority (five out of six) of new watercourse crossings of functionally linked watercourses in the Appleby to Brough scheme shall also be open span, unless</p>	<p>a number of the EMP commitments (D-BD-04, D-BD-06, D-RDWE-02, D-RDWE-05, and in the Project Design Principles document (Document Reference 5.11, APP-302) (commitment LI17 and LI19, which carries equal weight to the EMP (Document Reference 2.7, APP-019) in relation to securing commitments under the DCO (as per the above). This point will be discussed further with the Environment Agency as part of ongoing engagement, to determine whether (once both the PDP and EMP commitments are considered alongside each other) the wording needs to be updated. Any proposed change that is considered appropriate will be reflected in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>

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		<p>otherwise agreed with Natural England and the Environment Agency. These are specified in the ES Chapter 6:</p> <p>D-BD-04 Issue In relation to the reference to the use of culverts, there is a lack of detail regarding the necessary design detail.</p> <p>Impact The absence of detail to support culvert design may lead to culverts that lead to detrimental impacts on the aquatic environment.</p> <p>Suggested solution Update D-BD-04 to refer to additional requirements:</p> <p>Where culverts are used, they shall be bottomless (or sunk/inverted 30cm below natural bed level to allow natural substrate to be deposited) and aim to maintain natural bank features. Culverts should also comply with the Institute of Fisheries Management - Fish Passage Manual taking account of other factors including but not limited to maximum gradient, minimum pipe diameter, maximum drop at intake and outfall etc having regard to relevant fish species and the length of the culvert.</p>	
Environment Agency, RR-160	EMP	<p>D-BD-05 Issue The action requires that some habitats, including waterbodies and watercourses, be replaced with two for each one lost. It is not clear how a watercourse could be replaced on a two for one basis.</p>	<p>The importance of watercourse habitats is fully recognised, and a number of mitigation measures have been included in the EMP (Document Reference 2.7, APP-019) and Project Design Principles (Document Reference 5.11, APP-302) to prevent their loss and minimise impact of any works in or near a watercourse. Where the loss of</p>

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		<p>Impact If the mitigation requirements are undeliverable, there is the potential for harm to the aquatic environment because of the proposed development.</p> <p>Suggested solution Update D-BD-05 to ensure that requirements for mitigating for the loss of aquatic features on a two for one basis are clear and deliverable.</p>	<p>part of a watercourse is unavoidable through detailed design, this commitment seeks to ensure that the habitat is re-provided on at least a two for one basis. This could include measures such as opening up of culverts or creation of new watercourses. National Highways agrees this needs to be clear and all measures must be deliverable. This point will be further discussed with the Environment Agency as part of ongoing engagement and any updates will be recorded in the SoCG. Any proposed change that is considered appropriate will be reflected in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
Environment Agency, RR-160	Environment and Emp	<p>MW-BD-02 Issue It is stated that fish and crayfish translocations will be required where an entire channel is dewatered, however fish and crayfish translocations will be required if any part of the channel is dewatered.</p> <p>Translocations will also be needed if an in-river work area is to be contained/bunded but not dewatered – unless agreed with the Environment Agency given the risk of pollution/ disturbance/risk of direct harm in contained in-river work areas.</p> <p>Impact Fish and crayfish will be detrimentally impacted by the development if they are not translocated when works within the channel require it.</p>	<p>National Highways agree with the helpful points raised and shall incorporate the proposed amendments into commitment MW-BD-02 as suggested.</p> <p>This change will be reflected in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>

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		<p>Suggested Solution Update MW-BD-02 as follows: Dewatering of any part of the entire channel of any watercourse will be avoided where reasonably practicable. If evidence demonstrates that dewatering cannot be avoided: 75) All fish (including juvenile lamprey that live in marginal sediments) will be translocated prior to dewatering works. 76) Prior to dewatering or intrusive in-channel works, all crayfish present shall be translocated by a suitably licenced white-clawed crayfish surveyor. Translocations will also be needed if an in-river work area is to be contained/bunded but not dewatered Methods and translocation sites shall be confirmed following consultation with Natural England and the Environment Agency.</p>	
Environment Agency, RR-160	Environment and Emp	<p>MW-BD-03 Issue The action includes a requirement to ensure any in channel works are sensitively timed, but there is no reference to when that is. Impact In river works at inappropriate times could pose a risk of harm to aquatic species and habitats. Suggested solution Update MW-BD-03 to ensure that sensitively timed in river works should avoid 1st October to 15th June, unless there is information confirming there are no fish in the watercourse or Environment Agency/Natural England agree to works</p>	<p>National Highways agree with the importance of including as much detail in the commitments as possible. In relation to construction timing there are a number of species that could be affected by in channel works, some of which have conflicting sensitive life cycle stages. In order to retain flexibility for the construction programme consideration will need to be made regarding the most sensitive timing on a case-by-case basis. This point will be further discussed with the Environment Agency as part of ongoing engagement. Any update</p>

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		<p>during this period, dependent on the exact location and type of in-river work. Where there is a proposal for in-river working in the spawning season, it is recommended that two redd (fish nest) surveys are carried out in Nov and Dec or Jan. This would provide information to allow an informed decision as to whether works could be continued into the spawning season.</p>	<p>proposed will be included in will be an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
<p>Environment Agency, RR-160</p>	<p>Environment and EMP</p>	<p>MW-BD-15 Issue This action makes no reference to the need for a HRA to assess the Method of Works (as well as the permanent works).</p> <p>Impact The impacts of the works on the River Eden SAC and functionally linked habitats will not be adequately assessed in the absence of a HRA.</p> <p>Suggested solution Update MW-BD-15 to ensure the need for a HRA is referenced.</p>	<p>A HRA has been undertaken for the project, as presented in Document Reference 3.5, APP-234 and Document Reference 3.6, APP-235. This assessment fully considers impacts that could arise during construction (and indeed operation) and sets out the assumptions made regarding construction methodology and the required mitigation during construction.</p> <p>A detailed Method Statement for working within the SAC is required to be provided and consulted upon as set out in Section 1 of the EMP (Document Reference 2.7, APP-019). This method statement will set out in detail the methods to be used, and how it complies with the HRA undertaken already. Notwithstanding this point, it is agreed that it would be helpful to make explicit within the method statement the requirement to demonstrate compliance.</p> <p>The following bullet point shall be added to the list within MW-BD-15:</p> <p>77) Evidence to demonstrate that the Method Statement complies with the assumptions and requirements utilised to inform the Habitats Regulations Assessment</p>

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			<p>Stage 2 Statement to Inform Appropriate Assessment (SIAA) (Document References 3.5 and 3.6, APP-234 and APP-235)</p> <p>This change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
Environment Agency, RR-160	Environment and EMP	<p>D-GS-01 Issue There is no reference to the requirement to identify maximum stockpile heights in the Materials Management Plan as stated in document 2.9 Mitigation Schedule (Rev 1; dated 13/06/2022).</p> <p>Impact Unrestricted stockpile heights may have an impact on local environmental quality.</p> <p>Suggested solution Update D-GS-01 to include clear reference to the need to identify maximum stockpile heights.</p>	<p>Having considered the comment made, National Highways agrees a change to specify this point would be appropriate. The following text shall therefore be added to D-GS-01:</p> <p>Maximum stockpile heights to be adhered to, taking into consideration the nature of the material being stored and the risk of slippage or loss of material affecting local receptors</p> <p>This change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
	Environment and EMP	<p>D-GS-03 Issue The River Eden SAC is also designated for its geomorphological interest.</p> <p>Impact There is the potential for detrimental impacts on the River Eden SAC geomorphological interest features if they are not identified.</p>	<p>Whilst National Highways note the point made, the Register of Environmental Actions and Commitments D-GS-03 referenced is intended to control excavations within the AONB where there are geological features at risk. There are controls around working in and around the River Eden SAC that are incorporated elsewhere within the EMP (Document Reference 2.7, APP-019) and its Annexes (specifically Annex B7, APP-027; Annex C1, APP-035;</p>

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		<p>Suggested solution Update D-GS-03 to include the River Eden SAC which is also designated for its geomorphological interest.</p>	<p>and Annex C2, APP-037) which are required to be worked up in more detail, based on its overall designation for both ecological and geomorphological features. It is therefore proposed that a further update is not required.</p>
Environment Agency, RR-160	Environment and EMP	<p>D-RDWE-01 Issue In relation to the management of surface water during construction, detention basins / drainage ponds that are designed for the operational phase of the scheme should not be relied upon to deal with the large volumes of contaminated water that are associated with construction phase activities.</p> <p>Impact Detention basins / drainage ponds not designed to accommodate flows during the construction phase may increase the risk of pollution incidents and impacts upon the water environment.</p> <p>Suggested solution It is recommended that dedicated sediment traps and settlement ponds should be designed into the scheme for the construction phase and where these are unlikely to be effective, treatment systems such as lamella tanks and chemical dosing should be costed into the scheme.</p>	<p>National Highways note the point made, however there may be specific locations where the operational drainage system is intentionally installed first to facilitate pollution control during construction.</p> <p>This point will be discussed further with the Environment Agency as part of ongoing engagement, including in relation to any updates to the text to ensure appropriate controls are installed.</p> <p>Any proposed change that is considered appropriate will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
Environment Agency, RR-160	Environment and EMP	<p>D-RDWE-01 Issue The action proposes that “water abstracted through dewatering shall be discharged to the same groundwater catchment and downgradient of the dewatered element”.</p>	<p>National Highways notes the point made and will discuss this point further with the Environment Agency as part of ongoing engagement, together with any required updates to the text to ensure that the discharge arrangements during dewatering are appropriate.</p>

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		<p>Impact Dewatering discharged to the same groundwater catchment downgradient of the dewatered element may lead to some local stretches of watercourses being impacted through flow depletion.</p> <p>Suggested solution Water abstracted through dewatering may need to be discharged on a more refined local scale if it is to be used as potential mitigation against flow depletion in watercourses so update D-RDWE-01 to reflect this and make it clear that an abstraction licence or licences will be required from the Environment Agency for this.</p>	<p>Any proposed change that is considered appropriate will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p> <p>It is noted in any case that the EMP does not remove the need for National Highways to comply with all legislative requirements, and any licences required during the construction phase will be sought through the standard processes.</p>
Environment Agency, RR-160	Environment and EMP	<p>D-RDWE-08 Issue There is no reference to any consultation with the Environment Agency in relation to agreeing the scope and extent of site-specific measures required to mitigate the impacts of the detailed design in relation to WFD impacts.</p> <p>Impact The scope and extent of site-specific measures necessary to mitigate the WFD impacts of the development may not be adequate.</p> <p>Suggested solution Update D-RDWE-08 to ensure the Environment Agency is consulted on the scope and extent of site-specific mitigation required in relation to WFD impacts based on survey and assessment of the detailed design.</p>	<p>Having considered the comment made, National Highways consider it to be appropriate to make the suggested change.</p> <p>Environmental Management Plan (EMP) (Document Reference 3.2, APP-019) D-RDWE-08 shall also be added to table 1-1 to reflect the consultation requirement.</p> <p>This change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>

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Environment Agency, RR-160	Environment and EMP	<p>D-RDWE-09 Issue The additional surveying to be undertaken at the detailed design stage will need to include licensed abstractions as it has been established that some will be impacted (Hydrogeological Impact Assessment paragraph 14.6.8.53).</p> <p>Impact Potential for unacceptable impacts on licensed abstractions without mitigation being provided.</p> <p>Suggested solution Update D-RDWE-09 to ensure both licenced and unlicenced surface and ground water abstractions will be included in the further surveys.</p>	<p>Having considered the comment made, National Highways consider it appropriate to make the suggested change, for cases where sufficient information is not already available. It is therefore proposed that within the EMP (Document Reference 2.7, APP-019) commitment reference D-RDWE-09 is amended to read: "...precautionary assessment of risk to unlicenced and, where sufficient information is not already available, licenced surface and groundwater..."</p> <p>This change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
Environment Agency, RR-160	<p>Environment and EMP</p> <p>Materials, Assets and Waste</p>	<p>MW-RDWE- Issue The western end of the A66 project (as far as Brough) lies almost entirely on Penrith sandstone, i.e. non calcareous. Use of limestone may be an issue on Schemes as far as Brough for any temporary stone imports e.g. for tracks/piling platforms or in areas where there is likely to be significant run off through the stone. It will likely depend on volumes of stone, size of stone and proximity to sensitive receptors as to whether this is an issue.</p> <p>Impact Potential detrimental impacts on watercourses associated with run-off through limestone imports.</p>	<p>National Highways believes this comment is referring to the MW-RDWE-09, rather than MW-RDWE-08 as stated in the suggested solution.</p> <p>National Highways notes the point made and will discuss this point further with the Environment Agency as part of ongoing engagement, and any updates to the text to ensure that materials used at the western end of the project are appropriate to prevent pollution.</p> <p>Any agreed change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>

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		<p>Suggested solution Update MW-RDWE-08 to ensure that it states that limestone will not be imported to be used on Schemes 1, 2, 3, 4, 5 and 6 without Natural England and/or Environment Agency agreement.</p> <p>MW-RDWE09</p>	
<p>Environment Agency, RR-160</p>	<p>Environment and EMP</p> <p>DCO – Policy Legislation and Guidance</p>	<p>Issue The action does not make it clear that temporary watercourse crossings should generally be clear span bridges. Where temporary culverts are used, the crossing should comply with the Institute of Fisheries Management Fish Pass Manual for new culverts unless otherwise agreed with the Environment Agency. Temporary in-river crossings will not be placed or removed during the fish spawning season (generally 1st Oct to 15th June).</p> <p>Impact In the absence of guidance regarding temporary watercourse crossings, there is the potential for inappropriate solutions to be proposed that will detrimentally impact upon the water environment.</p> <p>Suggested solution Update MW-RDWE-09 to ensure requirements for temporary watercourse crossings are clear.</p>	<p>The intention of the comment is understood, however the requirement for temporary watercourse crossings are set out in Annex C1 Working in and Near SAC Method Statement (Document Reference 2.7, APP-036) and Annex C2 Working in Watercourses (Document Reference 2.7, APP-037), which are secured through the EMP commitments MW-BD-03 and MW-BD-15 (Document Reference 2.7, APP-019), which require that these outline/essay plans need to be developed in detail.</p> <p>Paragraph C1.3.7 requires that temporary bridges must avoid direct impacts on the watercourses and riparian habitats; paragraph C1.4.2 requires the programme to comply with constraints set out in the Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235) which includes fish spawning season and other sensitive life cycle stages.</p> <p>It is acknowledged that culverts are not specifically referenced in the draft Method Statement, therefore the following addition is proposed to the Environmental Management Plan (EMP) Annex C1 (Document Reference 2.7, APP-036)</p>

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			<p>New paragraph C1.3.17:</p> <p>Culverts</p> <p>If any temporary culverts are required in Trout Beck or other watercourses functionally linked to the River Eden SAC they shall comply with the Institute of Fisheries Management Fish Pass Manual for new culverts unless otherwise agreed with the Environment Agency.</p> <p>This addition will be included in an updated draft EMP and its Annexes that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
Environment Agency, RR-160	Materials, Assets and Waste	<p>Issue The mitigation measure is incorrectly linked to EMP REAC Ref DGS-02 (Soils Waste Management Plan).</p> <p>Impact Lack of clarity over the appropriate mitigation measures may result in detrimental impacts on the environment.</p> <p>Suggested solution Update the measure to ensure it is linked to EMP REAC Ref D-GS-01 (Materials Waste Management Plan).</p> <p>Issue The mitigation measure is incorrectly linked to Project Design Principle (PDP) Reference LI18.</p> <p>Impact Lack of clarity over the appropriate mitigation measures may result in detrimental impacts on the environment.</p>	<p>Correction has been made in the Mitigation schedule (Document Reference 2.9, APP-42) Chapter 9: Geology and Soils Section 9.9.9 –9.9.15, 9.9.19 Chapter 10: Materials and Waste 11.8.7, 11.8.45 and 11.8.60 - 11.8.64 D-GS-01 added, D-GS-02 is retained as it is still relevant.</p> <p>Correction has been made to Mitigation schedule (Document Reference 2.9, APP-42) Chapter 14: Road Drainage and the Water Environment (Document Reference 3.2, APP-057) Section 14.8.4, amended LI18 to LI17. National Highways is investigating the discrepancies highlighted and any corrections identified will be submitted into the examination as an errata.</p>

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		<p>Suggested solution Update the measure to ensure it is linked to PDP Ref</p>	
Environment Agency, RR-160	Climate	<p>Issue The mitigation measure is incorrectly linked to EMP REAC Ref DCL-03, which does not exist.</p> <p>Impact Lack of clarity over the appropriate mitigation measures may result in detrimental impacts on the environment.</p> <p>Suggested solution Update the measure to ensure it is linked to EMP</p>	<p>On review of the documentation, the comment is correct in that the Mitigation Schedule (Document Reference 2.9, APP-042) incorrectly references D-CL-03. This does not exist within the REAC table of the Environmental Management Plan (Document Reference 2.7, APP-019). National Highways is investigating the discrepancies highlighted and any corrections identified would be submitted into the examination as an erratum.</p>
Environment Agency, RR-160	Materials, Assets and Waste	<p>Issue The mitigation measure is incorrectly linked to EMP REAC Ref DGS-02 (Soils Waste Management Plan).</p> <p>Impact Lack of clarity over the appropriate mitigation measures may result in detrimental impacts on the environment.</p> <p>Suggested solution Update the measure to ensure it is linked to EMP</p> <p>REAC Ref D-GS-01 (Materials Waste Management Plan).</p> <p>Issue The mitigation measure is incorrectly linked to Project Design Principle (PDP) Reference LI18.</p> <p>Impact Lack of clarity over the appropriate mitigation measures may result in detrimental impacts on the environment.</p>	<p>On review of the documentation, the comment is correct in that the Mitigation Schedule (Document Reference 2.9, APP-042) incorrectly references D-GS-02 when linked to the Soil Waste Management Plan. National Highways is investigating the discrepancies highlighted and any corrections identified would be submitted into the examination as an erratum, this will correct the reference to D-GS-01.</p>

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		Suggested solution Update the measure to ensure it is linked to PDP Ref	
Environment Agency, RR-160	DCO - Policy Legislation and Guidance	<p>Issue The Draft DCO has not included protective provisions which are acceptable to the Environment Agency.</p> <p>Impact We are unable to agree to disapply Flood Risk Activity Permit (FRAP) requirements if we are not satisfied that the necessary protective provisions are secured through the DCO.</p> <p>Suggested solution Further engagement between National Highways and us is required to secure a suite of protective provisions that we would consider acceptable and allow us to disapply FRAPs.</p>	The comment on the protective provisions is noted. National Highways will continue to liaise with the Environment Agency to agree an amended wording.
Environment Agency, RR-160	Legal	<p>5.4 Consents and Agreements Position Statement (Rev 1; dated 13/06/2022)</p> <p>3.1.3 Issue Consent to erect structures in, over or under a main river will be subject to National Highways obtaining either a permit under the EPR or, if disapplication and suitable protective provisions are agreed, to consent under the protective provisions but this is not stated.</p> <p>Impact Lack of clarity.</p> <p>Suggested solution Amend the wording as follows:</p> <p>78) Consent to erect structures in, over or under a main river (subject to National Highways obtaining either a permit under the EPR or, if</p>	National Highways is seeking the standard suite of disapplication of consent requirements from the Environment Agency as is reflected in article 3 of the draft DCO (Document Reference 5.1, APP-285). National Highways approach is as set out in the Consents and Agreements Position Statement (Document Reference 5.4, APP-287) in that it will seek to agree protective provisions with the Environment Agency to enable the Environment Agency to grant its consent to those disapplication's.

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		disapplication and suitable protective provisions are agreed, to consent under the protective provisions)	
Natural England, RR-180	Air Quality	<p>Natural England are disappointed that our advice surrounding the use of LA105 for assessing the air quality impacts has not been taken on board, we still have fundamental concerns with the air quality assessment section within the environmental statements and do not support the use of LA105.</p> <p>Natural England do not support the use of LA105, as it is not HRA compliant. We therefore cannot not concur with the conclusions drawn in the HRA.</p> <p>Natural England require further clarification to explain the use of LA105 despite our previous written advice stating that we do not support the use of it as an assessment method. We recommend the use of the published Natural England guidance: NEA001 Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations.</p> <p>Natural England need to be able to understand the impacts to the protected sites within 200m of the Affected Road Network (ARN), when assessed by the appropriate assessment method. For example, we do not agree with the conclusions of the HRA as we do not support the use of loss of one species as a metric to identify an adverse effect.</p>	<p>National Highways continues to engage with Natural England on the topic of Air Quality methodology and the adequacy of LA105. This engagement is reported in the SoCG, which will be shared with the examination.</p> <p>The Environmental Statement Appendix 4.2 Environmental Impact Assessment Scoping Opinion (Document Reference 3.4, APP-149) states that 'The assessment should take account of the requirements of "Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations, 2018 (NEA001)'".</p> <p>Natural England's advice and consultation responses were fully considered in relation to the assessment of air quality impacts. It is our understanding that the principle area of disagreement is around the use of a metric based on the loss of a single species. We can confirm that neither the Habitats Regulations Assessment (Document Reference 3.5 and 3.6, APP-234 and APP-235) or the Environmental Statement (Document Reference 3.2, APP-049) rely on the loss of one species metric (as prescribed by DMRB LA105). The loss of one species metric is reported, in line with DMRB and for consistency with the approach used for other road schemes; however, this metric does not form the basis for assessment, rather the assessment was made using other sources of information including habitat</p>

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		<p>The DCO needs to include clarity on the Air Quality impacts and provide clarification for where the mitigation / compensation will be if detrimental effects are found.</p>	<p>mapping, data on current pressures and condition of the site, professional judgement and ecological principles. No designated sites were screened out of further assessment based on the loss of one species metric either at Stage 1 (Screening) or during Stage 2 (Appropriate Assessment). The loss of one species metric was reported in line with National Highways standards but does not form the basis for the assessment. The loss of one species metric was not used to inform the assessment conclusion (i.e. no significant impact for designated sites in the Environmental Statement or no adverse effect on site integrity in the Habitats Regulations Assessment).</p> <p>The assessment process utilised followed that prescribed in NEA001. European sites within 200m of the Affected Road Network (ARN) were screened in for assessment / further consideration where the predicted changes met the threshold of 1000 AADT, or 200 AADT for heavy duty vehicles (NEA001 Step 1). All sites located within 200m of the ARN were considered to be sensitive to air pollution according to APIS. 200m was shown to be an appropriate distance as subsequent modelling demonstrated that the zone of potential air quality impacts (i.e. the zone where a change of 1% of the lower critical load for nitrogen was predicted) extended to a maximum of 60m from the ARN (NEA001 Step 2). Sensitive qualifying features (e.g. bog habitat) that could be exposed to emissions were identified both from existing Natural England habitat mapping and project habitat surveys; non qualifying features were also identified and mapped within 200m of the ARN (NEA001</p>

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			<p>Step 3). The 1% change against the lower critical load for nitrogen deposition was then calculated to identify the zone within which a perceptible change may result; this included the consideration of the additional contribution of NH₃ emissions from vehicles to deposited nitrogen (NEA001 Step 4). NEA001 Step 4a, 4b and 4c do not apply as the air quality assessment is inherently in combination as it considers other plans and projects when determining the future baseline (do minimum) scenario. The assessment of air quality impacts within the zone where a change of 1% of the lower critical load for nitrogen was predicted was then undertaken (note, the zone where perceptible change may result was up to a maximum of 60m from the ARN). In line with NEA001 'integrity' of a site was taken to mean the coherence of its ecological structure and function, across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was, or will be, designated or classified.</p> <p>Section 5.10 of the Air Quality Chapter (Document Reference 3.2, APP-048) described the likely significant effects of the project upon air quality and takes account of the mitigation proposed in Section 5.9.</p>
Natural England, RR-180	Air Quality	The in combination impact in the HRA Appropriate Assessment scopes out any NO _x changes that are less than 1% of 30µg/m ³ for vegetation. Natural England are in the process of collating advice regarding the approach above in light of the	<p>The conversation regarding policy is currently ongoing between National Highways and Natural England, as will be reported in the SoCG.</p> <p>The DMRB LA 105-assessment methodology has not currently been amended to account for the ongoing</p>

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		<p>Wealden judgement and potential for multiple “imperceptible” emission concentrations to combine into a significant effect. We recognise and understand the argument made regarding the limits of modelling. This advice will also feed into National Highways new guidance</p> <p>Natural England will continue to discuss this topic with National Highways and feedback into this project with the updated evidence and guidance on this topic.</p> <p>The assessment should continue to use the best available evidence, ensuring the guidance and parameters set out within recent case law are followed.</p>	<p>conversations. As such the approach taken and results detailed within the Section 5.1 of the Environmental Statement Chapter 5 Air Quality (Document 3.2, APP-048) are still applicable. No amendments required.</p> <p>The assessment approach is undertaken in accordance with the published standard. It should however be noted that an assessment of the change in N deposition on the SACs within the affected road network has been undertaken. As the change triggered the screening thresholds in LA105 evidence is required to be presented to determine whether the impacts of the scheme will result in an impact on site integrity. Therefore, the way the Wealden Judgement is set out by Natural England in their submission i.e. multiple small changes triggering that when combined would trigger the need for an assessment. This argument is not engaged in this instance, as an assessment has already been undertaken as the traffic criteria in DMRB LA 105 were already triggered.</p>
Natural England, RR-180	Air Quality	<p>Operation Phase: Section 1.5.297 states that: “The air quality assessment is inherently in combination as it considers other plans and projects when determining the future baseline (do minimum) scenario.” Natural England require clarification that the in combination assessment includes a reasonable search for sources of emissions to air from other sectors; particularly, agricultural. This will not already be captured in the background or modelling approach.</p>	<p>The Air Quality assessment has used the most recent information from Defra for future background. It contains data on emission sources from different sectors but not for specific point source emissions in line with DMRB methodology. As such the background maps utilised for modelling does incorporate in combination emissions from other sectors.</p> <p>The assessment findings set out in the Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-048) are therefore considered to be accurate and</p>

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		<p>The in-combination approach needs to include details of all of the emissions sources identified and screened in/out to ensure the assessment has considered the impacts to the protected sites fully.</p> <p>If impacts are found, then the appropriate mitigation / compensation should be included in the HRA, and mitigation measures will need to be secured in the CEMP.</p> <p>The DCO needs to ensure that all proposed mitigation / compensation is detailed, deliverable and secured.</p>	<p>complete. No further assessment or amendments including updates to proposed mitigation are required.</p>
Natural England, RR-180	Air Quality	<p>Natural England note that it was confusing to find the air quality conclusions spread throughout several different documents, it is also difficult to identify which stage of operation is being referred to in each of these conclusions as it is not clear which approach has been taken in which section.</p> <p>Natural England recommends that the air quality chapter includes references to all conclusions drawn in relation to air pollution – describing which stage of the HRA these assessments have been carried out for or whether they are assessing for particular pollution types against certain habitat types.</p> <p>The process contribution of ammonia, NOx and N deposition are not always presented and there seems to be no consideration of direct toxic effects of ammonia and NOx against the critical levels.</p>	<p>A full assessment of the Air Quality effects is provided within the Environmental Statement (ES) Chapter 5 Air Quality (Document Reference 3.2, APP-048) and the supporting Chapter 5 Appendices (Document Reference 3.4, APP-150 to APP-153). The conclusions of significant effects are detailed within the Chapter 5 of the ES with supporting findings detailed within the Appendices. The conclusions set out in the Air Quality Chapter referenced above are those made to receptors identified in the Air Quality assessment methodology DMRB LA105. The effects upon ecological receptors to determine the significance of effect is discussed in more detail within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and the Habitats Regulations Assessment Stage 2 Statement to Information Appropriate Assessment (Document Reference 3.6, APP-302) Engagement will continue with Natural England through the Statements of</p>

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		<p>Natural England recommends that both the process contribution and direct toxic effects are assessed for all three pollutants and included in the assessments within the air quality chapter.</p> <p>The HRA includes assurance that because there is already an existing exceedance that a further breach from additional emissions is okay – this is not the case and should be corrected. The Dutch Nitrogen Case explains that every breach of emissions thresholds should be assessed for detrimental impacts to the protected sites.</p> <p>The air quality assessment concludes there will be various impacts through its chapter, even though there is a conclusion of no adverse effect on integrity in the appropriate assessment. Where impacts are found and assessed mitigation needs to be provided, this mitigation needs to ensure it is modelled and effective at providing appropriate mitigation for the specific pollutant type.</p> <p>Consequently, it is not yet clear as to whether the assessment will capture, with scientific certainty/no reasonable scientific doubt, all the potential impacts of the project to sensitive ecological features/ prevent or significantly slow restoration to the conservation objectives. Further clarification is needed within the air quality chapter and appropriate assessment to ensure the conclusions can be drawn and are of sound scientific evidence</p>	<p>Common Grounds process to ascertain where there is a lack of clarity on where certain conclusions are documented.</p> <p>Both NOx critical levels and N deposition critical load were considered within the assessment as outlined in Table 1 in Appendix 5.2 Air Quality Assessment Methodology for NOx (Document Reference 3.4, APP-151) Section 5.4.(Document Reference 3.3, APP-069) 30 in Chapter 5 of the ES states that nitrogen deposition (N dep) at designated ecological sites within 200m of the ARN has been assessed.</p> <p>The consideration of ammonia was included through the National Highways ammonia tool, as a function of the NOx emissions only as set out in the Chapter 5 Air Quality referenced above Section.</p> <p>It should be noted that discussions are currently ongoing between Natural England and National Highways regarding the DMRB LA105 air quality assessment methodology.</p>

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Natural England, RR-180	Biodiversity and BNG	<p>Natural England do not agree with the conclusions of the Habitats Regulations Assessment in regard to air quality as we do not agree with the loss of one species that LA105 allows for.</p> <p>Natural England are disappointed that our advice surrounding the use of LA105 for assessing the air quality impacts has not been taken on board, we still have fundamental concerns with the air quality assessment section within the environmental statements and do not support the use of LA105. Therefore, Natural England do not agree with the conclusions of the Habitats Regulations Assessment in regard to air quality as we do not agree with the loss of one species that LA105 allows for.</p> <p>we do not support the use of LA105 as it is not compliant with the Habitats Regulations Assessment. We have provided further comments on the Air Quality assessment in both Part II and Part III of this letter. There are three 'red' issues relating to the methodology type, the conclusions of the assessments and a lack of information surrounding the assessment of the direct effect of pollutants on habitat types. There are also several 'amber' issues relating to the concluding statements in the Habitats Regulations Assessments which are reliant on the scoping out of "imperceptible" emission concentrations, Natural England are in the process of collating advice regarding an approach to</p>	<p>It is acknowledged that there is ongoing dialogue regarding the use of LA105 for air quality assessment.</p> <p>Whilst NH has been working with NE over a number of years to update the approach in LA105, it is currently not part of the DMRB LA105. However, the draft approach agreed with Natural England would still require evidence to be collated to determine impacts on site integrity. We do not envisage that applying the draft advice would materially change the conclusion of the assessment.</p>

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		<p>assessing these emissions in combination and will feed this into National Highways new guidance.</p> <p>Natural England has several 'amber' issues relating to the construction around the River Eden SAC and River Eden & Tributaries SSSI, we have discussed these in more detail in Part II and Part III of this letter. Our comments highlight the need to secure the design principles and mitigation measures and ensure these are secured through an updated CEMP. Natural England require detailed design information for any temporary construction works to be included in the application and secured to ensure that the Habitats Regulations Assessment (HRA) can conclude no adverse effect on integrity of the site, at present the information that is missing means that Natural England cannot concur with the conclusions of the Habitats Regulations Assessment (HRA).</p> <p>Natural England is satisfied that 'green' issues are unlikely to result in adverse effects on the integrity (AEoI) of the internationally designated sites, subject always to the appropriate mitigation/compensation as outlined in the application documents being secured adequately.</p>	
Natural England, RR-180	Biodiversity and BNG Legal	The assessments of significant impact, particularly for the SAC and SSSI habitats and species are generally based on draft mitigation measures within a draft CEMP design and mitigation principles, rather than specific design and mitigation.	It is acknowledged that the mitigation measures are considered preliminary and are based on the preliminary design of the Project as submitted in the DCO Application. They are based on the identified Likely Significant Effects of the Project as identified in the Environmental Statement

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		<p>If these principles are not strictly adhered to, then this could change the outcome of the assessments. For example, if the bridge designs were to change over the Troutbeck, within the River Eden SAC, this could change the outcome of the assessments and HRA.</p> <p>The design principles and mitigation measures within the CEMP need to be secured and adhered to during the construction phase of the works.</p> <p>The mitigation measures need to progress past the draft stage and be updated to include all of the detailed design information required to understand the impacts of the designated features of the River Eden SAC & SSSI.</p> <p>We have also provided comments on the mitigation proposed for the River Eden SAC below in Table 1 and Table 2 and are satisfied that if our comments are taken on board and the biodiversity priorities are secured, and the design and mitigation principles are adhered to (and not subsequently amended) then there should be no adverse effect on integrity of the River Eden SAC. Further information is needed to understand the impacts and design of the construction works and any temporary structures (in particular the temporary bridge over Troutbeck) in relation to the River Eden SAC and its designated features.</p>	<p>(Document Reference 3.2, APP-043 to APP-059), which have been used to develop principles set out in the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), both of which will be examined as part of the DCO submission and will become certified documents. This includes activity around the River Eden SAC & SSSI.</p> <p>These two documents and their annexes will secure the mitigation required. Any future design developments, over the course of the DCO that may occur through the Examination process, will be required to take account of the mitigation outlined in these documents and will not result in effects worse than that which was assessed within the ES.</p> <p>It should be noted that Article 53 of the draft DCO (Document Reference 5.1, APP-285) requires that the EMP is developed into a second iteration EMP (in consultation with various parties) (or EMPs – there may be multiple second iteration EMPs applicable to different parts of the scheme) and then submitted to the Secretary of State for approval prior to the start of works. This second iteration EMP will contain detailed management plans (where relevant) that have been informed by the detailed design and construction methodologies that have not yet been developed, including in relation to biodiversity matters. Compliance with an approved second iteration</p>

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		<p>It should be noted that our conclusion of no adverse effect on integrity may change if the guidance we have provided on the mitigation and design principals is not followed appropriately.</p>	<p>EMP is secured by article 53 and as such is a legally enforceable obligation.</p>
<p>Natural England, RR-180</p>	<p>Biodiversity and BNG</p>	<p>The temporary works as part of the construction phase of the project need to be assessed and show detailed design information so that the potential impacts can be considered fully. The biodiversity chapter does not currently detail how and where the temporary bridges will be built, and they have therefore not been fully assessed for impacts in the HRA.</p> <p>The designs of the temporary bridge also need to be included and assessed further within the biodiversity chapter. There is a little more additional information in the HRA, however further specific information is required.</p> <p>Additional information is required in the Environmental Statement, as mentioned; detailed design information, location and methodology for the construction of the temporary works. Required mitigation must be secured in the final CEMP.</p> <p>The Mitigation measures and CEMP need to progress past the draft stage and be updated to include all of the detailed design information required to understand the impacts of the designated features of the River Eden SAC & SSSI.</p>	<p>At the time of writing the Environmental Statement (Document Reference 3.2, APP-043 to APP-059) the planning of the construction phase of the Project was ongoing, as outlined in Environmental Statement Chapter 2: The Project (Document Reference 3.2, APP-045). The specific details of construction methodologies and practices were not finalised and will not be until the detailed design is complete, which is currently ongoing.</p> <p>Where construction methodologies and practices were not yet fixed, the EIA considered the full range of approaches that could be taken or considered the worst case for environmental effects. The Environmental Statement therefore assumes a reasonable worst-case scenario where the appropriate level of detail was not available at the time of writing in order to allow for a full assessment of the potential impacts.</p> <p>Each technical chapter of the Environmental Statement outlines the assessment assumption and limitations for any such instances to ensure that a reasonable worst-case scenario has been assessed. In turn any variations to the construction approach should not result in likely significant adverse effects over and above those reported within the Environmental Statement.</p>

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			<p>The Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) sets out mitigation and restrictions in construction activities around watercourses (Annex C2 Working in Watercourses Method Statement, Document Reference 2.7, APP-037) and in particular working around the River Eden SAC and SSSI (Annex C1 Working in and Near SAC Method Statement Document Reference 2.7, APP-036).</p> <p>It should be noted that article 53 of the draft DCO (Document Reference 5.1, APP-285) requires that the EMP is developed into a second iteration EMP (in consultation with various parties) (or EMPs – there may be multiple second iteration EMPs applicable to different parts of the scheme) and then submitted to the Secretary of State for approval prior to the start of works. This second iteration EMP will contain detailed management plans (where relevant) that have been informed by the detailed design and construction methodologies that have not yet been developed, including in relation to biodiversity matters. Compliance with an approved second iteration EMP is secured by article 53 and as such is a legally enforceable obligation.</p>
Natural England, RR-180	Biodiversity and BNG	Sections 6.7.151 and 6.7.158 conclude that the assemblages of aquatic macrophytes and aquatic invertebrates within the Zone of Influence are considered of Local importance / Low Sensitivity and therefore are scoped out of further assessment.	The valuation of the aquatic macroinvertebrate and macrophyte assemblages has been undertaken in line with Table 3.9 in DRMB LA108 Biodiversity, as described in the Environmental Statement Appendix 4.1 Environment Impact Assessment Scoping Report Table 7-10 and Table 7-11 (Document Reference 3.4, APP-148). It was

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		<p>However, given that the macrophyte assemblages present are within SAC habitats their importance should be higher. They are also sensitive to changes in the physical and chemical aspects of the river habitats. Section 6.7.156 states that sites with a macroinvertebrate assemblage indicative of a high conservation value were recorded. Aquatic invertebrates are a key ecological component of SAC/SSSI habitats, and therefore should be given higher importance in the assessment.</p> <p>Given the need to increase the importance of the macrophyte and invertebrate assemblages in relation to the River Eden SAC, they should be brought forward into further assessments to ensure that they are thoroughly assessed, so that the proper conclusions are drawn on their impacts. Once assessed properly, the appropriate mitigation should be secured if there are impacts to the aquatic assemblages.</p> <p>If needed mitigation measures and compensation measures should be recommend in the HRA and secured in the CEMP.</p>	<p>considered that the loss of these populations within the project ZoI (which is not expected) would not adversely affect the conservation status or distribution of the species at a county or unitary authority scale. Potential impacts (in consideration of secured mitigation) to the River Eden SAC and River Eden and Tributaries SSSI are assessed in 6.10.6 of Environmental Statement Chapter 6 Biodiversity (Document Reference 3.2, APP-049), and the Habitats Regulation Assessment (Habitat Regulations Assessment Stage 2 Statement to Information Appropriate Assessment (Document Reference 3.6, APP-235). It is considered that the construction phase mitigation and the design of the watercourse crossings, as described in the HRA and secured in the Environmental Management Plan (Document Reference 2.7, APP-019) REAC D-RDWE-01 and Annex B7 Ground and Surface Water Management Plan (Document Reference 2.7, APP-027) and within the Project Design Principles (Document Reference 5.11, APP-302) will safeguard the aquatic macroinvertebrates and macrophytes assemblage within the project Zone of Influence. No compensation measures are considered to be required for either species group.</p>
Natural England, RR-180	Biodiversity and BNG	Justification needs to be given to understand why the Asby Complex SAC and Ravensworth Fell SSSI has been scoped out of the air pollution assessments given that they are within 200m of the Affected Road Network.	Asby Complex SAC and Crosby Ravensworth Fell SSSI were scoped out of further assessment although the designated site falls within 200m of the ARN. Both locations were modelled to have a positive change as reported in Appendix 5.4 of the Environmental Statement (Document Reference 3.2, APP-153) as a result of

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		<p>Further evidence needs to be provided to understand why this SAC and SSSI have been scoped out and needs to be referenced within section 6.10.469</p> <p>Natural England will be able to comment on mitigation / compensation if it is needed once the evidence asked for is provided.</p> <p>If needed mitigation and compensation measures will need to be assessed in the HRA and secured within the DCO.</p>	<p>changing traffic flows along the ARN. Therefore, they are not expected exceed the 1% threshold for adverse impacts where a significant adverse effect may occur and no further assessment is required.</p>
<p>Natural England, RR-180</p>	<p>Biodiversity and BNG</p>	<p>Construction Phase: At present the EMP is in draft form, and specific and detailed mitigation measures are not finalised. Reassurance is also needed that if the project design principles are not adhered to (e.g., the design for an open span bridge with piers across the Troutbeck Floodplain) then the outcomes of the HRA may change. Whilst we agree the outcome of the HRA – that there will be no adverse effect on the integrity of the River Eden SAC, this is dependent on the design principles and mitigation measures in the draft CEMP not changing.</p> <p>Natural England require the design principles and mitigation measures in the draft CEMP to be secured and not change in order for us to agree to the outcomes in the HRA</p> <p>The mitigation measures have already been drafted but they need to be secured.</p>	<p>It is acknowledged that the mitigation measures are based on the preliminary design of the Project as submitted in the DCO Application. They are based on the identified Likely Significant Effects of the Project as identified in the Environmental Statement (Document Reference 3.2, APP-044), which have been used to develop principles set out in the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), both of which will be examined as part of the DCO submission and will become certified documents. These two documents and their annexes will secure the mitigation required. Any future design developments, over the course of the DCO that may occur through the Examination process, will be required to take account of the mitigation outlined in these documents and will not result in any worsening of effects identified within the ES.</p>

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		<p>Any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice. In the case of the DCO, measures used to inform the decision about the effects on the integrity will be secured through DCO itself, via (for example) the DCO Order Limits, Project Design Principles or Environmental Management Plan (EMP).</p>	<p>It should be noted that article 53 of the draft DCO (Document Reference 5.1, APP-285) requires that the EMP is developed into a second iteration EMP (in consultation with various parties) (or EMPs – there may be multiple second iteration EMPs applicable to different parts of the scheme) and then submitted to the Secretary of State for approval prior to the start of works. This second iteration EMP will contain detailed management plans (where relevant) that have been informed by the detailed design and construction methodologies that have not yet been developed, including in relation to biodiversity matters. Compliance with an approved second iteration EMP is secured by article 53 and as such is a legally enforceable obligation.</p>
<p>Natural England, RR-180</p>	<p>Biodiversity and BNG</p>	<p>Our position regarding impacts on internationally and nationally designated sites is summarised below. Further detail on our reasoning for this is given against each impact pathway within Part II.</p> <p>Natural England is not yet satisfied for 'amber' and 'red' issues identified in the text below that it can be ascertained beyond reasonable scientific doubt that the project would not have an adverse effect on the integrity of the following internationally and nationally designated sites: River Eden SAC, River Eden and Tributaries SSSI, Temple Sowerby Moss SSSI, North Pennines SAC, North Pennines SPA and Bowes Moss SSSI and Asby Complex SAC and Ravensworth Fell SSSI</p>	<p>Comments duly noted. National Highways have provided detailed responses in the remainder of this Relevant Representation,</p>

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		<p>Natural England have several 'red' and 'amber' issues in relation to the above designated sites, we have provided more detail in Part II and Part III about these issues and what further information is needed to ensure they can be overcome.</p>	
<p>Natural England, RR-180</p>	<p>Biodiversity and BNG</p>	<p>River Eden SAC and River Eden & Tributaries SSSI Environmental Statement Chapter 6: Biodiversity</p> <p>6.7.170:</p> <p>This section states: "that it might be expected that there would be an overall reduction in the extent of the heavily farmed agricultural land in the surrounding landscape, potentially alongside increases in woodland cover. This is unlikely to increase the value of biodiversity features currently identified by 2029 due to the time taken for newly created habitats to mature".</p> <p>There are current plans to carry out river restoration work at Troutbeck, with evidence that suggests that the biodiversity and geomorphology generally recovers very quickly after restoration and will therefore be improved by 2029. Further clarification is needed to understand if there is evidence that shows why the decrease in intensely farmed agricultural land would not have a positive effect on biodiversity features as mentioned in this paragraph.</p>	<p>6.7.170:</p> <p>Woodland habitats take at least 30 years to establish. Therefore, based on the assumption that any theoretical woodland planting that may occur before 2029 is a maximum age of 7 years, it would be yet to reach its maximum biodiversity value. The quantum and type of enhancement planned for Troutbeck is not yet known and therefore cannot be accurately assessed within the context of the A66.</p> <p>However, it is not disputed that (1.) Habitat restoration works at Troutbeck will likely result in long term biodiversity enhancement; and (2.) any woodland planting within formally arable land will result in enhanced biodiversity once the woodland planting and understorey become established. Due to there being no known date of any theoretical woodland planting it was considered a suitable precaution that, if planted in the next 7 years, it would not be substantially established to provide a significant enhancement to biodiversity within the context of the A66. However, as the woodland matures towards 30 years and beyond, its biodiversity value would increase above that of arable habitats.</p>

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		<p>6.9.25: This section details some enhancement opportunities that may be possible. Many of these will have biodiversity benefits and will provided indirect benefits to the River Eden SAC, including some of its designated species. However, the Environmental Statement does not say whether these measures will definitely be carried out.</p> <p>The environmental statement needs to state which mitigation and enhancement opportunities that will be carried out and secured in order for Natural England to be able to assess whether the mitigation and compensation is appropriate.</p> <p>6.10.11: When discussing the air quality impacts to the River Eden, this sections states that: “When considering the results of the air quality modelling it should be noted that whilst change in deposition rate is a useful metric to understand the net increase in pollutants in the air, this metric is less applicable to this aquatic habitat type. Aquatic plants that are a component of the vegetation community are submerged for the majority of the year due to their growth form, consequently they are regularly inundated and flushed during modest flood events.”</p> <p>Natural England understand the argument made, but find this comment to be quite vague, can scientific</p>	<p>For the potential enhancement opportunities which are outlined within the Environmental Statement Chapter 6 Biodiversity (Document Reference 3.2, APP-049), there is no legal requirement for them to be implemented into the final design of the project. They are disclosed within the Environmental Statement so that they are possible within the remit of the project. However, the DCO is not legally required to ensure the implementation of the enhancement measures and the measures have been identified as opportunities to be investigated as the design develops throughout the DCO process.</p> <p>6.9.25 All easily achievable with the potential exception of “Removal of redundant culvert on Eastfield Dike associated with the MOD tank turning area. The current Flood Risk Assessment is based on modelling that assumes the presence of this culvert and the acceptability of this mitigation, in terms of flood risk, will need to be fully assessed during detailed design” and “A 300m length of Mains Gill is within a culvert. There is potential to daylight this section by removing the pipe culvert reconnecting habitats locally. The value of this mitigation, in terms of fish, should be assessed noting that the existing A66 culvert presents a barrier to the upper reaches of Mains Gill and that this section is ephemeral”.</p>

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		<p>evidence that can support this comment and highlight why in this case N depositions will not lead to a nutrient impact on the river be provided.</p> <p>6.10.16: This section states that “The potential for hydrological impacts has been reviewed and is identified as not likely, due to the new alignment cuttings being lower than the site, and therefore it is not possible for a hydrological impact upon this site”.</p> <p>Evidence should be provided here that shows that the assessment has assessed whether there will be an impact on the local water table, and thus having a hydrological impact on the Temple Sowerby Moss SSSI</p> <p>6.10.27: This section refers to loss of woodland at Skirsgill, including trees on the banks of the River Eden. This ought to be reflected in the River Eden SAC/SSSI section, given that is a loss of riverbank habitat.</p> <p>6.10.28 states that mitigation will be in place, including fencing to protect the remaining trees. In addition, any riverbank trees that are lost should be replaced to continue to provide dappled shade conditions along the river (though not necessarily at the new outfall location). The provision of replaced habitat / trees should be secured within the mitigation and compensation measures.</p>	<p>6.10.11 It is noted that the flushing” argument is currently based on the professional judgment of National Highways. Flushing of nitrogen from exposed macrophytes during moderate high flow river events was discussed as part of the HRA Task Working Group, where it was agreed that this seemed reasonable, but Natural England suggested that further evidence should be sought. National Highways continues to engage with Natural England on this point and will seek to clarify and justify the methodology and assessment undertaken in the ES as part of this process.</p> <p>6.10.16 The potential impact to Temple Sowerby Moss SSSI was considered in Appendix 14.6 Hydrogeological Impact Assessment of Chapter 14 Road Drainage (Document Reference 3.4, APP-225). The assessment concludes that the designated area is not within the zone of influence of any cuttings (area of predicted groundwater drawdown), and therefore no impact on baseflow is anticipated. No impacts to surface water in the area are predicted, due to no surface water features adjacent or downstream of the scheme linked to Temple Sowerby Moss SSSI and therefore no potential pollutant pathway, see Section 14.6.3 of ES Appendix 14.6.</p>

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		<p>6.10.315: Natural England do not support the use of LA105 as it not HRA compliant, please see comments above in Table 1 for our comments on Air Quality.</p> <p>6.10.335: Please see our comments in the Table below for the Habitats Regulation Assessment, which are relevant to this section of the Biodiversity Chapter.</p> <p>6.10.359-6.10.466: These sections assess the impact of air pollution on many woodland designated sites and priority habitats. Whilst the comments about the woodland and individual trees are discussed, the trees/woodland need to assess for their lichen and lower plant communities, which are much more susceptible to nitrogen deposition.</p> <p>Other woodland sites in the vicinity (beyond 200m of the ARN or red line boundary) do have important lichen and lower plant communities. They comprise similar woodland communities and underlying geology to those sites assessed in the Environmental Statement, therefore there is the potential for these sites to also have important lichen and lower plant species present, which should be assessed.</p>	<p>In regard to the use of LA105 as per 6.10.315 it is acknowledged that there is ongoing engagement between National Highways and Natural England on the topic of Air Quality methodology and the adequacy of LA105.</p> <p>The woodland designated sites note in 6.10.359 - 6.10.466 were assessed utilising desk study information as part of the assessment of air pollution impacts within the Environmental Statement. Following ground truthing surveys undertaken in October 2022, the field survey data supports the desk study information and habitats assumed to be present as part of the assessment. Whilst it is acknowledged that the woodland sites may support lichen and lower plant communities more susceptible to nitrogen deposition, the rational for the assessment outcomes remain the same and subsequently any potential impact from changes in AQ are not deemed to have a significant effect on the sites.</p> <p>6.10.478 and 6.11.5 It is noted that the temporary bridge over Trout Beck and the temporary and construction phase works have the potential to have a detrimental effect of the River Eden SAC. The HRA (Document Reference 3.6, APP-235) assesses the construction phase impacts considering proposed mitigation. The detailed design of the temporary bridge was not available at the time of submission and will form part of the Project detailed design. However, the requirement for a temporary bridge over Trout Beck to facilitate the construction of the permanent viaduct was</p>

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		<p>6.10.478: Whilst the main permanent bridges have been designed to be open plan (across the whole floodplain in the case of Troutbeck and a couple of becks in the Appleby – Brough scheme), the impact of the temporary bridge across Troutbeck needs to be assessed.</p> <p>Natural England requires the detailed design and whether a temporary causeway across the floodplain will be necessary to assess the impacts to Troutbeck.</p> <p>6.11.5: Natural England acknowledge that National Highways recommends monitoring visits during the construction phase be carried out every six months. Natural England suggest that these monitoring visits should be much more frequent through the construction areas with the highest impacts and impact pathways the designated sites.</p> <p>The water quality in terms of sediment and turbidity will need regular, frequent monitoring to ensure that the mitigation measures that are in place are preventing sediment run-off and pollution incidents.</p>	<p>discussed with Natural England in the construction mitigation workshop (22 April 2022) and it was agreed that this would need to be open span (i.e., from bank top to bank top) and that the haul road would need to be at flood plain level to reduce potential for changes to fluvial geomorphological process during construction.</p> <p>Note paragraph 6.11.4 4 of Chapter 6 Biodiversity within the Environment Statement (Document Reference 3.2, APP-049) “A monitoring visit will be carried out prior to the commencement of construction works at each location to ensure appropriate protective fencing and other required mitigation measures are in place.” Subject to this measure being implemented and subsequent visits being carried out on a 6-month rotation, it is considered that suitable safeguards will be in place for the majority of habitats. However, National Highways are willing to discuss monitoring frequency with Natural England through ongoing engagement.</p>

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		<p>6.11.7: Natural England welcome the need to monitor habitat creation schemes and recommend that the effluent from the attenuation ponds needs to be monitored to ensure that the ponds continue to function as they should.</p>	
Natural England, RR-180	Biodiversity and BNG	<p>Habitats Regulations Assessment: Appropriate Assessment 3.6 Habitats Regulations Assessment: Stage 2 Statement to Inform Appropriate Assessment</p> <p>1.4.5: Further clarification is needed here to understand why all of the ecological receptor locations have been modelled at 0m.</p> <p>1.4.19: Natural England would expect no deterioration in water quality, further information is required here to understand whether the Highways England Water Risk Assessment Tool (HEWRAT) takes into consideration water quality when implementing suitable drainage system and mitigation measures.</p> <p>1.5.17: The temporary bridge over Troutbeck is mentioned here but there are no available details. Natural England required the detailed design of the bridge and information regarding whether it will affect the</p>	<p>Potential impacts (in consideration of secured mitigation) to the River Eden SAC and River Eden and Tributaries SSSI are assessed 6.10.6 of Chapter 6 Biodiversity (Document Reference 3.2, APP-049), and the Habitats Regulation Assessment (3.6 Habitat Regulations Assessment Stage 2 Statement to Information Appropriate Assessment) (Document Reference 3.6, APP-235). It is considered that the construction phase mitigation and the design of the watercourse crossings, as described in the HRA and secured in the Project Design Principles (Document Reference 5.11, APP-302) will safeguard the aquatic macroinvertebrates and macrophytes assemblage within the project Zone of Influence. No compensation measures are considered to be required for either species group.</p> <p>A height of 0m has been used for modelling ecological receptors as ground level is closer to the road/source of the emissions and is therefore considered a reasonable worst case.</p> <p>No deterioration of water quality is predicted as a result of the Project. During construction measures outlined within the Environmental Management Plan (EMP) (Document</p>

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		<p>natural function of the river to be presented and referred to in the HRA. The temporary and construction phase works do have the ability to have a detrimental effect on the SAC and therefore should be discussed in the HRA.</p> <p>1.5.24-1.5.25:</p> <p>This section concludes no land take is required inside the SAC boundary however section 6.10.27 in the Environmental Statement refers to the loss of woodland at Skirsgill, including riparian trees, this should be discussed here.</p> <p>1.5.92:</p> <p>The statement is vague and whilst a reasonable argument, this requires some evidence/reference/detail to have the necessary level of confidence. However, if we use this argument for all the Diffuse and point source pollution in the river i.e., that it will all be flushed out of the system and therefore not be a problem, why are our rivers unfavourable for nutrient pollution, which can cause changes in macrophyte composition, reduction in Biological Oxygen Demand (BOD), increase in algae which can then have adverse effects on dependent species etc. But Phosphorus tends to be the limiting factor in these freshwater river systems, and the nutrient input from the air pollution is mainly Nitrogen.</p>	<p>Reference 2.7, APP-019) will be implemented and monitored. During operation the HEWRAT tool has been used to guide the design of the drainage system to be compliant with the Environmental Quality Standards (EQSs) for the receiving watercourses. The HEWRAT assessment undertaken on the drainage design demonstrated no adverse impact. Future revisions of the drainage design will be subject to updated HEWRAT assessments to maintain compliance.</p> <p>Regarding 1.5.92 it is noted that the temporary bridge over Trout Beck and the temporary and construction phase works have the potential to have a detrimental effect on the River Eden SAC. The HRA (Document Reference 3.5, APP-234 and Document Reference 3.6, APP-235) assesses the construction phase impacts considering proposed mitigation. The detailed design of the temporary bridge was not available at the time of submission and will form part of the detailed design. However, the requirement for a temporary bridge over Trout Beck to facilitate the construction of the permanent viaduct was discussed with Natural England in the construction mitigation workshop (22 of April 2022) and it was agreed that this would need to be open span (i.e., from bank top to bank top) and that the haul road would need to be at flood plain level to reduce potential for changes to fluvial geomorphological process during construction.</p> <p>There will be localised alteration of the riparian zone because of the attenuation basin discharges to the River</p>

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		<p>1.5.98: An existing exceedance of Nitrogen is not a justification to permit further additional emissions (see Dutch Nitrogen Judgement). However, further evidence and discussion needs to be supplied with regards to the impact on the ecology / biodiversity of Nitrogen in comparison to Phosphorus. Phosphorus is likely to be the limiting factor.</p> <p>1.5.514: Please see our comments for section 1.4.19</p> <p>1.5.157: The temporary bridge design principles have been included and discussed here, clarification is needed to understand whether these have been secured and firmly agreed</p> <p>1.5.519: Importantly, the bridge design should not prevent the river (Troutbeck) achieving favourable condition, and there is a proposed river restoration scheme, that should not be compromised by the design. The design principles described should ensure that this is the case.</p> <p>1.5.182: The shape of the flood compensation storage area is very rectangular / regular. Natural England recommend that this takes a much more natural</p>	<p>Eamont (M6 Junction 40 to Kemplay Bank) and Trout Beck (Temple Sowerby to Appleby). The discharges will enter these SAC watercourses via the riparian zone. Loss of trees associated with the construction of the drainage channel will be avoided/minimised as far as possible. However, the riparian habitat subject to alteration/ loss of trees was not identified to be qualifying SAC woodland habitat type (i.e., 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>). It is considered that the minor alteration/loss of trees (if required) would not have a significant effect in the function of the woodland and is not considered to have any likely significant effect on any qualifying features of the SAC. The HRA will be updated to reflect the above and the minor loss of habitat inside the SAC boundary.</p> <p>Where outfalls discharge to natural banks these will be designed to be open ditches (i.e., no new hard outfalls will be created). They will be designed to facilitate erosion patterns, to allow the natural migration of watercourses to continue. Where outfalls discharge at a location with existing hard banks, they will be designed to tie into the existing hard structure.</p> <p>It is noted that the flushing argument is currently based on the professional judgment of the Project team. Flushing of nitrogen from exposed macrophytes during moderate high flow river events was discussed as part of the HRA Task Working Group, where it was agreed that this seemed</p>

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		<p>shape, however if it is changed, it should be taken into consideration that this may impact all of the geomorphological and hydrological modelling</p> <p>1.6.31:</p> <p>Please see above 'red' issue in relation to Air quality, a pre-existing breach of 1% does not mean the site can be scoped out of further assessments.</p>	<p>reasonable, but Natural England suggested that further evidence should be sought. Engagement will continue with Natural England through the Statements of Common Grounds process to ascertain where there is a lack of clarity on where certain conclusions are documented.</p> <p>The assessment has been made considering the Dutch Nitrogen case. The assessment does not use the exceedance of nitrogen to justify additional inputs. Engagement will continue with Natural England through the Statements of Common Grounds process to ascertain where there is a lack of clarity on where certain conclusions are documented.</p> <p>The design principles for the viaduct and temporary bridge are secured in the Project Design Principles (Document Reference 5.11, APP-302).</p> <p>1.5.82 – Flood compensation areas have been shown in draft at this stage to prove the concept is viable. These areas will be developed/refined at detailed design stage, so they blend into the natural landscape. This is secured in Table 4.1 of (Document Reference 5.11, APP-302) Project Design Principles. Flood modelling reports (including flood compensation areas) are in Annex E Environmental Statement Appendix 14.3 Water Quality Assessment, (Document Reference 3.4, APP-222).</p> <p>The site has not been scoped out of further assessment as a result of the 1% breach. Whilst the assessment acknowledges the 1% breach within the affected area of the site, further assessment considers that the actual area</p>

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			of impact in the context of the whole SAC is considered negligible (approximately 0.01% of total blanket bog area).
Natural England, RR-180	Landscape and visual	<p>Operational Phase: Table 1 Landscape Value Criteria affords a Very High value to the landscapes of National Parks but only a High value to those of AONBs. This is not correct.</p> <p>The English National Parks and AONBs are designated on the basis of having the same level of outstanding natural beauty and their landscape and scenic beauty have the exact same level of national planning policy protection. They both have a statutory purpose for conserving and enhancing the area's natural beauty, but the National Parks have a secondary purpose of helping people to understand and enjoy their special qualities (usually referred to as their recreation purpose). This principle of equivalence should also be applied to the LVIA's consideration of landscape sensitivity.</p> <p>AONBs are not explicitly referenced in the table but need to be included in the Very High value category. It isn't clear how the North Pennine AONB has been treated in tables 5 and 6 dealing with Visual value and Visual Susceptibility Criteria. We therefore advise that this is corrected with the AONB being rated as very high for all assessments and that the LVIA's assessments of significance of effects are reviewed and adjusted where necessary.</p>	<p>DMRB LA107 states that sensitivity is a combination of both the value of the receptor and assessing the receptors susceptibility to change.</p> <p>As the A66 already exists within the baseline environment the North Pennines Area of Outstanding Natural Beauty (AONB), it is considered to have a high susceptibility to change, as opposed to very high, which would apply in instances where no highway was currently present.</p> <p>The Landscape and Visual Impact Assessment (LVIA) acknowledges and has set out in paragraph 10.10.204 the special qualities of the AONB and the assessment considers that in term of wildness, tranquillity and remoteness, these particular special qualities are not present due to the presence of the existing A66. This is accepted by NE in their response to the LVIA that not all are present. The statement in 10.10.207 is therefore concluding that the study area is not fully representative of the special qualities, not that there is a requirement for all of the special qualities to be present to justify the designation. This is reflected in Table 1 Landscape Value Criteria of Appendix 10.2 Landscape and Visual Impact Assessment (Document Reference 3.4, APP-198).</p> <p>As such on balance a high sensitivity has been utilised in relation to the North Pennines AONB.</p>

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		<p>Natural England advise that the DCO documents ensure they give the correct weighting to the designated landscapes, to ensure they are assessed correctly.</p>	
<p>Natural England, RR-180</p>	<p>Landscape and Visual</p>	<p>Landscape Visual Impact Assessment (LVIA) 3.4 Environmental Statement Appendix 10.2 The Scope of our comments on the LVIA Natural England only provides landscape planning advice for proposed development schemes or the parts of those schemes which affect nationally designated landscapes i.e., National Parks and AONBs. This includes development with the setting of a protected landscape which may impact significantly on the ability of the area to deliver its statutory purpose of conserving and enhancing natural beauty. For the A66 Northern Trans-Pennine Project our focus is on the two sections of the scheme which are in the immediate setting of the North Pennines AONB, including abutting the AONB boundary and with ancillary works within the AONB. Those are the Appleby to Brough and Bowes Bypass schemes. Of these two schemes we are focused primarily on the Appleby to Brough scheme because the Bowes Bypass would barely encroach on the AONB itself and, from the information provided, altogether involves a much lower level of change to the setting of the AONB.</p>	<p><u>Scope of our comments on the LVIA</u> Comments on the low risk of significant effects to the Lake District National Park and Yorkshire Dales National Park are duly noted. National Highways will be responding to Relevant Representations from Lake District National Park Authority. There has been no Relevant Representation received from the Yorkshire Dales National Park Authority.</p> <p><u>The benefits of the selected route</u> Comments duly noted.</p> <p><u>Application of LVIA methodology</u> DMRB LA107 states that sensitivity is a combination of both the value of the receptor and assessing the receptors susceptibility to change. As the A66 already exists within the baseline environment of the North Pennines AONB, based on professional judgement it is considered to have a high susceptibility to change, as opposed to very high, which would apply in instances where no highway was currently present.</p> <p><u>Appleby to Brough</u> Comments duly noted.</p>

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		<p>Our expectation is that the other schemes deeper within the setting of the AONB, particularly the Temple Sowerby to Appleby section, would not have a significant effect on the AONB. We would stress however, that we cannot be definitive on this point and other parties, notably the AONB Partnership, may advise differently based on their direct knowledge of the site and its relationship, visually and in terms of landscape character, to the AONB.</p> <p>We are not providing advice on whether and how any of the schemes comprising the overall project may affect the Lake District National Park or the Yorkshire Dale National Park. The risk of a significant effect on either of these designated areas appears to be small given the distance from their respective boundaries. Again, however we cannot be definitive about this, and we would defer to the two National Park Authorities regarding this matter.</p> <p>Natural England's landscape advice for this road project and regarding the LVIA is high level. Our intention is to highlight issues and potential concerns about how the project might affect the ability of the AONB to deliver its statutory purpose. As the national landscape agency and designating authority for AONBs and National Parks our priority in planning matters is to uphold the delivery of that statutory purpose. We hope that our higher level commentary on the LVIA and the relationship of the</p>	<p>Mitigation</p> <p>Environmental Statement Chapter 10 Landscape and Visual (Document Reference 3.2, APP-053) paragraphs 10.8.53 to 10.8.66 describe assessment of effects at year one and year 15 as required in DMRB LA 107 section 3.19. Proposal for assessment of effects at an interim point shall be discussed with Natural England as part of ongoing engagement.</p> <p>Effect on special qualities</p> <p>Environmental Statement Chapter 10 Landscape and Visual, section 10.8.14 lists the landscape and visual effects likely to occur within the Appleby to Brought scheme, including those within the AONB boundary, and section 10.8.15 does the same for the Bowes Bypass scheme.</p> <p><u>Bowes Bypass</u></p> <p>Environmental Statement Chapter 10 Landscape and Visual acknowledges and has set out in paragraph 10.10.204 the special qualities of the AONB and the assessment considers that in term of wildness, tranquillity and remoteness, these particular special qualities are not present due to the presence of the existing A66. This is accepted by Natural England in their response to the LVIA that not all are present. The statement in 10.10.207 is therefore concluding that the study area is not fully representative of the special qualities, not that there is a</p>

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		<p>project to the AONB will be helpful and complement the advice from local partners which could deal with those individual effects and site/viewpoint specific conclusions of the LVIA in more detail as they are more familiar with the site.</p> <p>We are also primarily focused on the effects of the operational scheme because this will of course produce permanent effects on the AONB. This does not downplay the importance of addressing the construction phase effects, but it is more helpful given our approach to this project to accept that the construction phase, inevitably for any major construction project, will have significant effects even if they are localised in terms of landscape character and may only be notably adverse from specific viewpoints or particular areas for a given period.</p> <p>Policy context and steer</p> <p>We are largely content that the LVIA has drawn on all the relevant national and local policies and relevant sources of information, although:</p> <p>79) The relevance and importance of the AONB Management Plan (which is a material consideration in planning matters) doesn't appear to be referenced until paragraph 10.7.33. The role of the management plan could be usefully highlighted in the earlier section alongside the national and local policies. The management plan is especially relevant in</p>	<p>requirement for all of the special qualities to be present to justify the designation.</p>

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		<p>articulating the defining characteristics and attributes of the AONB or its 'special qualities' and how these are expressed across the designation. Any significant effect on one of those special qualities is likely to translate into a significant effect on the area's statutory purpose.</p> <p>The benefits of the selected route</p> <p>National planning policy, set out in both the National Planning Policy Framework (NPPF) and the National Policy Statements for infrastructure schemes, provides the highest level of protection for the AONB. The NPPF establishes a default of no major development within an AONB unless exceptional circumstances can be demonstrated, including the scope for 'moderating' (aka mitigating) the impact of the scheme. Both the NPPF and the government's Planning Practice Guidance confirm that the careful location and sensitive design of schemes in the setting of a protected landscape is also a requirement. In relation to this policy framework, we clearly favour the proposed scheme over any alternative which would take the road further into the AONB. That the project would be delivered within the area currently affected by the A66 is also regarded positively because this of course avoids directly impacting landscape character either across the wider AONB or parts of its setting which, from a landscape a visual perspective and in</p>	

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		<p>complementing the AONB, is more sensitive to this type of development. The proposed route also appears to offer good opportunities for vegetative screening to visually manage its effect on the AONB.</p> <p>Natural England support the current selected route of the Appleby to Brough scheme as the alternative route would lead the scheme further into the AONB. We contend that:</p> <p>80) The use of the area by the military has limited the scope for modern and intensive agriculture thereby providing a more ecologically rich landscape. This may contrast with the expectations some may have of a 'tidier' farmed landscape but does not mean that it is a degraded one.</p> <p>81) The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. So even if the area had been degraded this would not justify further damaging development or other changes which would limit or completely close down opportunities for its enhancement.</p> <p>Application of LVIA methodology</p> <p>Reference Document 3.4 Environmental Statement Appendix 10.2 Landscape and Visual Impact Assessment. Table 1 Landscape Value Criteria affords a Very High value to the landscapes of National Parks but only a High value to those of AONBs. This is not correct. The English National</p>	

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		<p>Parks and AONBs are designated on the basis of having the same level of outstanding natural beauty and their landscape and scenic beauty have the exact same level of national planning policy protection. They both have a statutory purpose for conserving and enhancing the area's natural beauty, but the National Parks have a secondary purpose of helping people to understand and enjoy their special qualities (usually referred to as their recreation purpose). This principle of equivalence should also be applied to the LVIA's consideration of landscape sensitivity. AONBs are not explicitly referenced in the table but need to be included in the Very High category. It isn't clear how the North Pennines AONB has been treated in tables 5 and 6 dealing with Visual value and Visual Susceptibility Criteria. We therefore advise that this is corrected with the AONB being rated as very high for all assessments and that the LVIA's assessments of significance of effects are reviewed and adjusted where necessary.</p> <p>In relation to the above para 10.4.22 of the LVIA says: <i>Visual sensitivity is a combination of a visual receptor's susceptibility to change and the value of the view. Both of these values can be tempered with professional judgment due to context. Whilst we agree with this, we would expect the AONB designation to contribute heavily to 'context' in rating the sensitivity of a receptor within the AONB.</i></p>	

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		<p>Appleby to Brough</p> <p>This scheme includes a new Warcop junction requiring an overbridge and wider road infrastructure. Para 10.8.14 lists the likely effects of this scheme, including not insignificant elements encroaching on the AONB and altering the character of the area, but also the <i>'introduction of woodland blocks and belts, hedgerows, stone walls and individual trees in order to reduce landscape and visual impacts and restore local character'</i>. We are pleased that the LVIA's description of changes clearly recognise the type and extent of change to this area within the AONB boundary and in its immediate setting.</p> <p>We welcome the recognition at para 10.9.48 that: <i>Environmental design is particularly important for this scheme which passes adjacent to and partly in the North Pennines AONB. As mentioned in section 10.6 the purpose of the North Pennines AONB is the conservation and enhancement of the natural beauty of the area. It is therefore of key importance that the scheme alignment, junction configurations, link roads and alterations to the existing minor roads and lanes and new detention ponds are designed to minimise potential negative impacts on the North Pennines AONB and its setting. DCO document 5.11 Project Design Principles lists specific design considerations for sensitive areas within the project. The potential</i></p>	

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		<p><i>impacts on areas outside the North Pennines AONB are also a consideration with regard to setting of the North Pennines AONB, landscape character and visual amenity.</i></p> <p><u>Mitigation</u></p> <p>Paras 10.8.53 to 10.8.66 describe the maturing of mitigation measures from year one of the scheme's operation to year 15 particularly from the perspective of a road user. Particularly important statements here are made at:</p> <p>82) Para 10.8.63 <i>'The boundary of the North Pennines AONB that runs along the northern edge of the road at Warcop would benefit from the establishment of woodland belts and effective screen planting. The buildings, signage and other MoD paraphernalia would be rationalised to create a neater and more contiguous boundary to the North Pennines AONB'.</i></p> <p>83) Para 10.8.64 <i>'In year 15 screen planting would be established at the new junction at Warcop which together with the slackened side slopes would help to fit the junction into the landscape'.</i></p> <p>We note that the assessment of effects and therefore the effectiveness of mitigation measures is only considered for the operational scheme at year one and year fifteen. We recognise that it is the regular practice of an LVIA to present the effectiveness of mitigation measures in the first year of a scheme's</p>	

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		<p>operation and typically at year fifteen. It would however be helpful, given that this scheme would involve major changes even if localised, to part of an AONB and its setting, to present how the mitigation would have matured and its effectiveness at a mid-term point.</p> <p><u>Effect on special qualities</u></p> <p>We welcome the assessment of effects of this scheme on the management plan's defined special qualities of the AONB summarised in paras 10.10.138 to 10.10.148. The LVIA concludes that there would be no significant impacts on those special qualities, and this is supported by reference to the presence of existing built development and the current A66. We can <u>very tentatively</u> support this conclusion recognising the character of the current baseline environment particularly in relation to the current impact of the A66 on a sense of wildness and remoteness, and the apparent potential to contain the effects of the scheme through mitigation. We would qualify this however, by deferring to the AONB Partnership should their knowledge of the site, its landscape setting and the sensitivity / vulnerability of any of the special qualities challenges that conclusion.</p> <p>The Non-technical summary document says of this scheme that: <i>During construction, this scheme is expected to result in significant temporary adverse</i></p>	

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		<p><i>effects to landscape character areas, residences, users of recreational sites and PRow and road users within and in proximity to the Order Limits. It would be helpful to identify which of these effects would occur within or affect the AONB. This point also applies to the Bowes Bypass.</i></p> <p>Specifically in relation to Bowes Bypass</p> <p>Para 10.8.15 lists the likely landscape and visual effects of the scheme.</p> <p>We accept the conclusion at 10.10.203 that: <i>The scheme will present a minor incursion into the western extents of the North Pennines AONB at the western entrance to Bowes and therefore physical change to the landscape features within the designated landscape will be very limited. We also believe that it is safe for us to accept (subject to the AONB Partnership advising differently) the contention at 10.10.205 that: In relation to the above, the presence of Bowes and the existing A66 negate any sense of relative wildness or remoteness from across the North Pennines AONB within the study area.</i></p> <p>We cannot confirm whether any of the other defined special qualities of the AONB would be adversely affected to a significant degree. The statement at 10.10.207: <i>The study area is therefore considered not to be fully representative of the stated special qualities of the North Pennines AONB is potentially</i></p>	

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		<p>misleading because it suggests that the special qualities of the AONB are all expected to be expressed across every part of the designated area, which both not the case and certainly not an expectation of the area's designation as an AONB.</p> <p>5.1 Landscape and Visual Impact Assessment (LVIA)</p> <p>Operational Phase:</p> <p>Table 1 Landscape Value Criteria affords a Very High value to the landscapes of National Parks but only a High value to those of AONBs. This is not correct.</p> <p>The English National Parks and AONBs are designated on the basis of having the same level of outstanding natural beauty and their landscape and scenic beauty have the exact same level of national planning policy protection. They both have a statutory purpose for conserving and enhancing the area's natural beauty, but the National Parks have a secondary purpose of helping people to understand and enjoy their special qualities (usually referred to as their recreation purpose). This principle of equivalence should also be applied to the LVIA's consideration of landscape sensitivity.</p> <p>AONBs are not explicitly referenced in the table but need to be included in the Very High value category. It isn't clear how the North Pennine AONB has been</p>	

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		<p>treated in tables 5 and 6 dealing with Visual value and Visual Susceptibility Criteria. We therefore advise that this is corrected with the AONB being rated as very high for all assessments and that the LVIA's assessments of significance of effects are reviewed and adjusted where necessary.</p> <p>Natural England advise that the DCO documents ensure they give the correct weighting to the designated landscapes, to ensure they are assessed correctly.</p>	
<p>Natural England, RR-180</p>	<p>Walking, Cycling and Horse Riding (WCH)</p>	<p>2.7 Connecting people with nature (National Trails, open access land and England Coast Path)</p> <p>Natural England's position regarding access is summarised below.</p> <p>Natural England are part of the Pennine Trails Partnership and notice that while the Pennine Way has been acknowledged in document 2.4 Walking, Cycling and Horse-Riding proposal there is no mention of the Pennine Bridleway Northern Extension. Natural England support the Yorkshire Dales National Parks comments surrounding the need to include the extension way in the assessment, we have provided these comments in full in Part III of this letter.</p> <p>Pennine Bridleway Northern Extension</p> <p>Document 2.4 Walking, Cycling and Horse-Riding Proposals</p>	<p>National Highways acknowledge that the Pennine Bridleway Northern Extension has been approved by the Secretary of State but is yet to be implemented. National Highways will seek to engage directly with Pennine National Trails Partnership in relation to details of this extension including the proposed timescales for its implementation with regard to the construction and operation of the Project. We will update Natural England on this matter as part of our ongoing engagement, which will be reported in the Statement of Common Ground.</p> <p>Annex B6 Public Rights of Way (PRoW) Management Plan (Document Reference 2.7, APP-026) of the Environmental Management Plan (EMP) provides an extended essay plan of the Public Rights of Way (PRoW) Management Plan that will be further developed as the project progresses through detailed design and will be implemented at construction stage. The plan will detail the proposed diversions and new routes before and during</p>

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		<p>Natural England support the Yorkshire Dales National Park's comments on the need to include the Pennine Bridleway Northern Extension and the suggested mitigation measures to improve access:</p> <p>The Pennine Way crosses the A66 in two places at Bowes, and the Pennine Bridleway Northern Extension is also proposed to cross between Appleby and Warcop.</p> <p>The Pennine Way has been acknowledged in document 2.4 Walking, Cycling and Horse-riding Proposals, and sufficient provision has been made for the route to be retained after dualling is complete.</p> <p>There is no mention of the Pennine Bridleway Northern Extension in the aforementioned document, nor it's need to cross the A66. The Northern Extension was approved by the Secretary of State for the Environment, Transport and the Regions, but has not yet been implemented. As the route will carry pedestrians, cyclists and horse riders, a suitable grade-separated crossing is required, along with potential to link to existing or newly created bridleways/byways or minor roads to the north and south. The approved route of the Northern Extension did not consider the dualling of the A66 and utilised the only grade- separated crossing which was available at the time (at Coupland). This route is not ideal for a number of reasons, including the need</p>	<p>construction, which seek to mitigate impacts on the PRoW network. It will also set out a hierarchy of mitigation to help maintain access across the PRoW network during construction, for example through the use of appropriate signage, diversions and/or public liaison where necessary. The preparation and delivery of the detailed Public Rights of Way Management Plan will incorporate inputs from the local community through the appointed Principle Contractor(s) Public Liaison Officer.</p> <p>In addition to this the EMP provides an extended essay plan for the Public Rights of Way Management Plan as referenced above which sets out the operation mitigation for WCH and other users of rights of way/highway with public access.</p> <p>The Public Rights of Way Management Plan as referenced above is required through the REAC which forms part of the Environmental Management Plan which will be secured through the DCO.</p> <p>In regard to the potential opportunities outlined in Natural England's Relevant Representation, we will consider them where appropriate as the detailed design develops throughout the DCO process.</p>

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		<p>for a substantial new bridge over the river Eden at Great Ormside.</p> <p>The dualling of the A66 provides an opportunity for the Northern Extension to utilise the existing river bridge at Sandford, and the proposed accommodation underpass near to Café 66 or the grade separated junction west of Warcop. Both of these grade separated crossings link to the east-west shared cycleway/footway on the north side of the carriageway. However:</p> <p>84) The east-west shared cycleway/footway does not extend all the way to the Coupland Beck underpass. Extending this to connect with the underpass would provide greater opportunity for connectivity of walking, cycling and horse riding routes. Especially, the opportunity for the Pennine Bridleway Northern Extension to use the Sandford bridge over the River Eden, and a new grade separated crossing of the A66, and then connect up with the approved route northwards at Coupland.</p> <p>85) The east-west shared cycleway/footway makes no mention of horse riders or mobility devices such as trampers. These user groups are just as valid, especially with the potential of a National Trail using the route in future. The east-west route should be designed as a truly multi-user corridor.</p>	

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		<p>86) The design of the grade-separated crossing at Warcop only refers to pedestrians. With the future potential of carrying the Pennine Bridleway National Trail, this junction should be designed with horse riders and cyclists in mind. The junction will provide connectivity for these users from a minor road to the east-west shared cycleway/footway regardless of the future presence of the Pennine Bridleway.</p>	
<p>Natural England, RR-180</p>	<p>Noise and Vibration</p>	<p>Noise and Vibration 3.2 Environmental Statement Chapter 12 Noise and Vibration</p> <p>We have also consulted the Noise and Vibration assessment and make the following comments.</p> <p>We support the principle set out at para 12.8.21: <i>Traffic noise reduction measures have been incorporated into the design of the Project by means of the vertical and horizontal alignment and through the proposed use of a low noise surfacing, which results in lower levels of noise generation than a standard Hot Rolled Asphalt surface. The need for further measures, such as noise barriers, has been determined in conjunction with other environmental disciplines, to avoid secondary impacts (including, for example, upon landscape and visual) and discussed in section 12.9: Essential mitigation and enhancement measures.</i> This is of course</p>	<p>The comments are acknowledged. With regards to the potential enhancement opportunities which are outlined within the Environmental Statement (Document Reference 3.2, APP-055). They are disclosed within the Environmental Statement as opportunities that could be possible within the remit of the project these opportunities will be investigated, including within the AONB where relevant, through the detailed design process.</p>

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		<p>particularly important with regard to the AONB and its setting.</p> <p>Para 12.9.11 says: Further to the mitigation integrated within the Project design, consideration will be given to developing enhancements during detailed design of the Project. We would encourage full consideration of the AONB in considering what noise adaptive enhancements can be included within the project, especially measures to reduce traffic noise as far as practicable using specialised road surfacing. Although expected road noise increase produced by the project and affecting the AONB are deemed negligible or minor (but with a moderate increase at Hayber Lane and Felt Lane within a relatively small area of the AONB) this project does represent a once in a generation opportunity to perhaps take traffic noise levels in the AONB to a lower level. This enhancement would be fully commensurate with the national designation status of the AONB.</p>	
Natural England, RR-180	Geology and Soils	<p>Agricultural Land and Soils Environmental Statement Appendix 9.5 Soils and Agricultural Land Quality</p> <p>Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha</p>	<p>It is recognised that there are anomalies between the Environmental Statement Chapter 9 Geology and Soils (Document Reference 3.2, APP-052) and the Appendix 9.5 Agricultural Land Classification (ALC) Factual Soil Survey Report (Document Reference 3.4, APP-196). National Highways is investigating the discrepancies highlighted and any corrections identified would be</p>

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		<p>of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.</p> <p>The A66 Northern Trans Pennine Project DCO application Site is approximately 920 ha. Based on the information provided within the ES (Appendix 9.5; ALC Factual soil survey Report), an ALC survey has been undertaken on 797.5 ha of the site, of which 593.7 ha is agricultural land (a further 122.8 ha of the site was not surveyed due to access constraints). Please note there are discrepancies in the total areas between Chapter 9 and Appendix 9.5.</p> <p>The proposed development will result in the permanent loss of 313.9 ha agricultural land, of which 142.9 ha is BMV (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system) agricultural land. Furthermore, the proposed development will result in the temporary loss of 185.3 ha agricultural land, of which 112.6 ha is BMV agricultural land.</p> <p>A soil survey has been completed along the route to compliment desk study information and confirm soil conditions, quality and ALC Grades and location.</p> <p>The information has been used to assess impacts to permanent and temporary land take and identify</p>	<p>submitted into the examination as an errata. It should be noted that the findings of the assessment will not change.</p> <p>Environmental Management Plan A(EMP) Annex B9 Soil Management Plan (Document Reference 2.7, APP-029) proposes measures to protect the soils during the construction phase. The purpose of the SMP is to outline the handling, storage and reinstatement procedures to be followed to manage the disturbance to all soil resources, both permanent and temporary, during the construction of the Project.</p> <p>In regard the Environmental Statement Appendix 9.5 Agricultural Land Classification (ALC) Factual Soil Survey Report the information requested regarding sand size and how this limited point information will be provided where possible in the form of an errata. The request for competent expert validation the qualifications are outlined below:</p> <ul style="list-style-type: none"> • MSc Soil chemistry, BSC Biochemistry, MI Soil Sci, CSci and over 20 years' experience. <p>There will not be a requirement to survey currently un-surveyed land as part of the soils analysis/. Section 9.5.5 of Chapter 9 Geology and Soils (Document Reference 3.2, APP-052) states: During the ALC soil survey access was not possible to certain locations due to the presence of livestock. The timing of the survey coincided with lambing season. Access was only available to fifteen percent of the survey positions at the Cross Lanes to Rokeby scheme.</p>

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		<p>measures to avoid and / or minimise adverse impacts.</p> <p>It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as habitat creation and landscaping, as described in the Outline Landscape and Ecological Plan, Annex B1), and that a proportion of the agricultural land will experience temporary land loss or disturbance (for example as a result of temporary construction compounds and access etc). In order to both retain the long-term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration of how adverse impacts on soils and their functions can be avoided or minimised.</p> <p>Appendix 9.5 Factual Soil Survey report</p> <p>The ALC field survey has been undertaken by ADAS in line with the MAFF 1988 'Agricultural Land Classification of England and Wales: Revised criteria for grading the quality of agricultural land'.</p>	<p>However, a sufficient number of representative positions were surveyed, across the Order Limits, which allowed an overall value for land classifications. This is based on the Natural England guidance which defines one observation hole per ha (or one observation per 100m on narrow strips of land as for a road route)</p> <p>The proposed alterations to the EMP and Annex B9 and B2 as noted in the Relevant will be discussed further with Natural England as part of ongoing engagement, including in relation to any updates to the text to ensure appropriate controls are installed.</p> <p>Any proposed change that is considered appropriate will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>

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		<p>Detailed comments on the ALC</p> <p>87) The ALC survey has been undertaken in line with the MAFF 1988 'Agricultural Land Classification of England and Wales: Revised criteria for grading the quality of agricultural land', at an approximate sampling density of one observation per hectare or one observation per 100 m along the proposed road corridor.</p> <p>88) The name, qualification and experience of the lead surveyor undertaking the ALC survey work is not given. This is important to demonstrate the likely competence of the lead surveyor. See Section 6.2 in the Guide to assessing development proposals on agricultural land.</p> <p>89) Soil profile pits have been excavated in the majority of the main soil types to give additional information on the structural characteristics of the soil.</p> <p>90) It is not clear whether the unsurveyed areas will be subject to subsequent ALC field survey to inform the SMP.</p> <p>91) Droughtiness calculations should be shown in this section.</p> <p>92) The ALC data and calculations presented in the Appendices are inconsistent between, and sometimes within each section. A consistent means of presenting the complete data would be</p>	

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		<p>clearer, including arranging the auger samples in numerical order.</p> <p>Data on the laboratory assessment of particle size (PSD) is provided (Appendix 9); however, information is not provided on the sand size (fine, medium, coarse) and information is also needed about how this limited point information has been used in identifying soil texture for the wider site.</p> <p>Agricultural Land and Soils</p> <p>2.7, Environmental Management Plan</p> <p>An Environmental Management Plan (EMP (Application Document 2.7)) has been prepared and mitigation measures appropriate to geology and soils have been included, making reference to the Defra 2009 <u>Construction Code of Practice for the Sustainable Use of Soils on Construction Sites</u>.</p> <p>Natural England welcome the preparation of a Soil Management Plan (SMP; Annex B9), however the available site-specific soil data should have been incorporated into the SMP at this stage. In addition to the commitments provided in Table 3-2 (EMP) and the SMP (Annex B9), the SMP should also include:</p> <p>93) The SMP should include the type and volume of each soil type to be stripped and stockpiled. Stockpile details including slope angle and height, as well as stockpile locations and content (i.e., soil type) should be included.</p>	

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		<p>94) A soil balance should be included, to identify the amount of each soil resource available for re-use, to inform restoration and landscaping</p> <p>95) The nutrient status of the anticipated surplus soil units should be included to inform the potential suitability for biodiversity enhancement; and where required, the location of soil storage and restoration, derived from the ALC survey.</p> <p>96) Mitigation measures should include the provision of an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site.</p> <p>97) For areas of temporary development, the ALC grade determined from the soil survey should be used to inform the restoration criteria, with temporarily disturbed BMV land returned to the same quality as far as practicable to minimise potential loss.</p> <p>98) For the area of permanent development, the SMP should demonstrate the sustainable, beneficial soil re-use of potential surplus soil resources. No soil should be disposed of. Please note the British Standard for topsoil (BS 3882:2015) are specific to imported or exported soil resources only, and not for site-won soil resources.</p>	

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		<p>99) The SMP should include an aftercare programme which would enable a satisfactory standard of agricultural after-use to be reached, with regards to cultivating, reseeded, draining or irrigating, applying fertiliser, or cutting and grazing the site.</p> <p>100) Consideration regarding the soil handling and mitigation measures potentially required for peaty and peat soils.</p> <p>101) Figures of the soil types; stockpile locations and restoration should be included in addition to the soil drawings suggested in Annex B1 LEMP (3001: Soil stripping & Soil Storage and 3002: Soil Spreading)</p> <p><u>Landscape and Environmental Management Plan, Annex B2</u></p> <p>The Landscape and Environmental Management Plan (Annex B2) currently suggests a potential option of topsoil stripping for the species rich grassland.</p> <p>102) This would result in the disturbance or potential loss of soil which is not currently considered in the EIA (Chapter 9). Topsoil stripping will result in a surplus of the finite soil resource. All soil should be reused on site, as stated in B9.3.8 (SMP; Annex B9).</p> <p>103) Natural England welcome the commitment to include soil testing for nutrient status across the site (B9.2.3; Annex B9) and advise that the</p>	

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		<p>landscaping and seed mix is tailored to the soil resource present on site, avoiding the need for topsoil stripping.</p> <p>104) Given the proposed area of permeant land take, the importation of topsoil seems inappropriate. A soil balance should be prepared to identify the surplus of different soil types across the Site and identify opportunities for the sustainable re-use of this resource on site.</p> <p>General Comments</p> <p>Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled.</p> <p>Sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design. Defra has published a Construction Code of Practice for the Sustainable Use of Soils on Construction Sites which may be helpful when setting planning conditions for development sites. It provides advice on the use and protection of soil in construction projects, including the movement and management of soil resources, which we strongly recommend is followed.</p>	

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		<p>The British Society of Soil Science has published the Guidance Note <u>Benefitting from Soil Management in Development and Construction</u> which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.</p>	
<p>Natural England, RR-180</p>	<p>EMP</p>	<p>General Many of the biodiversity (and other) sections refer to detailed method statements to be agreed in the future, and the detail is not included in the EMP at this stage – only principles that will be followed. This approach still leaves lot to be agreed at a later stage. It needs to be ensured that all of the methodologies are picked up in the HRA, and that all mitigation measures in the HRA are included in the EMP, Method Statements and other documents. There needs to be a process in place to reassess the impacts on the River Eden SAC if the plans materially change between approval and construction.</p>	<p>National Highways acknowledge the points raised by Natural England. As set out in the Draft Development Consent Order (DCO) (Document Reference 5.1, APP-285) and the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019), the EMP is expected to evolve as the detailed design progresses and more detail will be provided within the method statements and other management plans required to be worked up in more detail further to various commitments contained in the Environmental management Plan (EMP. These will form part of the second iteration EMP, which Natural England will be consulted upon before it is submitted to the Secretary of State for approval prior to the start of works (as required by article 53 of the DCO (meaning this would be a legally enforceable obligation placed on National Highways, should the DCO be made). Section 1 of the EMP sets out in detail the consultation process that shall be implemented and highlights a number of plans that specifically require further detailed consultation with the regulatory authorities, including Natural England.</p> <p>The Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235) sets out clearly the</p>

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			<p>mitigation that is required during construction and the assumptions made regarding construction processes. The outline Method Statement for working within the SAC (Annex C2 to the EMP, Document Reference 2.7, APP-037) sets out commitments that must be worked up in more detail and complied with prior to the start of works.</p> <p>See Register of Environmental Actions and Commitments (REAC) reference MW-BD-15 within the EMP (Document Reference 2.7, APP-019)</p> <p>In response to points raised by both the Environment Agency and Natural England, the following bullet point shall be added to the list within the Register of Environmental Actions and Commitments MW-BD-15 within the EMP (Document Reference 2.7, APP-019) in terms of evidence that must be included in the above referenced method statement:</p> <p>105) Evidence to demonstrate that the Method Statement complies with the assumptions and requirements utilised to inform the Habitats Regulations Assessment Stage 2 Statement to Inform Appropriate Assessment (SIAA) (Document Reference 3.5, APP-234) and (Document Reference 3.6, APP-235)</p> <p>This change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA). It is hoped this addresses Natural England's concerns and this will be discussed with it in more detail and agreement captured as part of the Statement of</p>

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			Common Ground process as appropriate. Ultimately, the project must be constructed within the parameters set by the DCO and the supporting management documents (such as the EMP and Project Design Principles (5.11, APP-302). Any departure from this would not be permitted.
Natural England, RR-180	EMP	<p>MW-BD-02</p> <p>Fish and crayfish rescues will need to be carried out whenever there are in river works, not only when the entire watercourse is dewatered.</p>	Having considered the comment made, and in consideration that this point is made in RR-160, National Highways considers it prudent to make the suggested change. This change will be included in an updated draft Environmental Management Plan that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).
Natural England, RR-180	EMP	<p>D-BD-04</p> <p>For the Troutbeck crossing this section is ambiguous. The crossing needs to span the whole flood plain (with piers), but the paragraph refers to bridge abutments 5 or 8m from the river bank. This may be acceptable for some of the smaller tributary crossings, but not the Troutbeck Crossing (within the River Eden SAC), where there should be a minimum number of piers, no abutments in / adjacent to the river, and no embankment across the floodplain. The design principles for the bridge in document 5.1.1 are much clearer.</p>	National Highways acknowledge the point raised. The Project Design Principles (Document Reference 5.11, APP-302) is proposed to be a certified document under the DCO, and the commitments within it carry the same weight as the Environmental Management Plan and must be implemented (under a legally enforceable obligation – see article 54 of the DCO Document Reference 5.1, APP-285)). This document focusses on the key design requirements therefore is considered the most appropriate place for the detailed requirements for the design of the Trout Beck crossing and includes principles such as GB03 which requires open space structures over the Trout Beck among other watercourses, and 0405.04 which sets out the requirement for the Trout Beck crossing to allow for full functionality of the Trout Beck. It is therefore proposed that no amendment to the EMP is required.

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Natural England, RR-180	EMP	<p>D-BD-08</p> <p>In addition, an NE licence will be required to carry out white-clawed crayfish rescue.</p> <p>EA licence also required for electrofishing/fish rescue.</p>	<p>National Highways notes the point made. The Environmental Management Plan will not supersede any existing licence requirements, and all such licences will be obtained by the contractors as required during the construction process.</p>
Natural England, RR-180	Legal	<p>MW-BD-15</p> <p>The document states that project will not start in the vicinity of the River Eden SAC until a method statement is developed in detail, though at present Annex C1 of the EMP, does to contain that much more detail. Mechanisms need to be in place to reassess proposals if the principles in the EMP and Annex CA are materially changed.</p>	<p>It should be noted that the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) requires that a method statement for working in and around SACs is required to be developed in detail, substantially in accordance with Annex C1 of the EMP, in consultation with Natural England, amongst others, prior to the start of any relevant works. This would take account of the detailed design and construction methodologies that have not yet been developed. That method statement is required to form part of a second iteration of the EMP (where relevant) (or EMPs – there may be multiple second iteration EMPs applicable to different parts of the scheme) that is subject to Secretary of State approval prior to the start of works under article 53 of the draft DCO (Document Reference 5.1, APP-285).</p> <p>A second iteration EMP (including the detailed method statement as relevant) as approved must be complied with, as secured by article 53 (which would be a legally enforceable commitment should the DCO be made).</p> <p>Whilst changes could be made to a second iteration EMP, this could only be within the parameters set by the Development Consent Order – primarily that any change</p>

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			<p>would not give rise to any materially new or materially worse adverse environmental effects when compared to those in the environmental statement. Indeed, any changes that are not in substantial accordance with a second iteration EMP would require approval from the Secretary of State.</p>
<p>Natural England, RR-180</p>	<p>EMP</p>	<p>MW-BD-18 The surveys that have been carried out should be able to ascertain whether the scheme is within 30m of a badger set, and therefore know at this stage whether suitable measures are included in a method statement, and determined now, rather than later.</p>	<p>National Highways notes the point made, however consider it to be more appropriate that, given the mobile nature of this species, pre-construction surveys (as secured by commitment D-BD-02) determine the specific requirements for mitigation as secured within the Environmental Management Plan (Document Reference 2.7, APP-019). This will ensure that the most accurate information is utilised, and that the method statement discussed with Natural England reflects the construction method chosen and the final detailed design.</p>
<p>Natural England, RR-180</p>	<p>EMP</p>	<p>D-RDWE-05 This paragraph states that the mitigation for the design of the water crossings is in Appendix 14.4: Hydromorphology assessment App document 3.4. This section states that the minimum requirement for the Troutbeck Crossing Bridge design will be determined by further hydraulic modelling and geomorphological input. Exploration of potential to re-naturalise watercourses is stated. However, the Troutbeck crossing design and method statements need to ensure the that the</p>	<p>National Highways notes the point made and are working closely with the Eden Rivers Trust to facilitate the proposed river restoration scheme at this location. The following change is proposed to Register of Environmental Actions and Commitments (REAC) MW-RDWE-05 in the Environmental Management Plan (Document Reference 2.7, APP-019): The detailed design of the watercourse crossing shall continue to have regard to the proposed river restoration scheme at Sleastonhowe and shall not prevent that scheme from progressing.</p>

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		proposed river restoration scheme at Sleastonhow is achievable. i.e., the potential for the River Eden SAC to be in favourable condition is not compromised.	This change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).
Natural England, RR-180	EMP	D-RDWE-06 Note that the impact on Dyke Nook Fen needs further detailed surveying and assessment, and mitigation design. This will require further consultation with NE re this priority habitat.	Comment duly noted and, as set out in commitment D-RDWE-06, Natural England shall be consulted on the detailed mitigation requirements once further detailed design, survey and assessment has been undertaken. In addition, National Highways will continue to engage with Natural England on a more general basis in relation to the Scheme.
Natural England, RR-180	EMP	D-RDWE-11 This refers to the potential requirement of flow control structures and that they should not adversely affect upstream and downstream continuity (e.g., fish passage). They should also not impact on sediment movement or alter the geomorphology e.g., create scouring etc. What are the locations of these? Will there be any located in the River Eden SAC or its tributaries?	The flow control structures referred to in this commitment relate to controlling flow out of flood compensation storage and will be outside of existing river channels. See paragraph 14.8.85 of the Environmental Statement (Document Reference 3.2, APP-057) for further details.
Natural England, RR-180	EMP	D-RDWE-12 (and 13, 14) This states that there will be consultation with the relevant authorities in relation to detailed hydrological, geomorphological, flood risk and drainage designs. To be able to assess the project (and particularly where these may impact the SAC), these detailed designs need to be developed.	An Environmental Statement (Document Reference 3.2, APP-044-059) and a Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235) have been produced for the project, which robustly assess the likely significant environmental effects that could arise from the proposed A66 NTP project, including in relation to drainage, hydrology, hydrogeology, geomorphology and

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			<p>flood risk. These assessments have identified any areas where likely significant effects could arise, and mitigation is specified (and secured through the Environmental Management Plan (EMP) and other documents) in order to avoid or minimise significant effects. The overarching purpose of the EMP is to ensure that the detailed design must comply with the mitigation measures (and environmental outcomes) reported in the Environmental Statement and SIAA, National Highways considers that the assessment carried out to support the DCO application is sufficiently robust to inform the Secretary of State's decision-making process.</p> <p>It is recognised that the DCO would afford a reasonable amount of flexibility when it comes to detailed design, hence the need for detailed mitigation to be confirmed at a later stage. However, as set out in D-RDWE-12 National Highways are committed to continuing to work closely with the relevant statutory environmental bodies as the detailed design develops to ensure the mitigation identified is implemented appropriately and that the environmental impacts and outcomes reported in the Environmental Statement and SIAA are achieved.</p>
Natural England, RR-180	EMP	<p>D-RDWE-12 (and 13, 14)</p> <p>This states that there will be consultation with the relevant authorities in relation to detailed hydrological, geomorphological, flood risk and drainage designs. To be able to assess the project</p>	<p>An Environmental Statement (Document Reference 3.2, APP-044 to APP-059) and a Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235) have been produced for the project, which robustly assess the likely significant environmental effects that could arise from the proposed A66 NTP project, including</p>

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		(and particularly where these may impact the SAC), these detailed designs need to be developed.	<p>in relation to drainage, hydrology, hydrogeology, geomorphology and flood risk. These assessments have identified any areas where likely significant effects could arise, and mitigation is specified (and secured through the Environmental Management Plan (EMP) and other documents) in order to avoid or minimise significant effects. The overarching purpose of the EMP is to ensure that the detailed design must comply with the mitigation measures (and environmental outcomes) reported in the Environmental Statement and SIAA. National Highways considers that the assessment carried out to support the DCO application is sufficiently robust to inform the Secretary of State's decision-making process.</p> <p>It is recognised that the DCO would afford a reasonable amount of flexibility when it comes to detailed design, hence the need for detailed mitigation to be confirmed at a later stage. However, as set out in D-RDWE-12 National Highways are committed to continuing to work closely with the relevant statutory environmental bodies as the detailed design develops to ensure the mitigation identified is implemented appropriately and that the environmental impacts and outcomes reported in the Environmental Statement and SIAA are achieved.</p>
Natural England, RR-180	EMP	<p>MW-RDW-09</p> <p>In order to be assessed appropriately the detail of the method statements and the EMP need to be known – this section does not provide enough detail on the proposed methods for the establishment and</p>	<p>The Environmental Management Plan (Document Reference 2.7, APP-019) sets out within Section 1 the consultation process that shall be implemented for the further development of the EMP itself (in relation to the second iteration, which shall be consulted upon prior to</p>

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		decommissioning of the temporary infrastructure in the vicinity of the River Eden.	<p>submission to Secretary of State for approval as required by the DCO, article 53) and the required Method Statements and other management plans. These will be developed in further detail as the detailed design is progressed and the construction methodology can therefore be confirmed.</p> <p>The Environmental Statement (Document Reference 3.2, APP-044-059) and a Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235) sets out clear assumptions regarding construction methodology, requirements for construction to avoid impacts on the River Eden and required mitigation to ensure significant effects do not arise during construction including impacts that might arise from temporary infrastructure and its associated decommissioning. Sufficient information is provided in those documents to ensure a robust assessment has been undertaken, appropriate to this stage of the project. The detailed method statements will demonstrate how the detailed mitigation measures will be implemented to achieve the reported environment outcomes and will undergo further consultation as described above.</p>
Natural England, RR-180	EMP	<p>M-RDWE-04</p> <p>The design for the piers needs to ensure that they will withstand movement of the river and possible incision of the river bed in the future, are resistant to scouring and will not need remedial protection work in the future.</p>	<p>National Highways agree with the points made. These aspects of design are secured through the Project Design Principles document (Document Reference 5.11, APP-302), design principle number 0405.04 and 0405.11. Compliance with this document is secured in the DCO (Document Reference 5.1, APP-285), article 54.</p>

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			<p>Notwithstanding this commitment, given the sensitivity of the location, National Highways believe it is prudent to incorporate the piers into the future regular operational monitoring regime to ensure that they are functioning correctly, and no remedial works are required. We therefore propose that the commitment is retained.</p>
<p>Natural England, RR-180</p>	<p>EMP</p>	<p>C1.3.1 This section states that there is the requirement to construct a large overbridge over the Trout Beck, using a multi-span solution with multiple piers located in the Trout Beck to cover a distance of approximately 400m (in order to prevent disruption of flood flows and geomorphological processes). This should read that there will be no piers located within Troutbeck itself, and there will be multiple piers within the floodplain.</p>	<p>National Highways notes the point made and acknowledges this typographical error. The text shall be corrected at C1.3.1 of Environmental Management Plan (EMP) Annex C1 Method Statement for Working in and Near the SAC (Document Reference 2.7, APP-036) to read:</p> <p>“As part of the Temple Sowerby to Appleby scheme, there is the requirement to construct a large overbridge over the Trout Beck, using a multi-span solution with multiple piers located in the Trout Beck flood plain to cover a distance of approximately 400m...”</p> <p>This change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p> <p>The requirement for the bridge to be a clear-span crossing with no piers in the watercourse is secured through the Project Design Principles document (Document Reference 5.11, APP-302), design principle number 0405.04. Compliance with the Project Design Principles is secured</p>

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			in article 54 of the DCO (Document Reference 5.1, APP-285)
Natural England, RR-180	EMP	C1.2.9 The introduction of crayfish plague is also a key risk.	<p>Having considered the comment made regarding crayfish plague, National Highways considers it prudent to make the suggested change. The following shall be added to the list of key risks to the SAC in Section C1.2.9 of Environmental Management Plan (EMP) Annex C1 Method Statement for Working in and Near the SAC (Document Reference 2.7, APP-036):</p> <p>Introduction of crayfish plague</p> <p>This change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
Natural England, RR-180	EMP	C1.3.7 Whilst the subsequent paragraphs state that the haulage road and working platforms will be constructed at ground level, will this be the same for the temporary bridge or will a causeway/ramp be needed to access the bridge?	<p>The temporary bridge will need to be a clear-span bridge in order to avoid any impact on the watercourse. It is likely therefore to be raised slightly above the bank level, requiring haul roads at ground level to rise to access the bridge. This will be developed further as part of the detailed design, and the construction methodology for all parts of the works associated with the crossing of the River Eden will be presented in Annex C1, Method Statement for working in and near the SAC (which needs to be developed in detail prior to works starting at this location).</p>

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			As set out in the Environmental Management Plan (Document Reference 2.7, APP-019) all method statements will be consulted upon, following the approach set out in Section 1 of the EMP.
Natural England, RR-180	EMP	C1.3.10 The methods used to build the foundations for the piers should ensure that the piers will withstand movement and incision of the river in the future, are resistant to scouring and will not need remedial protection work in the future.	National Highways agree with the points made. These aspects of design are secured through the Project Design Principles document (Document Reference 5.11, APP-302), design principle number 0405.04 and 0405.11.
Natural England, RR-180	EMP	C1.4.10 There is no mention of other forms of sediment control such as silt fences and bunds etc, which are also likely to be needed.	We believe this is referring to C1.4.11 of Environmental Management Plan Annex C1 Method Statement for Working in and Near the SAC (Document Reference 2.7, APP-036). Having considered the comment made, National Highways considers it prudent to make the suggested change The following text has been included in C1.4.11: ...runoff, silt fences, bunds and as... This change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).
Natural England, RR-180	EMP	C1.4.17 Whilst important to limit movement of vehicles from the eastern schemes to those in Cumbria, also need to ensure that full biosecurity measures are carried	Having considered the comment made, National Highways considers it prudent to make the suggested change. The following text has been included in C1.4.17 of Environmental Management Plan Annex C1 Method

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		out for plant and personnel from other parts of the county/country.	<p>Statement for Working in and Near the SAC (Document Reference 2.7, APP-036): Full biosecurity measures will also be required to be carried out for all plant and personnel newly arriving to site from other parts of the county/country.</p> <p>This change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>
Natural England, RR-180	EMP	<p>C1.4.18</p> <p>Does there need to be any storage of materials in areas likely to flood?</p>	<p>Whilst long-term material storage shall be avoided in the floodplain, there may be a need for materials to be brought into the floodplain for short-term storage prior to use. Having considered the comment made, National Highways considers it prudent to add sufficient controls regarding this point. The following text has been included in C1.4.18 of Environmental Management Plan (EMP) Annex C1 Method Statement for Working in and Near the SAC (Document Reference 2.7, APP-036):</p> <p>Long-term material storage within Flood Zone 3 shall be avoided. Where materials are required for imminent usage, details regarding temporary material storage in flood prone areas will be developed by the PC and provided in this section</p> <p>This change will be included in an updated draft EMP that will be submitted to the examination along with the updated DCO at Deadline 2 (unless requested earlier by the ExA).</p>

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Natural England, RR-180	EMP	<p>C1.4.19</p> <p>Bank stability – if this is required that there need to be some principles to govern it e.g. types of material to be used, temporary or permanent, when is it required, are green solutions a possibility?</p>	<p>There are a number of potential options for bank stability that could be used should the need arise. Principally this is guided by Ciria's design guide for Protection of River and Canal Banks 1989 which sets out common causes of instability and solutions, including natural bank protection options.</p> <p>The most appropriate form of bank stability will be determined through the detailed design. Environmental Management Plan Annex C1 Working in and Near SAC Method Statement (Document Reference 2.7, APP-036) will set this out in further detail as the EMP and its annexes continue to develop through the Examination.</p>
Natural England, RR-180	EMP	<p>Table 5 and 6 Annex B1</p> <p>Sorbus torminalis and Sorbus aria are not particularly appropriate for the Eden catchment part of the project. Whilst there are a couple of black poplar Populus nigra present in the Eden valley, it would be good to increase the population, particularly in the Kirby Thore area.</p>	<p>National Highways acknowledge the points made. Table 5 and 6 of Annex B1 (Document Reference 2.7, APP-021) are broad principles applied Project wide. The Project Design Principles includes a number of commitments in relation to planting that require locally native species to be used. National Highways welcomes further engagement with Natural England on detailed planting plans once detailed design has progressed further, as secured through Section 1 of the Environmental Management Plan (Document Reference 2.7, APP-019).</p>
Natural England, RR-180	EMP	<p>B1.21.51</p> <p>We would like to see the identified mitigation in the section for watercourses implemented.</p>	<p>National Highways note the comment made; however this section of text relates to enhancements, not essential mitigation as required following identification of a likely significant effect.</p>

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			Opportunities will be considered through the detailed design phase to implement these enhancements where appropriate and reasonably practicable.
Natural England, RR-180	EMP	Table 4-2. 0102.06 Project Design Principles Whilst we recognise that the siting and profiling of the attenuation pond at Carleton Hall Park needs to ensure that there is no adverse effect on the parkland setting, equally, the pond should not be located within the flood plain of the River Eamont, and not in a position where it is at risk from lateral movement of the river (and hence need protecting) in the future.	The pond is a soft Sustainable Urban Drainage System feature and will be landscaped and vegetated to fit in with the surrounding landscape as well as providing water quality improvements to the surface water discharge. The location of the pond in Carlton Hall Park has been sited outside of the Q100 +94CC modelled floodplain (refer to Annex E of the Environmental Statement Appendix 14.3 Water Quality Assessment, (Document Reference 3.4, APP-222)) and away from the large existing foul sewer which runs to the north of the proposed pond. The pond has also been located away from the outside of the river bend to minimise the risk of river lateral movement impacting the pond, this has been discussed with Environment Agency. This is secured in the Project Design Principles (Document Reference 5.11, APP-302) principle LI17 Attenuation ponds are designed to Design Manual for Roads and Bridges which includes in its standards the requirement CD 532 to not build ponds within Flood Zone 3.
Natural England, RR-180	EMP	Table 4-6. 0405.11 Further discussion is needed about the design of the flood compensation on the Trout Beck flood plain. It also needs to have regard to any future river restoration that is carried out in this location.	Having considered the comment made regarding the design of flood compensation and having due regard to future river restoration on the Trout Beck flood plain, this is accepted, and a change has been made as follows:

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			Design should have due regard to any river restoration scheme of Trout Beck.
Historic England, RR-171	Legal	<p>The application has therefore indicated that the DCO Requirements will be included as part of the EMP rather than being part of the DCO itself. The application also proposes that, should development consent be granted, it will be possible for NH to amend the second iteration of the EMP without recourse to the Secretary of State. This is a change from the standard approach taken to development consent. We anticipate that the ExA will wish to ensure that the approach to post-consent matters is carefully scrutinised during examination. In addition, as some elements of the project are still to be finalised, further clarification will be needed as to what the self-approval process outlined above will entail to allow a complete assessment of the application against our statutory remit. Historic England will therefore comment further on this in our written representation and continue to engage with National Highways on this matter during the examination.</p>	<p>National Highways notes the point made and welcomes the comment that Historic England wishes to continue engagement both these and other issues.</p> <p>For context, the Environmental Management Plan (Document Reference 2.7, APP-019) (EMP) contains a number of obligations relating to the historic environment. Article 53 of the draft DCO (Document Reference 5.1, APP-285) requires that the EMP is developed into a second iteration EMP (in consultation with various parties, including Historic England) and then submitted to the Secretary of State for approval prior to the start of works. The obligations contained in the EMP will follow through to the second iteration EMP (or EMPs – there may be multiple second iteration EMPs applicable to different parts of the scheme) and as such would be legal requirements if the DCO is made, as compliance with a second iteration EMP is secured by article 53.</p> <p>As part of the development of a second iteration EMP, a detailed Heritage Mitigation Strategy (HMS) will be required to be developed substantially in accordance with the version of the HMS contained at Annex B3 of the EMP, and in consultation with Historic England, given its statutory role and functions. This will have regard to the detailed design and construction methodologies that have not yet been confirmed. However, the initial HMS contains a number of commitments informed by the Environmental</p>

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			<p>Statement that will need to be included and developed in the detailed HMS. This detailed HMS will then need to be approved by the Secretary of State as part of a second iteration EMP referred to above. Again, this is all secured under article 53 of the draft DCO and would be a legal requirement.</p> <p>Whilst it is acknowledged that article 53 does provides that a second iteration EMP can be modified without Secretary of State approval, this is only where such modifications would remain substantially in accordance with a second iteration EMP and would not give rise to any materially new or materially worse environmental effects when compared to those reported in the Environmental Statement. This determination would be made by a person functionally separate from the project team, as required by the determination process in the EMP (see paragraph 1.4.42 onwards). Where the proposed modifications would not fit within these parameters, no modification could be made to a second iteration EMP without recourse to the Secretary of State (article 53(4) and (5) of the draft DCO.</p>
Historic England, RR-171	Cultural Heritage	The supporting information in the DCO is of a high standard and we broadly accept the conclusions. Further detailed comments will be provided in our written representation. In addition to the above surveys, HE welcome the development by NH of a "Historic Environment Research Framework" for the A66. The aim of the research framework is to highlight topics and areas where additional data from	National Highways welcomes the comment from Historic England.

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		<p>the project may be anticipated, and where there may be potential gaps in knowledge which may affect understanding.</p>	
<p>Billy Welch, representative of the Gypsy and Traveller Community</p> <p>RR-047</p>	<p>Impacts to Land and</p> <p>Development of the Project and Alternatives</p>	<p>The proposed route of the development passes through the site of Brough Hill Fair. In 1330 the town of Brough was granted a charter for, inter alia, an annual four day fair which remains as Brough Hill Romany Fair held at the end of September. The status of the annual fair is protected not only by the charter but by an entry on the title at Land Registry.</p> <p>In the opinion of Billy Welch, who is a spokesman for the Gypsy community, neither alternative site is suitable as a replacement, for various reasons which he can explain in detail. He considers that a different route to the north would be more suitable.</p>	<p>The project team have had ongoing discussions with Gypsy community throughout the preliminary design stage. This has included meetings with Billy Welch, which are documented in a statement of common ground (Document Reference 4.5, APP-283). National Highways acknowledge the historic and cultural importance of the Brough Hill Romany Fair and the status of the Brough Hill Romany Fair at the town of Brough. The Equalities Impact Assessment submitted with the DCO application (Document Reference 3.10, APP-243) acknowledges the importance of the fair: "Brough Hill Fair is an annual Gypsy and Traveller fair held in September at a site approximately 1.2km to the east of Warcop and adjacent to the southern edge of the A66."</p> <p>There will be a direct loss of the Brough Hill Fair site which will be required for construction of the proposed Project (Scheme 6 - Appleby to Brough (Warcop)). The loss of this site and the proposed alternative site were discussed in a number of meetings with Billy Welch as representative of the Gypsy community in the preliminary design stage, leading up to statutory consultation (autumn, 2021). As a result of feedback at statutory consultation the design team sought an alternative location. Therefore, supplementary consultation was undertaken on a suitable replacement site for the Brough Hill Fair between 18th</p>

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			<p>March to 3rd April 2022. Two alternative sites were consulted on:</p> <ul style="list-style-type: none"> • The Central Site – this site lies to the immediate west of the existing site and is currently used by the MoD as a ‘bivvy’ or camping site and training area. • Proposed alternative eastern site - this site is to the south of the A66, approximately 1.6 miles to the east of the current site. <p>Representatives of the Gypsy and Traveller population were engaged with directly in the period running up to and during this consultation process. Site visits were held to both sites with representatives of the gypsy community. Further work was also undertaken to visualise mitigation measures on the Bivvy Site. This visualisation (3.03 Environmental Statement Volume 2 (Figures), Chapter 10 Landscape and Visual) showed how the site is likely to look once it had been reprofiled and bunds introduced. This visualisation was shared with Gypsy representatives Billy Welch and Bill Lloyd. The Gypsy community had reservations about both sites however it was concluded by the National Highways project team that the Central Site is the preferred replacement for the Brough Hill Fair site, as is proposed by the DCO application and that appropriate mitigation and management measures would address issues raised. This may include additional works to make it suitable for its intended use. The details of this will be confirmed by detailed design work but could possibly include re-profiling and remediation of the land</p>

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			<p>and screening planting along the boundaries, as provided for in the Environmental Management Plan (Document Reference 2.7, APP-019) which is secured under article 53 of the draft DCO (Document Reference 5.1, APP-285). The primary reasons for the selection of the Central Site include the means to improve the access to the fair site via the local road network, the comparable size and topography of the site and the proximity and means to connect to the site to the existing Brough Hill Site.</p> <p>The proposal for a mainline route, to the north of the existing A66, suggested by Billy Welch to avoid the Brough Hill Fair site, shares the same impacts as the northern route as outlined in DCO application.</p> <p>Further information on the development of the preliminary design for both the Central and Alternative sites, can be found in the Project Development Overview Report (Document Reference 4.1, APP-244) and Chapter 3 of the Environmental Statement, Assessment of Alternatives (Document Reference 3.2, APP-046). These documents also outline alternative alignments considered throughout the development of the Project, including a more northerly route for the Appleby to Brough scheme.</p> <p>National Highways will continue to engage with Billy Welch, as a representative of the Gypsy and Traveller community including the preparation of an updated version of the Statement of Common Ground (Document Reference 4.5, APP-283).</p>