

**A66 Northern Trans-Pennine Project
TR010062**

**6.5 Applicant's Response to Relevant
Representations
Part 3 of 4**

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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**The Infrastructure Planning
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A66 Northern Trans-Pennine Project
Development Consent Order 202x

**NH/AS/6.5 Applicant's Response to Relevant
Representations Part 3 of 4**

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4. Response to Relevant Representations made by Affected Persons

4.1. Introduction

1. This section provides seeks to provide a response to the matters raised by Affected Persons and in doing so also refers to the ongoing engagement National Highways is undertaking with these persons.
2. An Affected Person is defined in Rule 2(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 as meaning a person who has been included in a notice under section 59 of the Planning Act 2008 (notice of persons interested in land to which compulsory acquisition request relates).
3. Whilst some of the matters raised by Affected Persons may have been considered in the common topics discussed in Section 2 of this document, National Highways considers that some of the Relevant Representations submitted by Affected Persons required a specific response and will be writing to them as part of ongoing engagement throughout the course of the Examination of the application.
4. 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. The Relevant Representation reference, Affected Person(s) name and National Highways response is set out in the following Table 4-1.

4.2. Response to Relevant Representations submitted by Affected Persons

Table 4-1: Response to Relevant Representations submitted by Affected Persons

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
Jonathan Wallis, Chartered Surveyor acting on behalf of Bowes Parish Council RR-066	Landscape and Visual	I act as agent for Bowes Parish Council who own land that is proposed to be used for the development of the A66 NTP Project. The proposal is to acquire some of my client's land to develop as an access road to a drainage pond. Whilst we have not been provided with full details of the proposed land take, despite asking for this on several occasions, we believe the land is unsuitable as it is not level and has rocky outcrops. The virtual film on your website shows the land as being flat which is not the case. It's disappointing not to have been provided with the details we have requested on many occasions and hope the above can be taken into account.	<p>We have met with Jonathan Wallis and Bowes Parish Councillor, Chris Tipping, and we understand the issues they are raising as part of their representation. A drainage engineer visited the site on 17 November 2021 and advised that further detailed design of the drainage infrastructure would be undertaken.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 & 1A of 3 (Document Reference 5.13, APP-308) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>The land is required to provide access to a drainage pond and also to provide environmental mitigation in the form of woodland planting to supplement existing planting. The land also is intended to be given in exchange for land forming part of a common. The proposed access crosses the Bowes Parish Council parcel (07-01-34) in order to access the land parcel south of Ivy Cottage where the proposed pond is located. This option, running south from The Street is the least impactful in terms of engineering design in minimising earthworks, as opposed to a route</p>

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			<p>from the west or east. The gradient of the access is within the standard for accesses of this type.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout stage three. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p>
<p>Christopher Redfern, Mrs Elizabeth Redfern RR-087</p>	<p>Flooding and Drainage and Impacts to Land</p>	<p>Concerns over increased risk of flooding, no discussion how temporary use of land will be put right and if culvert created how this will be bridged so we can have access to our remaining land. No discussion regarding additional land i.e., garden required as shown on some maps.</p>	<p>We have met with this landowner and their agent throughout the preliminary design stage, and we understand the issues they are raising as part of their representation. The meeting held on 21 April 2022 summarised the issues discussed, including matters resolved and those outstanding.</p> <p>National Highways confirm that the scheme has been designed to address flood risk and the drainage infrastructure is required to convey water from the proposed attenuation pond at the Bowes Junction to the</p>

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			<p>existing watercourse to the east of Bowes Hall. The pond will store water and will regulate and control the flow out of the pond into the ditch to agreed discharge rates with Durham County Council Flood Prevention officers. Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which describes the baseline environment, the existing flood risk and drainage arrangements on a scheme-by-scheme basis and the proposed drainage design principles and parameters for the Project.</p> <p>The proposed ditch will traverse the land to the east and southeast of East Byre. For details of the land required to construct the outfall ditch, please refer to refer to Land Plans Regulation 5 (2)(i) Sheet 2 of 3 (Document Reference, 5.13, APP-308) of the DCO Application, specifically plot 07-02-64. This confirms that the front garden of the East Byre property is not included in the Order Limits. However, part of the rear garden of the property is inside the Order Limits as shown on the Land Plans and will be required to accommodate the construction of the pipe/ culvert to link the ditch to the existing watercourse. The exact location and nature of the pipe/ culvert required to maintain access to land will be subject to detailed design.</p>

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John Gordon Slee, RR-089, Taylor and Braithwaite Ltd, Thomas Chappelhow, RR-108	Walking, Cycling and Horse Riding	Access and additional Public Rights of Way (PROWS) If PROWs, cycle ways or bridleways are to be imposed on the land alongside any private access tracks then there must be a segregated design whereby any joint use is kept separate with appropriate fences and hedges. The combining of private and public access could have serious consequences and poses a significant risk to the safety of both users. The proposed design of any joint access tracks was submitted within the second consultation window and submitted before the February 2022 deadline.	<p>National Highways have met regularly with these affected parties and their agents during the preliminary design stage, which has enabled us to understand their issues.</p> <p>We recognise that there is a desire from some landowners to separate WCH routes from replacement private means of access. It is not unusual, particularly in rural areas, for private means of vehicular access to exist over public rights of way in relation to which there is no general public right of vehicular access. Such arrangements tend to have lower environmental impacts and require less land to be taken overall when compared with a segregated solution.</p> <p>Nonetheless, National Highways is giving further consideration, as part of the detailed design process, as to the extent that it is able to accommodate requests for segregated private means of access and walking, cycling and horse riding provision and the outcome of that consideration will be discussed with the relevant affected persons in due course.</p>
John Harvey Slack, RR-090	Walking, Cycling and Horse Riding	Access and additional Public Rights of Way (PROWS) Object to the private means of access which connects the Llama Karma café and the bridge crossing adjacent to The Countess's Pillar between Grid Reference NY 54452 28958 and NY 54726 28951. There is no requirement for a tarmacked vehicular access road between these two points. This is using	We have met with Mr Slack and his agent throughout the preliminary design stage, and we understand the issues they are raising as part of their representation. The meeting held on 6 April 2022 summarised the issues discussed, including matters resolved and those outstanding.

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		<p>up vital agricultural land which is unnecessary and serves no purpose.</p> <p>Access to The Scheduled Ancient Monument (The Countess's Pillar) can be taken on foot from the proposed Llama Karma Car Park along the proposed public footpath and also along the existing footpath from the West which will join in to the 'Overpass footpath' (detailed on the plan). No other landowners in the area have a requirement for this access track as all of the land is owned by our client</p> <p>Other Matters During the construction, the road leading from the A66 past Brougham Castle Farm towards Clifton Dykes must be closed to the general public, this road can become dangerous at present when Kemplay Bank roundabout is busy with drivers trying to find alternative routes.</p>	<p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 of 4 (Document Reference 5.13, APP-305) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>This PMA referred to is proposed to provide access to the agricultural land adjacent to the former Llama Karma Kafe site. It is shown on Rights of Way and Access Plans (Document Reference 5.19, APP-343).</p> <p>Whilst a degree of flexibility has been built into the DCO application with a view to accommodating detailed design work, it is possible that some design changes that have been proposed or requested will require more flexibility in the DCO if they are to be brought forward. Such design changes will need to be discussed with the relevant Interested Parties or Affected Persons and may also require wider public consultation and further environmental appraisal or assessment work, all of which would need to be carried out within timescales compatible with the examination timetable. Other more minor changes that can be accommodated within the flexibility already built into the DCO application, such that they do not require a change to the DCO application, may be</p>

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			<p>secured through commitments in Statements of Common Ground or Position Statements, or through a legal agreement between National Highways and the relevant Interested Parties or Affected Persons. National Highways would like to resolve such matters in advance of any relevant compulsory acquisition hearings and/or issue specific hearings.</p> <p>Where design changes that have been proposed or requested and which National Highways agrees with, could only be brought forward by means of a change to the DCO application, National Highways will notify the ExA of these proposed changes at the earliest opportunity during the Examination (and before the end of this year).</p> <p>The proposed layout (including PROW) has been reviewed with the newly appointed Contractor for the scheme with a view to rationalising the provision and as such is being considered with the potential for a change. The need, as raised by Mr Slack, has been assessed and proposals are being considered that will reduce the length of the track. This will be developed and refined during the detailed design stage including a site review of the area. The land required and accommodation works will be considered further as changes are made to the layout.</p> <p>Closing up of the road past Brougham Castle Farm during construction is not currently part of the Project It is expected that upgrading the Kemplay Bank junction will</p>

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			<p>reduce congestion in this area and therefore negate the need for drivers to find alternative routes. This approach has been informed by the Construction Impact Assessment, as set out in Chapter 11 of the Transport Assessment (Document Reference 3.7, APP-236).</p> <p>The dialogue will continue with affected persons throughout the Examination and detailed design stages of the Project, whereby it may be feasible to rationalise and reduce access provision.</p>
	Traffic and Transport	<p>With the added pressure of construction, there will need to be a well-researched traffic management plan in place to account for the safety of all road users and pedestrians trying to access Brougham Castle.”</p>	<p>Chapter 11 of Transport Assessment (Document Reference 3.7, APP-236) provides an assessment of the traffic impact on the road network resulting from the construction of the Project, and the process to be followed to identify impacts such as the safety of all road users, an example being pedestrians trying to access Brougham Castle.</p> <p>Initial traffic modelling has been undertaken to assess what potential diversions may take place with the planned traffic management scenarios necessary to construct the Project. From this traffic modelling any impacts upon road users, such as pedestrians can be identified.</p> <p>Paragraph 11.7.4 of the Transport Assessment states.</p> <p><i>The impacts identified within this (traffic modelling) 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</i></p>

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			<p><i>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>Chapter 11.7 presents the results of initial traffic modelling which is currently being used to assess the impacts of diverted traffic on the local road network. Paragraphs 11.7.8 to 11.7.14 describe the traffic flow increases during the worst-case scenario for local roads within Cumbria. Figure 13-3 in Appendix G shows the modelled impact around Brougham Castle. This shows that an additional 5457 vehicles AADT will be diverted via Moor Lane past Brougham Castle. An assessment of this increase on pedestrians at Brougham Castle has not been undertaken, as National Highways recognise that further measures could be implemented within the Traffic Management Plan to ensure inappropriate local routes are not used by significant volumes of traffic.</p> <p>Annex B13 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) 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</p>

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			<p>during the construction of the Project. Article 53 of the DCO requires a second iteration of the EMP to be approved by the Secretary of State pre-implementation.</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 by the Delivery Partners during the detailed design and construction stages. This will ensure that a comprehensive, detailed Traffic Management Plan is available and understood by all parties prior to commencing the works on site.</p> <p>The CTMP will be developed within Chapter B13.2 (Document Reference 2.7, APP-033) 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

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			<ul style="list-style-type: none"> • Maintaining adequate access for the emergency services and all affected properties during the construction works. <p>The measures agreed through CTMP will therefore be implemented to limit the diversion of traffic away from the A66 during construction such that the local roads can continue to fulfil their current function such as providing safe access for pedestrians to Brougham Castle.</p>
Claire Patterson RR-093	Impacts to Land	<p>Interested Party and Affected Landowner and Farmer</p> <p>We set out below our representations, objections and observations in regard to the freehold land to be acquired as part of the development consent order ("the DCO") being sought for the National Highways A66 Northern Trans-Pennine Project ("the Project"). No individual land plans have been provided to show the schedule and areas of land to be acquired. The affected land is agricultural land to the East and South of the Café Sixty Six. The parties do not object to the A66 NTP Project in principle however we make the following representations:</p>	<p>National Highways have met with the Patterson family during the preliminary design stage, and we understand the issues they are raising as part of their representation. The meeting held on 26.04.22 summarised the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 of 6 (Document Reference 5.13, APP-307) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement with the respondent has been ongoing throughout stage three. A letter inviting the</p>

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			<p>respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, valuer has been instructed and met with their Agent, with discussions currently on-going. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p>
	<p>Walking, Cycling and Horse Riding Design and Engineering</p>	<p>Access and additional Public Rights of Way (PROW) Satisfied that the PROW is now to the North of the proposed A66 near to the Café Sixty Six location. Any PROWS could have serious detrimental impacts to the current extensive free range egg laying unit. There could be serious detrimental impacts to the current enterprise including biosecurity and welfare standards. Further access points are required on the North side of the proposed A66 to access agricultural land, these are at points NY 72323 17758, NY 72565 1764r9 and NY 72808 17523. These accesses are required to allow for the continuous running of the farming business. Satisfied with the replacement of the sheep handling pens, however, they need to be relocated into a more practical location. This requires further consultation.</p>	<p>National Highways welcome the Pattersons' support for the PROW provision running to the north.</p> <p>Access to the Pattersons' farm is provided from the private means of access as shown on The Rights of Way and Access Plans Sheet 1 of 6 (Document Reference 5.19, APP-345) submitted as part of the DCO application.</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available about the emerging detailed design We will continue to discuss this matter with the Pattersons as the design develops.</p> <p>Measures to avoid and minimise the spread of invasive species are set out in the EMP (Document Reference 2.7, APP-019) at Table 3.2 (D-BD-07) where National</p>

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			<p>Highways commits to no part of the Project starting until an Invasive Non-Native Species Management Plan (INNS MP) is developed in detail in substantial accordance with the essay plan included at Annex B15 of the EMP and the INNS MP has been approved.</p>
Richard Mackey, RR-096	Impacts to Land	<p>Interested Party and Affected Landowner and Farmer We set out below our representations, objections and observations in regard to the freehold land to be acquired as part of the development consent order ("the DCO") being sought for the National Highways A66 Northern Trans-Pennine Project ("the Project"). No individual land plans have been provided to show the schedule and areas of land to be acquired. The affected land is agricultural land at approximate Grid Reference NY 51691 28815. The parties do not object to the A66 NTP Project in principle.</p>	<p>We have met with this landowner during the preliminary design stage. As such we understand the issues raised in their representation. The meeting held on 09.04.22 summarised the issues, including matters resolved and those outstanding. National Highways will continue to engage with Richard Mackey.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 2 of 2 (Document Reference 5.13, APP-304) submitted as part of the DCO application.</p>
	Walking, cycling and horse riding (WCH),	<p>Access and additional Public Rights of Way (PROW) At present the design severs the only access into the affected field parcel. An alternative access must be provided to allow for normal access during and post construction. The approximate grid reference for the current field access is NY 51764 28724.</p>	<p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement with the respondent has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10,</p>

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			<p>APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and negotiations are underway with the land agent. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>Accommodation Works currently proposed have primarily focused on providing continued operation and access to existing homes, businesses and affected persons. Details of new access provision can be found on the Rights of Way and Access Plans submitted as part of the DCO application (Document Reference 5.19, APP-344)). It is acknowledged that further dialogue with the affected person and agreement will be required at detailed design stage to mitigate landowner concerns over accessing retained land post completion. This may require consideration of new gate positions, turning facilities, alternative access tracks and the like. However, it is intended that access would be maintained to Mr Mackey's land during construction and a permanent means of access would be provided in a similar location to the existing arrangements.</p> <p>During the construction phase, The Environmental Management Plan (EMP), (Document Reference 2.7, APP-019) includes in its Register of Environmental Actions and Commitments (REAC) commitments to</p>

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			<p>minimise severance of access to businesses, private assets and community receptors during construction (MW-PH-01) and to minimise impacts to farm businesses during construction (MW-PH-02). 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 under the DCO.</p> <p>The proposed layout (including PROW's) will be developed and refined during the detailed design stage including a site review of the area. Any land required and accommodation works will be considered further as changes are made to the layout. We will continue to work and consult with affected persons through the DCO process and into detailed design.</p> <p>Access to this field will be maintained during the construction works and it may be possible to retain the existing field access location upon completion. However, details on the final access position will be agreed following negotiations during the detailed design process.</p>
Martyn George Farrell RR-100	Impacts to Land	Interested Party and Affected Landowner and Farmer We set out below our representations, objections and observations in regard to the freehold land to be acquired as part of the development consent order ("the DCO") being sought for the National Highways	We have met with this landowner a number of times through preliminary design stage. We understand the issues that are outlined in their representation. The meeting held on 07.04.22 summarised the issues, including matters resolved and those outstanding.

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		<p>A66 Northern Trans-Pennine Project (“the Project”). No individual land plans have been provided to show the schedule and areas of land to be acquired. The affected land is agricultural land between Temple Sowerby and Kirkby Thore. The parties do not object to the A66 NTP Project in principle.</p>	<p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 and 2 of 7 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301].). The invitation to negotiate was accompanied by a plan showing the extent of the respondent’s land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p>
	Design, Engineering	Layby Locations Objection to the proposed location of the lay-by located immediately adjacent to New Bungalow. The location of this lay-by will result in	Laybys have been provided on the dual carriageway for short duration stops at intervals that satisfy the requirements of National Highways’ design standards.

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	and Construction	additional nuisance and excessive injurious affection. Litter will be deposited in the lay-bys and blow into the nearby fields which could cause health and safety concerns for grazing animals. There could also be privacy and security issues to Newlands Bungalow which is located very close to the lay-by. The lay-bys should be located in more secluded and favourable locations along the route.	The laybys will be appropriately maintained throughout their operation. The road has been designed to comply with National Highways latest design standards contained within DMRB. This includes those design standards relating to horizontal curvature and visibility.
	Walking, Cycling and Horse Riding Impacts to Land	<p>Access and additional Public Rights of Way (PROWS) Objection to the current design of the private means of access which connects the old A66 to Priest Lane. The access road uses up excessive agricultural land which is already vital to the sustainability of our client's farming enterprise. The design should be amended so that the route from the old A66 is moved across one field boundary to the East so that it borders two sperate landowners and thus leaves farmable sized blocks of land post construction and a natural ownership border. The grid references for the proposed access relocation will run from NY 62785 25880 to NY 63009 26175.</p> <p>Business Concerns and Other Matters We object to the landform proposals and suggest that the proposed A66 is lowered to avoid the requirement to build the road up</p>	<p>The proposed access track referred to is also a diverted bridleway, the southern end of the track aligns with the existing bridleway provision number 336-007. The access track ensures that all land parcels (regardless of owner) have direct access to the track to provide an off-road route to the existing Priest Lane and land to the north of the proposed dual carriageway. The track has been located south of the dual carriageway to minimise the risk of headlight glare between the track and the dual carriageway. The level of this track will be refined at the detailed design stage with the intention of reducing the tracks earthworks to reduce its footprint.</p> <p>The proposed layout (including PROW's) will be developed and refined during the detailed design stage.</p> <p>Following the statutory consultation process and ongoing engagement with stakeholders, proposed design changes were identified to the layout of several schemes as well as changes to walking, cycling and horse-riding provisions, the location of construction compounds and</p>

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			<p>landforms. These changes were subject to a targeted consultation with information provided as part of the consultation that compared the environmental effects of the proposed changes with those presented in the original PEI Report. In presenting these changes it was confirmed that the information presented in the original PEI Report remained relevant and applicable. The feedback on the proposed design of the project, its assessment and the proposed mitigation measures (as presented at statutory consultation and as part of the supplementary consultation) has informed the design for the DCO application. The process of how the consultation feedback has informed the design is set out in the Consultation Report (Document Reference 4.4, APP-252) with details on our response to each consultation issue set out in Annex N and P of the Consultation Report.</p> <p>The dual carriageway vertical alignment to the east of the Kirkby Thore village has been developed to accommodate existing and proposed accommodation/bridleway underpasses. Alternative alignments have been considered to lower the road based on the feedback from the statutory consultation, however lowering the alignment and removal of the underpasses would extend the length of the scheme and require very long accommodation track and bridleway diversions. Therefore, landform mitigation measures were introduced to partially screen the road from view and integrate the road into the landscape.</p>

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	Noise and Vibration and Socio-economic	<p>Serious concern about the noise, light and vibration impact of the proposed design on the caravan site business. The business currently has permission for 50 sites between permanent sites and temporary touring caravan sites. The current single carriageway road runs parallel to New Bungalow and the caravan site and as such the noise and light continues on that trajectory. With the upgrade to a dual carriageway and with the curvature of the proposed route, the noise, light and vibration impact will be significantly increased as the trajectory intersects across the caravan site.</p> <p>The proposed A66 design will have a negative impact on the Low Moor Caravan site business as it will not be visible or directly available from the A66 as it is now, this will reduce the custom from passers-by.</p>	<p>The potential effects of the Project on Noise and Vibration are set out in Section 12.10 of the Environmental Statement Chapter 12: Noise and Vibration (Document Reference 3.2, APP-055).</p> <p>Figure 12.4 Opening Year Alignment Noise Difference (Document Reference 3.3, APP-115) shows the predicted change in noise level as a result of the Project. The Project Design Principles (Document Reference 5.11, APP-302) include requirement to provide appropriate screening at Low Moor Caravan site (reference 0405.12 of Project Design Principles). This document secures mitigation through the DCO process.</p> <p>The potential effects of the Project on light are set out in Section 10.10 of the Environmental Statement Chapter 10: Landscape and Visual (Document Reference 3.2, APP-053). Table 10-11 of the Environmental Statement Chapter 10: Landscape and Visual (Document Reference 3.2, APP-053) notes a significant effect landscape and visual effect on Low Moor Park in the construction phase. Table 10-12 of the Environmental Statement Chapter 10: Landscape and Visual (Document Reference 3.2, APP-053) notes a significant effect landscape and visual effect on Low Moor Park after the first year of operation. There is no significant effect anticipated by year 15 of operation as noted in Table 10-13 of the Environmental Statement Chapter 10: Landscape and Visual (Document Reference 3.2, APP-053).</p>

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			<p>The potential effects of headlights as a result of the Project are included in the Environmental Statement Chapter 10: Landscape and Visual (Document Reference 3.2, APP-053) and concludes that there would be no notable effects at this location following implementation of the proposed screening.</p> <p>The Population and Human Health Chapter of the Environmental Statement identifies Low Moor Park as an existing business located within the study area of the Temple Sowerby to Appleby Scheme. The chapter reports the findings of the assessment on this receptor. This includes a permanent minor adverse impact due to the loss of 4.18ha of land at Low Moor Park that required for the Project. During the early years of operation there may be beneficial effects on noise due to reduced traffic flows on the de-trunked A66 at this location. Furthermore, there will be a combination of adverse and noise and visual effects at the location during the construction period. It is noted that these combined effects may result in a temporary increase in levels of annoyance, reduced enjoyment of the public realm and open space and a reduction in the perceived quality of the living environment for the affected communities (paragraph 13.10.83). National Highways will continue to engage with the landowner regarding suitable mitigation measures.</p>

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Colin Thomas Dent, RR-102	Noise and Vibration	Object to the proposed design as the road is now immediately adjacent to Powis House farm steading and very close proximity to the residential property which will devalue the farm and will create significant noise pollution.	<p>The potential effects of the Project on Noise and Vibration are set out in the Environmental Statement Chapter 12: Noise and Vibration (Document Reference 3.2, APP-055). Figure 12.4 Opening Year Alignment Noise Difference (Document Reference 3.4, APP-115) shows the predicted change in noise level as a result of the Project.</p> <p>There is an identified significant effect on noise on Powis House, however there are constraints to implementing a noise barrier in this location as part of the Preliminary Design proposed by the DCO application, therefore there is a residual likely adverse significant effect noise at this location. However, the receptor at Powis House is not predicted to be, at this stage, eligible for noise insulation. The receptor does not meet the criteria of exceeding 68dBLA_{10,18hr} façade level at the impacted façade. The Do-Something Future Year, which is the scenario that would yield the highest road traffic noise levels, shows that the receptor is predicted to be exposed to noise levels around 57dBLeq,16hr free-field (equivalent to about 62dBLA_{10,18hr} façade level). As with all potential qualifiers, this will need to be checked upon opening of the Project, as required by the Noise Insulation Regulations.</p>

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			As noted in the ES, the Project has been designed to avoid and minimise adverse noise effects through the process of design development and consideration of good design principles including the road alignment and low noise road surfacing.
	Flooding and Drainage Consultation and Engagement	Object to the large attenuation/balancing ponds which sits immediately to the East of Powis House, there is great concern that in periods of heavy rainfall that this could flood the farm steading. The balancing ponds should be rationalised into the least number of ponds necessary thus reducing access and potential issues with outfall drainage. There is a concern as to how these balancing/attenuation ponds are going to connect into existing drainage networks as no consultation has been undertaken. There has been no consultation on the impact on drainage nor any management plan for the work which will be required to existing ditches drains and culverts. This is a major oversight as most of the land affected by the scheme is highly productive agricultural land. Most drainage pathways are not delineated on plans and are merely known by my clients who have occupied the land for many years. Any severance and damage to these drains could have a serious impact on the use of the land and therefore the farming businesses.	National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy. The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to

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		<p>Drainage can also be a major problem many years post construction and no assurance has been provided to detail how this will be managed.</p>	<p>minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>Ponds have been designed to store the additional run-off produced by the scheme and restrict the peak flow rate to no greater than the existing green field run off rates. Exceedance flow paths have been considered in the design to ensure properties are not at risk of flooding in the event of drainage blockages or storm events in excess of the designed capacity. Refer to section 14.2.4 of document 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) and its annexes for more information. Further details will be developed in the detailed design stage.</p>

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			<p>Existing land drainage systems across the project that are impacted by the scheme will be diverted to ensure minimal change in performance. This will be undertaken by competent land drainage designers and contractors.</p> <p>National Highways have met with the landowners as the design has progressed and discussed the impact of the new engineering work on drainage (such as balancing ponds and local flooding issues). Where information or concerns have been raised with regards to private utilities, these have been recorded in meeting minutes.</p> <p>Existing land drainage systems impacted by the scheme will be diverted to ensure minimal change in performance. This will be undertaken by competent land drainage designers and contractors.</p>
	Walking, Cycling and Horse Riding	<p>Access and additional Public Rights of Way (PROWS)</p> <p>Objection to any joint private access tracks and PROWS which are identified together, any joint access routes must be segregated and kept separate by fencing and hedgerows. The combining of private access predominantly for the use of agriculture and public access could have serious consequences and pose a serious risk to the safety of both users.</p> <p>Objection to additional land take adjacent to the old A66 for use as a cycleway.</p>	<p>We recognise that there is a desire from some landowners to separate WCH routes from replacement private means of access. It is not unusual, particularly in rural areas, for private means of vehicular access to exist over public rights of way in relation to which there is no general public right of vehicular access. Such arrangements tend to have lower environmental impacts and require less land to be taken overall when compared with a segregated solution.</p> <p>Nonetheless, National Highways is giving further consideration, as part of the detailed design process, as to the extent that it is able to accommodate requests for segregated private means of access and walking, cycling</p>

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		<p>This is not an efficient use of good quality agricultural land and causes additional land take to landowners already heavily affected by the scheme.</p>	<p>and horse riding provision and the outcome of that consideration will be discussed with the relevant affected persons in due course.</p> <p>National Highways is giving further consideration, as part of the detailed design process, as to the extent that it is able to accommodate requests for moving private means of access and rights of way within the Order Limits and the outcome of that consideration will be discussed with the relevant affected persons in due course.</p> <p>Throughout the stages of the Project Control Framework required for National Highways projects, as reported in the PDOR (Document Reference 4.1, APP-244), from as early as Stage 1 deliverables, shortlisted options were considered against a number of criteria including BMV in accordance with paragraph 5.168 of the NNNPS. The assessment shows that the magnitude of effect for loss of BMV is similar if not the same for all of the route options evaluated for the Project. The potential loss of BMV was therefore taken into account but was not a clear differentiating factor between options.</p>
Colin Thomas Dent (scheme 4&5)	Design, Engineering and Construction	<p>Objection to the proposed location of the lay-by located immediately adjacent to Powis House farm steading which includes a residential property. The location of this lay-by will result in additional nuisance and excessive injurious affection. Litter will be deposited in the lay-bys and blow into the nearby fields which could cause health and safety concerns for</p>	<p>We have engaged with the Dent family for a number of years throughout the preliminary design stage. The meeting held on 06.04.22 enabled the identification of issues, including matters resolved and those outstanding. Layby provision takes into account junction spacing and visibility requirements. It is not proposed that these laybys are lit. Laybys will be appropriately maintained throughout</p>

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		<p>grazing animals. There could also be security issues to Powis House farm steading which is located very close to the lay-by. The lay-bys should be located in more secluded and favourable locations along the route.</p>	<p>their operation. The location of the laybys are in accordance with the appropriate design standards and whilst there is some flexibility for the location of laybys to move from that shown in the DCO drawings, there are several design requirements which will limit this. However, the exact location will be developed further during detailed design.</p>
<p>John Steadman Dodd, RR-105</p>	<p>Impacts to Land</p>	<p>Interested Party and Affected Landowner and Farmer We set out below our representations, objections and observations in regard to the freehold land to be acquired as part of the development consent order ("the DCO") being sought for the National Highways A66 Northern Trans-Pennine Project ("the Project"). No individual land plans have been provided to show the schedule and areas of land to be acquired. The affected land is approximately 6.84 hectares of agricultural land and an 60ft x 60ft new build agricultural building, yard and pens which is to be demolished as part of the road design. The parties do not object to the A66 NTP Project in principle.</p>	<p>We have met with the Dodds during the preliminary design stage and we understand their concerns with the scheme. The meeting held on 07.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 of 7 (and associated inset) (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301).</p>

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			<p>The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then the valuer has been instructed and are currently working with National Highways and Delivery Partners in order to find a way forward. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p>
	<p>Flooding and Drainage</p>	<p>There has been no consultation on drainage nor any management plan for the work which will be required to existing ditches drains and culverts. This is a major oversight as most of the land affected by the scheme is highly productive agricultural land. Most drainage pathways are not delineated on plans and are merely known by my clients who have occupied the land for many years. Any severance and damage to these drains could have a serious impact on the use of the land and therefore the farming businesses. Drainage can also be a major problem many years post construction and no assurance has been provided to detail how this will be managed. There is an attenuation / balancing ponds shown on the project plans located on my client's land. There is a concern as to how these balancing/attenuation ponds are going to connect into existing drainage networks and outfall drainage as no consultation has been undertaken</p>	<p>National highways have met with the Dodd's through the preliminary design stage of the Project. The meeting held on 07.04.22 summarises the issues, including matters resolved and those outstanding. This has included discussions on the impact of new engineering work on drainage (such as balancing ponds and local flooding issues).</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-19)</p>

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			<p>and the Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project to agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, who's duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owner/occupiers in advance of finalisation, for their consideration.</p>
John Steadman Dodd (scheme 4&5)	Design, Engineering and Construction	The proposed compound affects approximately 17 acres of land which includes an agricultural building to be demolished. Due to the nature of the business and an all-year-round requirement for housing sheep,	National Highways acknowledges this request for a commitment to a change to the design in relation to agricultural storage and access. This change is under consideration and, if appropriate and feasible, can most

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		<p>lambling and crop storage, the building cannot be dismantled and relocated.</p> <p>There are no other agricultural buildings on this site and therefore National Highways must erect a new agricultural building to replace the existing one before any construction commences. A proposed design and layout for the alternative building location has been submitted to National Highways to mitigate any business losses, this is currently awaiting a response.</p> <p>During construction, the farming business requires an extended area to the North and East of the compound site for storage of farm machinery, crop, bales, dog pens and portacabins for chemicals and spray. The access to the new building is required to tie into the proposed new access which National Highways have designed on to the compound site. An access track is also required to the surrounding field parcels. The security of the compound is a major concern during the construction period. Once the agricultural building is relocated, the security could be compromised due to the construction compound being immediately adjacent and the theft issues which may arise as a result. 24 hour security, cctv and security lights will be required not only on the compound but at the agricultural buildings.</p>	<p>likely be undertaken within the boundaries of the DCO application as there is sufficient flexibility in most cases built into the DCO application to allow for this type of change. If feasible and appropriate the change would be secured through commitments in Statements of Common Ground or Position Statements, or through a legal agreement between National Highways and the relevant Interested Parties or Affected Persons. National Highways is continuing the engagement with affected parties to resolve matters such as those relating to agricultural storage and access in advance of any relevant compulsory acquisition hearings and/or issue specific hearings).</p> <p>It is a requirement of the Environmental Management Plan that a Site Establishment Plan (SEP) is developed prior to commencing any work on the compounds. This plan will include fencing, lighting and security. Refer to provision reference D-GEN-08 in the Environmental Management Plan (Document Reference 2.7, APP-019).</p>

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Christine Margaret Cowin, RR-106, Norman Cowin, RR-107	Flooding and Drainage	<p>The proposed drainage shows a red line boundary which follows an existing drainage culvert, however there is no construction or drainage drawn within this corridor. It is assumed that National Highways are proposing to connect the attenuation pond / balancing pond to the existing drainage culvert which heads towards British Gypsum. During heavy rainfall this culvert floods out onto my clients land and is already at maximum capacity. Adding an extension will only increase the load and have a detrimental impact on the farming business. There has been no consultation as to the drainage routes and how additional load is going to be mitigated. There has been no consultation on the impact on drainage nor any management plan for the work which will be required to existing ditches drains and culverts</p>	<p>National Highways have met with the Cowins throughout the preliminary design stage, with issues summarised from meeting in April 2022.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-19) and the Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project to agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices and measure D-RDWE-11 in which National Highways commits that any works that disturb</p>

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			<p>drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, who's duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owner/occupiers in advance of finalisation, for their consideration.</p> <p>Information on highway drainage and run off attenuation forms part of the DCO Application (see general arrangement plans) and details on land drainage and management measures will be prepared as part of the detailed design process, as set out in the road drainage and water environment section of Table 3-2: Register of environmental actions and commitments, within the EMP (Document Reference 2.7, APP-019).</p> <p>Ponds have been designed to store the additional run-off produced by the scheme and restrict the peak flow rate to no greater than the existing green field run off rates. Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy and its annexes for more information (Document Reference 3.3, APP-127). Further details will be developed in the detailed design stage.</p>

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Norman Cowin, RR-107	Walking, cycling and horse riding (WCH)	Access and additional Public Rights of Way (PROWS) An additional private access must be provided at the Grid Reference NY 64782 25917 to allow for sheep to be moved safely out of the land and to the North. This access is essential for both the safety of the general public and the livestock.	The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design. We will continue to work and consult with affected persons through the DCO process and into detailed design.
Norman Cowin, RR-107 Christine Margaret Cowin, RR-106	Design, Engineering and Construction	The proposals currently require that Green Barn is to be demolished. Due to the nature of the business and an all-year-round requirement for housing sheep, lambing and crop storage, the building cannot be dismantled and relocated. A further issue is that due to the red line boundary there is very limited agricultural land owned by Messrs Cowin where any replacement building could be relocated. Discussions with adjacent landowners have currently been unsuccessful. At present the current designs will cause severe hardship on the farming business. There are no other agricultural buildings on this site and therefore National Highways must erect a new agricultural building to replace the existing one before any construction commences. The current red line boundary which National Highways have identified in the design drawings are excessive. Suggestion to refine the red line boundary and reduce the land take. From these plans it is not understood whether the entirety of the	National Highways have met regularly with this landowner and their agent since 2021, including with the District Valuer, which has enabled us to understand their issues. National Highways propose to acquire land (a) and to take temporary possession (b) of land at the following plots: (a) 0405-07-39, 0405- 07-46, 0405-07-46, 0405-07-47, 0405-07- 59, 0405-07-59, 0405-07-96 (b) 0405-07-40, 0405- 07-41, 0405-07-41, 0405-07-45, 0405-07- 45, 0405-07-52, 0405-07-52. The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 7 of 7 (Document Reference 5.13, APP-306) submitted as part of the DCO application. Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).

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		<p>red line boundary is to be permanently acquired or rights are to be sought on a temporary basis. If land is to be acquired on temporary basis, what are the agreements and reservations. Further clarity must be provided by National Highways on this point.</p>	<p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises and the land required to mitigate the significant environmental effects of the Project. The land required for environmental mitigation is that needed to mitigate the significant effects of the Projects based on the findings of the EIA as reported in the Environmental Statement (Document Reference 3.2, APP-044 to APP-059). As the detailed design of the Project is progressed over the coming months, more</p>

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			<p>accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>Currently land that is shaded pink on the land plans is proposed, in principle, to be permanently acquired. However, as the scheme enters the detailed design stage, elements of the schemes will develop and evolve which may likely reduce the extent of permanent land take required (and which may, in some instances, change the requirement to temporary possession). If areas of land are not required to be acquired permanently, then National Highways will liaise with the affected person regarding the possibility of returning land to the landowner accordingly following construction.</p>
Thomas Chappelhow, RR-108	Design, Engineering and Construction Impact to Land	Access and additional Public Rights of Way (PROWS) A private means of access is required from my clients to connect in to both the North and South sides of the proposed Roger Head Farm Bridge at approximate grid reference NY 67270 22101. The dimensions of this bridge must be sufficient to accommodate large farm machinery. Cattle handling pens must also be provided on the North and South side of the proposed overpass to facilitate the handling of cattle. Cattle are notoriously difficult to handle and these will be required from a welfare and safety perspective. The pens and	<p>Chapter 13 Population and Human Health within the Environmental Statement (Document Reference 3.2, APP-056) includes an assessment of impacts upon agricultural land holdings. As part of the assessment process agricultural landowners were consulted in order to understand how their businesses operated. This has been factored into the assessment of likely significant effects.</p> <p>National Highways acknowledges this request for a commitment to a change to the design in relation to the location of environmental mitigation and access track to</p>

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		<p>fencing must be cattle proof as this will allow for farming activities to continue.</p> <p>Accommodation Works and Other Matters The cattle handling pens at approximate grid reference NY 67107 21764 appear to be affected by the environmental mitigation and will need to be relocated with an access over the 'proposed ditch' from the access track to the balancing / attenuation pound to allow for normal field access.</p>	<p>the balancing/ attenuation pond and also changes to the dimensions of a bridge. This change, if appropriate and feasible, can most likely be undertaken within the boundaries of the DCO application as there is sufficient flexibility in most cases built into the DCO application to allow for this type of change. If feasible and appropriate the change would be secured through commitments in Statements of Common Ground or through a legal agreement between National Highways and the relevant Interested Parties or Affected Persons. National Highways is continuing the engagement with affected parties to resolve matters such as those relating to environmental mitigation, accesses and accommodation works in advance of any relevant compulsory acquisition hearings and/or issue specific hearings.</p>
	Flooding and Drainage	<p>Drainage Consultation There has been no consultation on the impact on drainage nor any management plan for the work which will be required to existing ditches drains and culverts. This is a major oversight as most of the land affected by the scheme is highly productive agricultural land. Most drainage pathways are not delineated on plans and are merely known by my clients who have occupied the land for many years. Any severance and damage to these drains could have a serious impact on the use of the land and therefore the farming businesses. Drainage can also be a major problem many years post construction and</p>	<p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy [APP-221] which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan [APP-019] and the Project Design Principles [APP-302], in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the</p>

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		no assurance has been provided to detail how this will be managed.	<p>Environmental Management Plan [APP-019] which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p>
Christine Margaret Cowin, RR-106	Walking, cycling and horse riding (WCH)	Access and additional Public Rights of Way (PROWS) A private means of access is required from the my clients to connect in to both the North and South sides of the proposed Roger Head Farm Bridge at approximate grid reference NY 67270 22101. The	We recognise that there is a desire from some landowners to separate WCH routes from replacement private means of access. It is not unusual, particularly in rural areas, for private means of vehicular access to exist over public rights of way in relation to which there is no

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		<p>dimensions of this bridge must be sufficient to accommodate large farm machinery. Cattle handling pens must also be provided on the North and South side of the proposed overpass to facilitate the handling of cattle. Cattle are notoriously difficult to handle and these will be required from a welfare and safety perspective. The pens and fencing must be cattle proof as this will allow for farming activities to continue</p> <p>If PROWs are to be imposed on the access tracks alongside any private means of access then there must be a segregated design whereby any joint use is kept separate with appropriate fences and hedges. The combining of private and public access could have serious consequences and poses a significant risk to the safety of both users.</p>	<p>general public right of vehicular access. Such arrangements tend to have lower environmental impacts and require less land to be taken overall when compared with a segregated solution.</p> <p>Nonetheless, National Highways is giving further consideration, as part of the detailed design process, as to the extent that it is able to accommodate requests for segregated private means of access and walking, cycling and horse riding provision and the outcome of that consideration will be discussed with the relevant affected persons in due course</p> <p>National Highways acknowledges this request for a commitment to a change to the design in relation to access tracks and PROWs. This change, if appropriate and feasible, can most likely be undertaken within the Order limits shown in the DCO application as there is sufficient flexibility in most cases built into the DCO application to allow for this type of change. If feasible and appropriate the change would be secured through commitments in Statements of Common Ground or Position Statements, or through a legal agreement between National Highways and the relevant Interested Parties or Affected Persons. National Highways is continuing the engagement with affected parties to resolve matters such as those relating to private means of access in advance of any relevant compulsory acquisition hearings and/or issue specific hearings.</p>

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<p>Christopher Bell, RR-109,</p> <p>Geoffrey Bell, RR-110</p> <p>Janet Elizabeth Bell, RR-111</p>	<p>Impacts to Land</p>	<p>Interested Party and Affected Landowner and Farmer</p> <p>We set out below our representations, objections and observations in regard to the freehold land to be acquired as part of the development consent order ("the DCO") being sought for the National Highways A66 Northern Trans-Pennine Project ("the Project"). No individual land plans have been provided to show the schedule and areas of land to be acquired. The affected land is agricultural land near to Far Broom, Long Marton and land at Crackenthorpe. The parties do not object to the A66 NTP Project in principle however we make the following representations.</p>	<p>We have met regularly with this landowner and their agent since 2020, which has enabled us to understand their issues.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 5 & 6 of 7 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.11, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p>
<p>Nigel Teasdale</p>	<p>Impacts to Land</p>	<p>Permanent Acquisition and Temporary Land occupation The current red line boundary which National Highways have identified in the design drawings are excessive. Suggestion to refine the red</p>	<p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-304 to APP-311 inclusive). As is shown on the key to the Land Plans, the</p>

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Janet Elizabeth Bell, RR-111		<p>line boundary and reduce the land take. From these plans it is not understood whether the entirety of the red line boundary is to be permanently acquired or rights are to be sought on a temporary basis. If land is to be acquired on temporary basis, what are the agreements and reservations? Further clarity must be provided by National Highways on this point. 2.. The proposed Environmental Mitigation land is excessive and does not take into consideration or rationalise any comparison to the future losses to agricultural business. The losses to the agricultural business must outweigh any environmental mitigation consideration and therefore the my clients fundamentally object to the proposals. The majority of the designated Environmental Mitigation land is on highly productive agricultural land. If appropriate consultation had occurred, then alternative mitigation areas could have been identified by my clients on the less productive areas.</p> <p>The habitat types and conditions referred to in the environmental mitigation design has been based on the Biodiversity Metric 2.0, the most up to date Biodiversity metric is the Biodiversity Metric 3.1, therefore the most informed and technical data has not been used on this project to identify and mitigate any environmental loss. Without prejudice, the permanent acquisition of land for the environmental mitigation may be unnecessary as my clients may wish to offer</p>	<p>land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p> <p>The effective mitigation for habitat loss is complex as it is dependent on the habitat impacted alongside factors such as the rarity and condition of the habitat. 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</p>

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		<p>rights and enter into restrictive and enforceable positive covenants to manage these areas in an agreed manner. Detailed or draft Habitat Management commitment agreements have not been provided for review to facilitate the environmental mitigation land, as such the future impacts and landowner requirements are not yet known.</p>	<p>the Evidence Base table in Appendix 1.1 of the Environmental Statement (Document Reference 3.4, APP-146).</p> <p>Natural England's BNG Metric sets habitat replacement ratios which are calculated based on type, rarity, condition, and time to functionally mature; as a consequence, habitat replacement ratios to attain No Net Loss vary between habitats. For example, lowland deciduous woodland of good condition takes many years to mature, replacing 1ha of mature lowland woodland with 1ha of young trees is not considered mitigative replacement as these two habitats do not possess the same functionality. In order to offset this functional loss, larger areas of planting are applied under the BNG Metric to achieve no net loss. In the instance of lowland deciduous woodland, this roughly equates to a 1:9 replacement required to demonstrate no net loss of the habitat.</p> <p>BNG Metric 2.0</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>

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		<p>Drainage Consultation There has been no consultation on the impact on drainage nor any management plan for the work which will be required to existing ditches drains and culverts. This is a major oversight as most of the land affected by the scheme is highly productive agricultural land. Most drainage pathways are not delineated on plans and are merely known by my clients who have occupied the land for many years. Any severance and damage to these drains could have a serious impact on the use of the land and therefore the farming businesses. Drainage can also be a major problem many years post construction and</p>	<p>BNG Metric 3.1 Following the publication of BNG 3.1 the team are in the process or recalculating the BNG Metric output.</p> <p>Detailed Design Process As the detailed design progresses it may be the case that the layout or location of the environmental mitigation within the DCO boundary, as currently shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041), will need to be altered based on further developed design. Importantly, this could only be done insofar as the layout complies with the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Application Document 5.11, APP-302).</p> <p>With regard to private drainage, if development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position</p>

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		<p>no assurance has been provided to detail how this will be managed. There is an attenuation / balancing pond shown on the project plan located at grid reference NY 66579 22747. There is a concern as to how these balancing/attenuation ponds are going to connect into existing drainage networks and outfall drainage as no consultation has been undertaken. The proposed drainage shows a red line boundary which follows an existing drainage culvert, however there is no construction or drainage drawn within this corridor. It is assumed that National Highways are proposing to connect the attenuation pond / balancing pond to the existing drainage culvert which heads towards Far Broom. We object to this proposal. During heavy rainfall this culvert has the potential to flood Farm Broom farm steading and it is already at maximum capacity. Adding an extension will only increase the load and have a detrimental impact on the farming business. There has been no consultation as to the drainage routes and how additional load is going to be mitigated. The suggestion would be to drain the land from the pond to the South towards grid reference NY 66501 22195, this will reduce the potential flooding of agricultural property. At grid reference NY 66015 24009, is this an open ditch or a culvert? 5. Access and additional Public Rights of Way (PROWS) The current design of the A66 means that the current field access along the very Northern part of the three</p>	<p>statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p> <p>The impact to existing ditches drains and culverts are set out in document 3.4 Environmental Statement Chapter 14 and its appendices. Detailed designs for any necessary mitigation measures will be developed during the detailed design stage in accordance with current legislation and design standards.</p> <p>Existing land drainage systems impacted by the scheme will be diverted to ensure minimal change in performance. This will be undertaken by competent land drainage designers and contractors.</p> <p>Ponds have been designed to store the additional run-off produced by the scheme and restrict the peak flow rate to no greater than the existing green field run off rates. Exceedance flow paths have been considered in the design to ensure properties are not at risk of flooding in the event of drainage blockages or storm events in excess of the designed capacity. Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy and its annexes for more information. Further details will be developed in the detailed design stage.</p>

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		<p>agricultural fields at Crackenthorpe is removed (Grid reference: NY 66842 22581). The access to the South of the fields from Crackenthorpe village is still required. Following on from the November consultation feedback and February consultation feedback this has not happened, and we still propose a new access track from the village to all three fields between the grid references NY 66169 22253 and NY 66590 22203. The design will require the removal of a disused brick-built railway bridge. This is required to facilitate full agricultural access to the land. If PROWs, cycle ways or bridleways are to be imposed on the land alongside any private access tracks then there must be a segregated design whereby any joint use is kept separate with appropriate fences and hedges. The combining of private and public access could have serious consequences and poses a significant risk to the safety of both users.</p>	<p>There is an open ditch proposed at NY 66015 24009 between the existing road and Trout Beck, a culvert will connect the drainage systems south of the road to this proposed ditch.</p>
	<p>Consultation and Engagement</p>	<p>Environmental Mitigation The amended environmental mitigation requirements have not been published for consultation, nor have the management prescriptions been disclosed until following the DCO application.</p>	<p>The environmental mitigation was presented in the Preliminary Environmental Information Report (published for Statutory Consultation in September 2021 as reproduced in Annex L of the Consultation Report (APP-264)). This environmental mitigation was based on the assessment of impacts of the preliminary design of the project, that was also presented at Statutory Consultation. The Map Book, which also formed part of the statutory consultation material, included information on the preliminary design as well as the proposed</p>

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			<p>location and types of environmental mitigation required for the project. The feedback from statutory consultation on the proposed design of the project, its assessment and the proposed mitigation measures and the response to the feedback is set out in the Consultation Report (Document Reference 4.4, APP-252). Each consultation issue raised and the response to each issue is set out in Annex N (Document Reference 4.4, APP-271) and Annex P (Document Reference 4.4, APP-273) of the Consultation Report.</p> <p>Following statutory consultation, the design was developed further, taking into account consultation responses (as reported in the Consultation Report), and based on the developed design, the environmental mitigation was revised, taking into account further landowner engagement and feedback where possible.</p>
	Design and Engineering	<p>Objection to the proposed location of the lay-by located immediately adjacent to the land at Crackenthorpe at grid reference NY 66862 22581. The location of this lay-by will result in additional nuisance and excessive injurious affection. Litter will be deposited in the lay-bys and blow into the nearby fields which could cause health and safety concerns for grazing animals. There could also be privacy and security issues to Far Broom with the lay-by located at grid reference NY 66512 22894 which is located very close to the lay-by.</p>	<p>Where new layby provision is proposed to replace an existing facility, the new provision has been located as close as possible to the existing layby location, taking into account junction spacing and visibility requirements. The road has been designed to comply with National Highways latest design standards contained within DMRB. This includes those design standards relating to horizontal curvature and visibility.</p>

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		The lay-bys should be located in more secluded and favourable locations along the route.	Whilst there is some flexibility in the location, this is minimal, due to the geometry, significant visibility requirements and restrictions on the proximity to junctions for safety reasons.
Christopher Bell, RR-109, Geoffrey Bell, RR-110 Janet Elizabeth Bell, RR-111	Environment and EMP	The proposed Environmental Mitigation land is excessive and does not take into consideration or rationalise any comparison to the future losses to agricultural business. The losses to the agricultural business must outweigh any environmental mitigation consideration and therefore my clients fundamentally object to the proposals .	Paragraph 3.3 of the National Networks National Policy Statement (NNNPS) states that “in delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government’s planning guidance. The Government’s detailed policy on environmental mitigations for developments is set out in Chapter 5 of the NNNPS. In response to NNNPS policies National Highways LD117 Landscape Design provides a list of eight environmental masterplan codes to summarise and illustrate the environmental mitigation. Four of these are utilised to show the types of land required for environmental mitigation, as shown on the illustrative Environmental Mitigation Maps (Document Reference 2.8, APP-041) and are listed below in no particular order: <ol style="list-style-type: none"> 1. Landscape integration 2. Nature conservation and biodiversity 3. Visual amenity 4. Visual screening

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			<p>Areas of habitat creation and replacement are principally within the second category (nature conservation and biodiversity) shown on the Environmental Mitigation Maps, although some of the landscape and visual mitigation shown on the maps can also function as habitat (hence has a dual function). The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of the Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2, APP-049)). The size of the areas proposed for environmental mitigation is based upon the land required to effectively mitigate the species impacts, landscape and visual effects and habitat impacts and loss of the Project based on the assessment of the preliminary engineering design (which forms part of the DCO application). As such, it is not considered excessive.</p> <p>The Application including the Environmental Statement (Document Reference 3.2, APP-049), DCO and related Project Design Principles (Document Reference 5.11, APP-302) and Environmental Management Plan (Document Reference 2.7, APP-019) are prepared on the basis that detailed design will be progressed and refined and this will result in greater certainty at the final design stage and implementation (should consent be granted). Any design details brought forward will be within the terms of any consent granted, order limits and within the extent of assessment.</p>

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			<p>It will also be in conformity with the EMP (Document Reference 2.7, APP-019) and the PDP (Document Reference 5.11, APP-302) but may not be in the same form as shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041).</p>
<p>Nigel Teasdale, RR-113</p>	<p>Impact on land</p>	<p>Interested Party and Affected Occupier and Farmer We set out below our representations, objections and observations in regard to the land occupied under an Agricultural Tenancy to be acquired as part of the development consent order (“the DCO”) being sought for the National Highways A66 Northern Trans-Pennine Project (“the Project”). No individual land plans have been provided to show the schedule and areas of land to be acquired. The affected land is agricultural land to the North of Cross Street Bridge, Kirkby Thore. Grid Reference NY 63391 26498.</p>	<p>We have met with this landowner and their agent throughout the preliminary design stage and we understand the issues they are raising as part of their representation. The meeting held on 07.04.22 summarises the issues discussed, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 01 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent’s land that National Highways has identified as being required for the Project.</p>

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			<p>Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p>
<p>Nigel Teasdale, RR-113</p>	<p>Design, Engineering and Construction</p>	<p>Environmental Mitigation Following the construction period, some of the land is designated as 'EFD' which is a bird mitigation area – Lapwing. Under the document “2.7 Environmental Management Plan Annex B1 Outline Landscape and Ecological Management Plan”, the management prescriptions state that between the months of January to July, there will be no grazing by livestock. The farming businesses comprise cattle and sheep enterprises which relies upon all year-round grazing. The loss of grazing could cause a significant loss of business income moving forward. In addition, the amended environmental mitigation requirements have not been published for consultation, nor have the management prescriptions been disclosed until following the DCO application.</p>	<p>National Highways consulted widely on its proposals during the pre-application statutory consultation, which was supported by a range of supplementary consultations, the details of which are reported in its Consultation Report (Document Reference 4.4, APP-252). The pre-application consultation was accompanied by a wide range of consultation materials which included a Preliminary Environmental Information Report. The Preliminary Environmental Information Report included the information reasonably required for consultees to develop an informed view of the likely significant environmental effects of the Project, based on the information that had been compiled by National Highways at the time. As a preliminary report in relation to an emerging design, it is not feasible to set out with precision at that stage all aspects of National Highway’s proposals. The current proposals for environmental mitigation are shown in an illustrative manner within Environmental Mitigation Maps (Document Reference 2.8, APP-041) that represent how the relevant mitigation measures could be implemented so as to be effective in terms of mitigating the adverse environmental effects of the Project.</p>

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			<p>The design of environmental mitigation will be developed to respond to the detailed design of the Project, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019), in particular commitments D-BD-01 and D-BD-05 which require the development of a Landscape and Ecological Management Plan and an Environmental Mitigation Scheme, and so as to be compatible with the applicable Project Design Principles (Document Reference 5.11, APP-302).</p> <p>It is recognised that it might not be possible to fully mitigate the adverse impacts to the farm business and in such cases it should be noted that the compulsory purchase compensation code would operate to seek to put the affected person in the position they would have been in had their land not been compulsory purchased, in so far as financial compensation is able to do so.</p>
Taylor and Braithwaite Ltd, RR-114	Impacts to Land	Concerns over initial draft land take on temporary and proposed permanent basis at company premises along with revision required to mitigation plan Interested Party and Affected Landowner We set out below our representations, objections and observations in regard to the freehold land to be acquired as part of the development consent order (“the DCO”) being sought for the National Highways A66 Northern Trans-Pennine Project (“the Project”). No individual land plans have been provided to show the schedule and	<p>National Highways have met with Taylor & Braithwaite during the preliminary design stage, and we understand their concerns with the scheme. The meeting held on 06.04.22 summarises the issues discussed, including matters resolved and those outstanding.</p> <p>National Highways seeks to acquire the following land plots (a) 06-02-18, 06-02-19, 06-02-20, 06-02-26, 06-02-35, 06-03-02 and seek temporary possession of the following land: (b) 06-02-28, 06-02-23, 06-02-27, 06-02-34.</p>

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		<p>areas of land to be acquired. The affected land is agricultural land near to Taylor & Braithwaite Ltd, Dyke Nook, Sandford, Appleby CA16 6NS. Grid Reference NY 73474 16853. The parties do not object to the A66 NTP Project in principle however we make the following representations</p> <p>Permanent Acquisition and Temporary Land occupation Object to the red line boundary which is located at Grid Reference NY 73708 16763. There appears to be no construction design drawn on the DCO application plans. The red line boundary intersects a yard which is currently used by Taylor & Braithwaite Drilling. The loss of this yard and the encroachment onto the business premises could have significant impacts on the business. There could significant business losses and it is suggested the red line boundary is refined in this area to avoid this conflict. The current red line boundary which National Highways have identified in the design drawings are excessive. Suggestion to refine the red line boundary and reduce the land take. From these plans it is not understood whether the entirety of the red line boundary is to be permanently acquired or rights are to be sought on a temporary basis. If land is to be acquired on temporary basis, what are the agreements and reservations? Further clarity must be provided by National Highways on this point.</p>	<p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The land within the red line boundary is required for the development of the project, including land for construction of the Project and for environmental mitigation. The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 2 of 6 (Document Reference 5.13, APP-307 Appleby to Brough). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily.</p>

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			<p>However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project</p> <p>The size of the areas proposed for environmental mitigation is based upon the land required to effectively mitigate the species impacts, landscape and visual effects and habitat loss of the Project based on the assessment of the preliminary engineering design (which forms part of the DCO application).</p>
Mark Blackett-Ord, RR-115	Development of the Project and Alternatives	<p>The scheme, Brough to Appleby The present A66 is the southern boundary of the North Pennines AONB and runs about one km north of the four villages of Sandford, Warcop, Flitholme and Langrigg. So the scheme as first proposed was on or just south of the old road, to mitigate pollution in the four villages, but without incursion into the AONB. Only a closer look at the site shows what damage is caused if it is not put further north, although admittedly into the edge of the AONB:</p> <p>The present A66 is on the turnpike road on the site of the Roman road from York to Hadrian's Wall and the</p>	<p>We have met with Mr Blackett-Ord on a number of occasions, including in his role on the Warcop Parish Council. We have had a number of meetings throughout the preliminary design stage. We understand their concerns with the scheme.</p> <p>Section 5.5 of the Project Development Overview Report (Document Reference 4.1, APP-244) details the Appleby to Brough scheme and the development of the preferred route and alignment alternatives.</p> <p>National Highways need to promote a route that minimises the impact of and potential damage to the North Pennines Area of Outstanding Natural Beauty</p>

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		<p>north. The road had itself been positioned by the Romans to avoid damage to a neolithic stone circle (which later gave "Warcop" its name) and three bronze age burial barrows just west of where Sandford lane joins the road. The largest of these will now be destroyed, with all the unknowable Roman archaeology along the old road edge.</p> <p>Facing unnecessary destruction are the cricket field, the largest level space in the parish, irreplaceable in this hilly country, and the fairground where the Travellers and Gipsies meet, at the September fair dating from the fourteenth century called "Brough Hill".</p> <p>Around the Crooks Beck at the centre of Warcop the houses often get flooded by two becks (streams) which meet: the Low Beck, coming from the direction of Brough, and the Hayber Beck or the Moor Beck, draining from the Pennine edge. The tarmac on the dual carriageway would add run-off into these becks, and global warming is increasing the severity of rainstorms. NH propose settling ponds, but they only take out debris and effluent from the water-flow, and would have little effect on stopping a sudden flood to the village. If the road were further north the road water could flow out westwards to join the Eden below Warcop.</p>	<p>(AONB), which is protected as a nationally designated site by legislation and policy. One of the key considerations in the design development work for Appleby to Brough has been to ensure that the design of the route alignment minimises the impact of and potential damage to the AONB. There are two key sets of policy tests to be addressed for such developments that need an incursion into the AONB; notably those applicable to developments within the boundary of such an area, and those applicable to developments outside such areas but that have an impact on them. As the preliminary design of the scheme developed it was found that elements of the Project could not be constructed, following the alignment of the Preferred Route, without some limited construction within the AONB. Alignments were then identified which would be in conformity with the key policy tests for the AONB and that would be suitable with respect to minimising or satisfactorily mitigating environmental impacts and meet the project objectives. The northern route being put forward would not conform with the key policy tests so was not considered.</p> <p>With regard to the alternatives taken forward, National Highways carried out a sifting exercise to compare the route options for the Appleby to Brough scheme. The details of the assessment can be found within the PDOR (Document Reference 4.1, APP-244) section 5.5 'Appleby to Brough'. The comparison assessed the options on a range of criteria including environmental and landscape</p>

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			<p>effects, safety, land take, demolition, geomorphology, impact on local businesses including farms and the economy, impact on communities and users, engineering, buildability and cost, carbon and conformity with the National Networks National Policy Statement including key policy tests and impacts on nationally designated areas including AONBs and cultural heritage. Conformity with the policy set out the National Networks National Policy Statement (NNNPS) is necessary when considering development outside the boundary of the AONB as they highlight that there is a need to have regard to the purpose of AONBs and avoid compromising this purpose when designing schemes which are outside of the designation, but which could lead to adverse effects within them. National Highways are therefore promoting a route with a minimal incursion into the AONB and MoD land to the north of the existing A66.</p> <p>The Environmental Statement Chapter 8: Cultural Heritage (Document Reference 3.2, APP-051) sets out the assessment of likely significant effects on heritage assets across the Project. Sections 8.6.146 to 8.6.186 of Chapter 8 set out the identified heritage features within the Appleby to Brough scheme. The assessment has found no evidence of any heritage features dating to the Palaeolithic, Mesolithic or Neolithic periods (1,000,000BC to 2000BC).</p> <p>The Three Bronze Age barrows are recorded at Sandford Moor, with their location recorded within or immediately</p>

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			<p>adjacent to the existing route of the A66. Two are recorded as having been opened historically. A watching brief at one of these locations did not record any associated evidence of the barrows, though the historical environmental records documents faint traces being present in the field where it is recorded.</p> <p>The proposed works include the widening of the A66 involving the construction of a new offline section of road over the recorded area of the location of the prehistoric features, including the barrows. However, as stated in Table 13 of Environmental Statement Appendix 8.10 Impact Assessment (Document Reference 3.2, APP-187) it is uncertain that the barrows survive, and were likely excavated in 1776. As a result, there may be no impact from the scheme on the prehistoric features at Sandford. However, should any medium value buried archaeological remains (including barrows) survive they would experience a major adverse impact resulting in a large adverse effect. Following essential mitigation, this would result in a moderate adverse effect.</p> <p>Mitigation to reduce effects of works on Cultural Heritage features is set out in the ES Chapter 8: Cultural Heritage (Document Reference 3.2, APP-051)), and within the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) and Project Design Principles (Document Reference 5.11, APP-302). The EMP is supported by Annex B3 Detailed Heritage Mitigation Strategy that will be developed alongside the design and</p>

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			<p>the EMP itself. This mitigation is designed to protect both known heritage features, and unknown archaeology within the sensitive archaeological landscape of the Roman Road. Section B3.2.11 of the Detailed Heritage Mitigation Strategy lists the broad measures to be put into place and include measures ranging from preservation in situ through to excavation and recording of archaeological remains, including appropriate publication, dissemination and public engagement in any findings.</p> <p>With regard to impact on Brough Hill and the proposed replacement site and the decision making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244).</p> <p>The playing pitch referred to (football pitch) is being replaced as part of the DCO proposals.</p> <p>The design team are aware of the existing flood risk in the village of Warcop, while this is outside the scope of the Project, work is ongoing in collaboration with the Local Authority and Environment Agency to look at ways to reduce the flood risk.</p> <p>The drainage design for the Project ensures that there is no increase in existing flows and flood risk. Ponds and other drainage features have been designed to store the additional run-off produced by the scheme and restrict the peak flow rate to no greater than the existing green field run off rates. Exceedance flow paths have been considered in the design to ensure properties are not at</p>

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			<p>risk of flooding in the event of drainage blockages or storm events in excess of the designed capacity. Where flood plains are affected, flood compensation areas have been designed to ensure the Project does not increase flows downstream. Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) and its annexes for more information. Further details will be developed in the detailed design stage.</p>
	<p>Flooding and Drainage</p>	<p>Around the Crooks Beck at the centre of Warcop the houses often get flooded by two becks (streams) which meet: the Low Beck, coming from the direction of Brough, and the Hayber Beck or the Moor Beck, draining from the Pennine edge. The tarmac on the dual carriageway would add run-off into these becks, and global warming is increasing the severity of rainstorms. NH propose settling ponds, but they only take out debris and effluent from the water-flow, and would have little effect on stopping a sudden flood to the village. If the road were further north the road water could flow out westwards to join the Eden below Warcop</p>	<p>The design team are aware of the existing flood risk in the village of Warcop, while this is outside the scope of the Project, work is ongoing in collaboration with the Local Authority and Environment Agency to look at ways to reduce the flood risk.</p> <p>The drainage design for the Project ensures that there are no increase in existing flows. Ponds and other drainage features have been designed to store the additional run-off produced by the scheme and restrict the peak flow rate to no greater than the existing green field run off rates. Exceedance flow paths have been considered in the design to ensure properties are not at risk of flooding in the event of drainage blockages or storm events in excess of the designed capacity. Where flood plains are affected, flood compensation areas have been designed to ensure the Project does not increase flows downstream. Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline</p>

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			<p>Drainage Strategy (Document Reference 3.4, APP-221) and its annexes for more information. Further details will be developed in the detailed design stage</p>
	<p>Design Engineering and Construction</p> <p>Landscape and Visual</p>	<p>There are many privately owned residential properties, many of them Georgian, south of the road and along and near the proposed dual carriageway. There are none on the land to the north, which is used exclusively for army training. Each of the four villages to the south of the present road has a lane up to it. It would be sensible to keep the old road as a by-road giving access to these lanes. But to build the dual-carriageway immediately south of the A66 road means that it cuts off those lanes from it and requires bridges under it or fly-overs over it. They will be an eyesores on the AONB edge.</p>	<p>There are two overbridges in the Appleby to Brough scheme, one forms a part of the new Warcop Junction and one as part of the new junction at West View Farm.</p> <p>Environmental Statement Chapter 10: Landscape and Visual (Document Reference 3.2, APP-053) assesses the potential effects of the Project and proposes mitigation to reduce any identified effects. Section 10.8.53 to 10.8.66 describe the likely operation effects of the Project. The proposed overbridge as part of the new Warcop junction is proposed to be integrated into the landscape through screening planting and slackened earthwork slopes. The overbridge at the West View Farm Junction is considered to form a gateway feature before Brough.</p> <p>The Project Design Principles (Document Reference 5.11, APP-302) includes a suite of mitigation measures to be incorporated into the design to minimise impact the Project on the AONB and its setting. These are specifically set out in Table 4-8 of the Project Design Principles, including 06.06 which requires planting to integrate junctions, among others.</p> <p>The old road has been kept to the north of the dual carriageway due to the complexity of switching the old</p>

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			<p>road to the south, east of Moorhouse Lane and west of Brough.</p> <p>To the east of Moorhouse Lane there is a need to connect to properties and lands to the north of the existing road. Whilst towards the east of the Scheme the dual carriageway swings to the south of Brough whilst the local road is to the north. Throughout the whole of this length the old and the new roads are running parallel to each other meaning that to 'switch them over' it would either require significant structures with large skews or additional land to create separation between the roads to enable them to cross closer to right angles, thus potentially encroaching further in to the AONB.</p>
<p>Andrew Michael Addison as owner and occupier of Spittals Farm, RR-117</p>	<p>Impacts to Land</p> <p>Consultation and engagement process</p>	<p>The farm in total extends to around 343 acres at Spittals with a further 90 acres of land owned around Kings Meaburn and 5 acres of land rented locally. The business revolves around an intensive dairy herd of around 300 cows and all followers together with arable cropping supporting the dairy herd. Spittals Farm which is affected by the scheme is located either side of the A66 to the east of the village of Temple Sowerby (farm steading is at grid reference NY62192631). Approximately 24 acres are proposed to be acquired under a draft development consent order ("the DCO") being sought for the National Highways A66 Northern Trans-Pennine Project ("the Project"). 2. By reference to the Book of Reference vol 3 (0405) and the Land</p>	<p>National Highways have met regularly with the owners of Spittals Farm and their agent since 2020, which has enabled us to understand their issues. This engagement will continue through the examination and detailed phases of the Project, including discussions on the potential to further mitigate adverse effects.</p> <p>National Highways proposes acquisition (a) and temporary possession (b) of the following land plots: (a) 0405-01-106,0405-01-117, 0405-01-120, 0405-01-130,0405-01-131, 0405-01-139, 0405-01-141,0405-01-64, 0405-01-67, 0405-01-69,0405-01-71, 0405-01-72, 0405-01-73, 0405-01-74, 0405-01-75, 0405-01-76, 0405-01-80, 0405-01-83, 0405-01-85,0405-01-87, 0405-01-88, 0405-02-03,0405-02-04, 0405-02-05</p>

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		<p>Plans 1 & 2 at 5.13, the plot numbers listed at Annex 1 hereto are being sought to be acquired permanently or temporarily.</p> <p>Environmental Mitigation: First, land proposed to be acquired is excessive in area and should not be taken from the farm for environmental mitigation as the land so identified is grade 2/3 agricultural land and being highly productive its loss for the production of agricultural products and livestock is an extremely relevant consideration that must outweigh any environmental mitigation consideration. This is particularly (but not exclusively) the case concerning plots 0405-01-87, 0405-01-68, 0405-01-67, 0405-01-75, 0405-01-80, 0405-01-83, 0405-01-88, 0405-01-120, 0405-01-131, 0405-01-106 and 0405-02-03. It is also considered that land taken for environmental mitigation areas should be proportional to the land area being acquired from any particular landowner rather than some landowners having larger areas of mitigation and some having relatively little.</p> <p>To date National Highways have not provided confirmation of how their proposed environmental management regime will affect owners own future environmental schemes, where use of land or planting hedges or managing existing hedges may be an option to secure participation or may be capable in future of</p>	<p>(b) 0405-01-68.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 and 2 of 7 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>Impact on Agricultural Land: Chapter 13 Population and Human Health within the Environmental Statement (Document Reference 3.2 APP-056) includes an assessment of impacts upon agricultural land holdings. Table 13-50 of this document notes a moderate adverse effect to Spitals Farm. As part of the assessment process agricultural landowners were consulted in order to understand how their businesses operated. This has been factored into the assessment of likely significant effects.</p> <p>Paragraph 3.3 of the National Networks National Policy Statement (NNNPS) states that “in delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government’s planning guidance.</p>

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		<p>being utilised for on farm carbon mitigation. This need to be understood.</p> <p>The owners are prepared to consider offering other land as wetland area (south of plot 0405-01-88) if this were to reduce mitigation elsewhere on their holding. 12. We therefore at this stage object to all the environmental mitigation measures proposed on Spittals Farm until detailed management prescriptions and arrangements are provided and a sensible, practical discussion can be had as to the impact and changes that may be required to the current proposals to mitigate the impact on Messrs Addison's business.</p> <p>Land acquisition: The owners and occupiers have maintained that the extent of the red line boundary and the areas over which National Highways seek to take permanently and by temporary occupation is excessive. Despite asking on numerous occasions, the DCO documentation still shows the majority of land being permanently acquired. The owners and occupiers object to the extent of the proposed permanent acquisition and maintains that permanent land acquisition should be reduced to a minimum.</p> <p>The environmental mitigation proposals overall have until now been presented without any overarching explanation as to how the areas identified for mitigation measures have been calculated and how the specific areas that have been allocated for</p>	<p>The Government's detailed policy on environmental mitigations for developments is set out in Chapter 5 of the NNNPS.</p> <p>In response to NNNPS policies National Highways LD117 Landscape Design provides a list of eight environmental masterplan codes to summarise and illustrate the environmental mitigation. Four of these are utilised to show the types of land required for environmental mitigation, as shown on the Environmental Mitigation Maps (Document Reference 2.8) and are listed below in no particular order:</p> <ol style="list-style-type: none"> 1. Landscape integration 2. Nature conservation and biodiversity 3. Visual amenity 4. Visual screening <p>Areas of habitat creation and replacement are principally within the third category (nature conservation and biodiversity) shown on the Environmental Mitigation Maps, although some of the landscape and visual mitigation shown on the maps can also function as habitat (hence has a dual function). The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of the Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2, APP-049)). The size of the areas proposed for environmental mitigation is based upon the</p>

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		<p>mitigation works on the farm have been determined. We require more detailed information from National Highways on how the overall environmental mitigation has been calculated and explanation about what each measure means on the ground for the owners and occupiers. In order for an affected landowner to make a judgment about what they may or may not be willing to accept as environmental mitigation detailed management prescriptions and the type of management agreements that are envisaged need to be provided by National Highways. To date no such details have been produced.</p>	<p>land required to effectively mitigate the species impacts, landscape and visual effects and habitat impacts and loss of the Project based on the assessment of the preliminary engineering design (which forms part of the DCO application).</p> <p>The Application including the Environmental Statement (Document Reference 3.2), DCO and related Project Design Principles (Document Reference 5.11, APP-302) and Environmental Management Plan (Document Reference 2.7, APP-019) are prepared on the basis that detailed design will be progressed and refined and this will result in greater certainty at the final design stage and implementation (should consent be granted). Any design details brought forward will be within the terms of any consent granted, order limits and within the extent of assessment. It will also be in conformity with the EMP (Document Reference 2.7, APP-019) and the PDP (Document Reference 5.11, APP-302) but may not be in the same form as shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041).</p> <p>National Highways consulted widely on its proposals during the pre-application statutory consultation which was supported by a range of supplementary consultations, the details of which are reported in its Consultation Report (Document Reference 4.4, APP-252). The pre-application consultation was accompanied by a wide range of consultation materials which included a Preliminary Environmental Information Report. The</p>

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			<p>Preliminary Environmental Information Report included the information reasonably required for consultees to develop an informed view of the likely significant environmental effects of the Project, based on the information that had been compiled by National Highways at the time. As a preliminary report in relation to an emerging design, it is not feasible to set out with precision at that stage all aspects of National Highway's proposals. The current proposals for environmental mitigation are shown in an illustrative manner within Environmental Mitigation Maps (Document Reference 2.8, APP-041). that represent how the relevant mitigation measures could be implemented so as to be effective in terms of mitigating the adverse environmental effects of the Project.</p> <p>The design of mitigation measures will be developed to respond to the detailed design of the Project, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019), in particular commitments D-BD-01 and D-BD-05 which require the development of a Landscape and Ecological Management Plan and an Environmental Mitigation Scheme, and so as to be compatible with the applicable Project Design Principles (Document Reference 5.10, APP-302).</p>

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<p>Andrew Michael Addison as owner and occupier of Spittals Farm (</p>	<p>Design, Engineering and Construction Landowner Impacts to Land Legal</p>	<p>Plot 0405-01-74 covers a main access into the farm and comprises part of the old A66 carriageway. There is no need to acquire this area or if it is rights of access need to be reserved for the owners and occupiers for all purposes at all times. No details have been provided to date by National Highways on any possible reserved rights of access anywhere on the scheme.</p> <p>The southern boundary also removes one of two vehicle accesses to the store and thus a second replacement access will be required.</p> <p>In the cases mentioned above where rights can be granted in place of permanent acquisition, there are powers in the Planning Act 2008 for National Highways to seek rights, in place of permanent acquisitions, which power does not appear to have been considered. Annex 1 Category 1 land SHEET 1 0405-01-23 0405-01-50 0405-01-59 0405-01-61 0405-01-63 0405-01-64 0405-01-65 0405-01-67 0405-01-68 0405-01-69 0405-01-70 0405-01-71 0405-01-72 0405-01-74 0405-01-75 0405-01-76 0405-01-77 0405-01-80 0405-01-81 0405-01-82 0405-01-83 0405-01-85 0405-01-87 0405-01-88 0405-01-89 0405-01-90 0405-01-92 0405-01-93 0405-01-105 0405-01-106 0405-01-117 0405-01-120 0405-01-130 0405-01-131 0405-01-139 0405-01-141 SHEET 2 0405-02-03 0405-02-04 0405-02-05 0405-02-06 Category 2 land – Right of Access SHEET 1 0405-01-58 0405-01-60”</p>	<p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-306: Temple Sowerby to Appleby) As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can ‘become’ blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner’s preferred approach, once more information about the detailed design requirements of the Project</p> <p>National Highways will continue to engage with Andrew Addison and may make a commitment, within the parameters of the existing draft DCO, to address issues raised.</p>

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Andrew Michael Addison as owner and occupier of Spittals Farm, RR-117	Consultation and Engagement Process Alternatives	<p>Lack of proper pre-application Consultation: The owners and occupiers say that the pre-application consultations resulted in little progress as National Highways provided very little detailed information. In particular, no progress has really been made since the November 2021 statutory consultation. The actual contractors and detailed designers were only appointed on the 1 July 2022. This means that to date the owners and occupiers have had no details to consider on design and the specifics on which they have been making enquiries consistently regarding issues such as underpass design and details of boundary treatments, drainage, services etc. This is in addition to a lack of fundamental responses from National Highways on core principles, being the matters set out herein.</p> <p>This needs to be addressed in terms of detailed discussions at farm level about the impact of the proposals through construction and on completion.</p>	<p>National Highways have met with the Addisons a number of times for over the past two years, including meetings at the 'alternatives drop-in session' in summer 2021 and with the ecology team in autumn 2021. A meeting was also held on 07.04.22. National Highways will continue to engage with Andrew Michael Addison.</p> <p>The PEI Report (published for Statutory Consultation in September 2021 and reproduced in Annex L of the Consultation Report (Document Reference 4.4, APP-264))) presented information on the likely significant environmental effects of the project as well as the measures proposed to avoid or reduce such effects. This information was provided to allow for responses on the preliminary design of the project, the assessment of impacts and the appropriateness of potential mitigation. The consultation material, such as the Map Book, included details on the design of the project such as proposed location and indicative layout of ponds required for drainage and run off attenuation and other aspects of the design referred to in the relevant representation. All these components of the preliminary design were environmentally assessed as set out in the PEI Report.</p> <p>The feedback on the proposed design of the project, its assessment and the proposed mitigation measures (as presented at statutory consultation) has informed the design for the DCO application. The process of how the consultation feedback has informed the design is set out</p>

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			<p>in the Consultation Report (Document Reference 4.4, APP-252). Table 3.2 of the Consultation Report summarises the key themes discussed with affected land interests within each Scheme. The table describes the issue raised by the affected parties and how we have had regard to the issue. The table identifies that one of the key area of discussion with affected land interests, was private means of access and how National Highways could ensure that those with an interest in land would still be able to access their businesses, properties and/or land by way of access tracks, underpasses, or overbridges. Details on our response to each consultation issue raised at statutory consultation, including the issues raised by affected land interests for each Scheme, is set out in Annex N (Document Reference 4.4, APP-271) and Annex P (Document Reference 4.4, APP-273) of the Consultation Report.</p> <p>Design development continued following statutory consultation having regard to feedback received throughout the consultation and ongoing engagement, to address environmental and traffic issues that arose following completion of surveys and to incorporate mitigation for impacts that had been identified through the Environmental Impact Assessment (EIA). Some of these design developments were subject to additional supplementary consultation where this was required.</p>

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			<p>The detailed design, that the representation refers to is subject to the recently appointed Delivery Integration Partners. Their work on the detailed design must accord with the Detailed Design Principles (Document Reference 5.11, APP-302). This includes the project wide principles such as: <i>LC08 Designs must make use of boundary treatments suited to the local landscape character in which they are located e.g. timber post / rails in urban areas and drystone walls, five bar estate railings and stock proof post and wire fences in rural areas, as appropriate and where reasonably practicable.</i></p>
<p>Andrew Michael Addison as owner and occupier of Spittals Farm, RR-117</p>	<p>Design, engineering and construction</p>	<p>Substantial areas including yard area, existing farm buildings, a farm access track leading to an underpass and a large slurry lagoon as well as banks adjacent to those features are shown as being acquired (Plots 0405-01-85 and pt 0405-01-76 (west end). This is unnecessary and will cause significant impact on the current dairy operation when much of these areas can be occupied temporarily.</p>	<p>National Highways require plot 0405-01-85 for permanent acquisition to facilitate the construction of the new A66 eastbound and improvements to sections of the existing A 66 eastbound and de-trunking and reclassification of the existing A66, the construction of a new compact grade separated junction, re-alignment of Fell Lane and construction of an overbridge, and provision of public rights of way and private means of access and the provision of new private means of access, landscaping and reprofiling.</p> <p>Plot 0405-01-76 is required for permanent acquisition for the construction of the new A66 eastbound and improvements to sections of the existing A66 eastbound and de-trunking and reclassification of the existing A66, the construction of a new compact grade separated junction, re-alignment of Fell Lane and construction of an</p>

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			<p>overbridge, and provision of public rights of way and private means of access and the construction of the new A66 westbound and improvements to sections of the existing A66 westbound (including the Trout Beck Viaduct), stopping up of a length of the existing A66 and other highway, construction of a compact grade separated junction and provision of private means of access and the provision of landscaping and reprofiling, construction of surface water drainage infrastructure.</p> <p>Land identified for environmental and landscape mitigation is required in order to mitigate the adverse environmental effects of the Project and as such is essential to its delivery. All of the land in relation to which National Highways seeks authorisation for compulsory acquisition, for the creation and compulsory acquisition of new rights and for the creation and imposition of restrictive covenants, or for temporary possession, is shown on the Land Plans (Document Reference 5.13, APP-304 to APP-311 inclusive) shaded pink (acquisition of land), blue (acquisition of rights over land / imposition of restrictive covenants on land) or green (temporary possession of land).</p> <p>National Highways is committed to working with landowners to avoid the need to exercise compulsory acquisition powers if appropriate agreements can be entered into. Such agreements could include management agreements or agreements under section 253 of the Highways Act 1980 in appropriate</p>

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			<p>circumstances. However, not all types of environmental mitigation are well suited to those types of contractual arrangements given the long duration of the Project and the need to maintain certain categories of mitigation over the long term. As such, while National Highways is committed to exploring such arrangements in appropriate circumstances, it must, nonetheless, retain the ability to acquire such land in order to safeguard the delivery of the Project.</p> <p>In order to safeguard the delivery of the Project whilst also ensuring that the most appropriate arrangement can be reached with affected landowners on a case-by-case basis, the draft Development Consent Order (Document Reference 5.1, APP-285) is drafted in terms which allow a flexible approach to the exercise of the compulsory acquisition powers. For example: where land is shaded pink on the Land Plans, denoting that powers of compulsory acquisition are sought to enable the outright acquisition of the land, articles 19, 22 and 29 of the draft DCO also provide for an alternative 'lesser' solution, such that if the necessary environmental mitigation could be achieved through the creation and acquisition of new rights (including the imposition of restrictive covenants), without the need for the land to be acquired outright, this would still be possible notwithstanding the fact that the land is shaded pink on the Land Plans.</p>

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			<p>Similarly, all land shaded pink or blue (in addition to that shaded green) on the Land Plans may be subject to powers of temporary possession (as distinct from powers of compulsory acquisition).</p> <p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises. As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project because the imposition of the mitigation measures would render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National</p>

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			<p>Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project. This approach reflects the use of compulsory acquisition powers as a 'tool of last resort', as advocated in Government Guidance on the Compulsory Purchase Process and the Crichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project in a way that is proportionate and which balances, as far and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p> <p>The Project will need to be delivered within the Order limits (as shown by means of a red line boundary on the Land Plans), but it is possible that as the detailed design is progressed, not all of the land included within the Order limits will be needed. Where that is the case, then, in accordance with section 122 of the Planning Act 2008, National Highways will only acquire, or use, the land which is actually required for the Project, or to facilitate it, or to be incidental to it, or is required as exchange land (to replace special category land). Indeed, there would not be a compelling case in the public interest to acquire any more land than that which is actually needed for the Project.</p> <p>In the context outlined above, as provided for in the draft DCO and accompanying Land Plans, National Highways remains committed to achieving the acquisition or use of land by agreement with landowners wherever possible,</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			such that where the acquisition of rights or the use of temporary possession powers provide a mutually acceptable solution within a reasonable timescale, this will be progressed.
Andrew Michael Addison as owner and occupier of Spittals Farm	Environment and EMP	Relevance of Agriculture: None of the consultation documentation provided any specific detail on how the impact of the proposals has been considered and then mitigated in terms of the effect on agriculture and the agricultural operations and businesses of many of those parties affect by the scheme. There is focus on the environment, ecology, archaeology, landscape, flooding, air quality etc but not one focus on the agricultural impact	<p>The PEI Report (published for Statutory Consultation in October 2021) (contained in Annex L (Part 2) of the Consultation Report (Document Reference 4.4, APP-265) presented information on the likely significant environmental effects of the project as well as the measures proposed to avoid or reduce such effects. This information was provided to allow for responses on the preliminary design of the project, the assessment of impacts and the appropriateness of potential mitigation.</p> <p>Chapter 13 of the PEI Report considered the impact and effects on Population and Human Health. This chapter included an initial assessment on agricultural land and farm holdings. Given the stage in the design and the preliminary assessment that was undertaken and due to the absence of detailed agricultural land holdings assessments, the preliminary assessment (set out in Chapter 13) was based on worst case assumptions of potential effects upon agricultural land holdings. It was therefore assumed that all agricultural land holdings within the draft DCO boundary, as identified would experience significant adverse effects.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>It also concluded that the potential implications on farm viability could not be assessed but it was expected that temporary land take could adversely affect the current operations and farming regimes of some agricultural farm units.</p> <p>The feedback on the proposed design of the project, its assessment and the proposed mitigation measures (as presented at statutory consultation and as part of the supplementary consultation) has informed the design for the DCO application. The process of how the consultation feedback has informed the design is set out in the Consultation Report (Document Reference, APP-252)) with details on our response to each consultation issue set out in Annex N (Document Reference, APP-272) and P (Document Reference, APP-273) of the Consultation Report. The Annexes report all the consultation feedback received including those issues concerned with the loss of agricultural land, impacts on access to agricultural land and farms and potential consequential impacts on farming businesses and National Highway's response to each issue raised on agricultural land and farm businesses.</p> <p>The assessment on agricultural land and farm holdings is set out in the Chapter 13 (Population and Human Health) of the Environmental Statement (Document Reference 3.2, APP-056). Paragraph 13.4.3 describes that data was gathered on the type, location, scale and number of agricultural holdings affected by the Project through the</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>loss of land/existing access routes and the level of impact upon future viability of each affected holding. It also confirms that information was gathered on the level of existing accessibility and their frequency of use within the study area of agricultural holdings.</p> <p>Paragraph 13.4.3 of the ES describes the focus of the assessment of agricultural land holdings as:</p> <ul style="list-style-type: none"> • the loss of or damage to key characteristics, features or elements of the agricultural holding and potential effect of this change on viability (e.g. removal or substantial amendment to access or acquisition of land). • the availability of access to and nature of land considered to form the key characteristics, features or elements of an agricultural holding. <p>As part of the assessment process, agricultural land owners were consulted in order to understand how their businesses operated. This has been factored into the assessment of likely significant effects.</p>
Andrew Michael Addison as owner and occupier of Spittals Farm, RR-117	Environment and EMP	A number of new and existing hedgerows are identified to be acquired. There needs to be detailed prescriptions provided for the management of these hedges, which need not be acquired and could be managed under management agreements. Details need to be provided on the specific management arrangements and agreements required by National Highways.	The Environmental management Plan Annex B1 Outline Landscape and Ecological Management Plan (Document Reference 2.7, APP-019) (OLEMP) sets out the principles for management upon which detailed management plans will be developed as mitigation is fixed through the detailed design.

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>Under the EMP, a OLEMP must be developed in further detail in consultation with stakeholders and approved by the Secretary of State, as part of a 2nd iteration EMP.</p>
<p>Andrew Michael Addison as owner and occupier of Spittals Farm</p>	<p>Impacts to Land</p>	<p>Acquisition permanently will severely restrict the ability for future building expansion and use. If, as desired, these areas are occupied temporarily then as cows access the areas twice daily during the summer and the buildings continuously all year and there is continuous machinery activity there will need to be arrangements for managed access throughout the works.</p>	<p>The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process, is set out in the Project Development Overview Report (Document Reference 4.1, APP-244). National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures. The permanent land required to construct and operate the scheme is considered to be reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations.</p> <p>Through the commitments contained in the Environmental Management Plan (Document Reference 2.7, APP-019) National Highways will appoint an Agricultural Liaison Officer who will be responsible for communications with landowners and occupiers running agricultural businesses likely to be affected by the Project; Table 2-2 of the EMP sets out in more detail the responsibilities of the Agricultural Liaison Officer.</p>

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<p>Andrew Michael Addison as owner and occupier of Spittals Farm RR-117</p>	<p>Impacts to Land</p>	<p>Second, plot 0405-01-74 covers a main access into the farm and comprises part of the old A66 carriageway. There is no need to acquire this area or if it is rights of access need to be reserved for the owners and occupiers for all purposes at all times. No details have been provided to date by National Highways on any possible reserved rights of access anywhere on the scheme.</p> <p>Compound and potential ecological mitigation (plot 0405-01-87) is located on dairy cow pasture where cows will graze in rotation all through the summer on a daily basis. A temporary access track would be needed to access the remainder of the field. It is considered more sensible to locate compound and any ecological features on the severed/uneconomic/misshaped area remaining in two land ownerships to the east of this plot.</p>	<p>National Highways is seeking permanent acquisition of plot 0405-01-74 and 0405-01-87 for the construction of the new A66 eastbound and improvements to sections of the existing A66 eastbound and de-trunking and reclassification of the existing A66, the construction of a new compact grade separated junction, re-alignment of Fell Lane and construction of an overbridge, and provision of public rights of way and private means of access and the provision of landscaping and reprofiling. National Highways will continue to engage with Andrew Michael Addison.</p> <p>National Highways acknowledges this request for a commitment to a change to the design in relation to the access track and ecological mitigation. This change, if appropriate and feasible, can most likely be undertaken within the boundaries of the DCO application as there is sufficient flexibility in most cases built into the DCO application to allow for this type of change. If feasible and appropriate the change would be secured through commitments in Statements of Common Ground or Position Statements, or through a legal agreement between National Highways and the relevant Interested Parties or Affected Persons.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			National Highways is continuing the engagement with affected parties to resolve matters such as those relating to access and environmental mitigation in advance of any relevant compulsory acquisition hearings and/or issue specific hearings.
Andrew Michael Addison as owner and occupier of Spittals Farm	Design, Engineering and construction	Underpass Design: A fundamental requirement for ongoing use of the farm as an intensive dairy/livestock unit is provision of an underpass extension both north and south of the existing underpass under the widened carriageway and the newly constricted side road to the south. This is provided for in the initial design but to date no detailed designs for the underpass have been provided to ensure it is sufficient size and suitable constructions for modern farm machinery and matches at least the existing underpass.	The design for consultation purposes as well as the design for the DCO application is of a preliminary nature and is at a level appropriate for a DCO application to allow for an assessment of impacts and the incorporation of the required mitigation. A detailed design process will be undertaken led by contractors for all the structures, including underpasses along the route and we can confirm that they will be provided to the appropriate design standards/guidance.
Andrew Michael Addison as owner and occupier of Spittals Farm	Design, engineering and construction	Layby Locations: The owners and occupiers object to the proposed location of a layby immediately south of plot 0405-01-87 and consider in view of existing layby provision on the A66 to the west that this layby could be located in a less obvious raised position, for example adjacent to the proposed balancing pond to the east where screening can be provided more easily.	Where new layby provision is proposed to replace an existing facility, the new provision has been located as close as possible to the existing layby location, taking into account junction spacing and visibility requirements. The location of new laybys are in accordance with the appropriate design standards and whilst there is some flexibility for the location of laybys to move from that shown in the DCO drawings, there are several design requirements which will limit this. However, the exact location will be developed further during detailed design.

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Andrew Michael Addison as owner and occupier of Spittals Farm	Design engineering and construction	There is no agreement on the following features: boundary treatment, specification and location of proposed walls, fences, hedges, gates, cattle grids, surface treatment of access tracks and service supplies	The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.
Andrew Michael Addison as owner and occupier of Spittals Farm	Design engineering and construction	There is located immediately northwest of plot 0405-1-84 on retained land a substantial earth banked slurry store. Assurances are required that none of the proposed works will affect the structural integrity of this slurry store, as the acquisition boundary appears to incorporate the southern banking of the store.	The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. All works will be carried out within the Order Limits and will take cognisance of the structural integrity of adjacent properties and buildings to ensure they will not be adversely affected.
Andrew Michael Addison as owner and occupier of Spittals Farm	Design, engineering and construction	The southern boundary also removes one of two vehicle accesses to the store and thus a second replacement access will be required.	<p>Accommodation works, which have been designed to ensure continued operation and access to existing homes, businesses and land have been outlined in the DCO application.</p> <p>The dialogue will continue with affected persons throughout the Examination and detailed design stages of the Project to seek to address and resolve this issue where possible.</p>
Andrew Michael Addison as owner and occupier of Spittals Farm	Flooding and Drainage	No detail has been provided on drainage schemes and the impact of additional drainage on the owners and occupiers neighbouring land. Specifically, where are the discharges from the balance ponds to the east of the owners and occupiers land? If these are towards Birk Syke (plots 0405-02-03, 0405-01-131, 0405-01-	Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy and its annexes for details of the proposed outfall locations (Document Reference 3.4, APP-221).

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
		<p>88, 0405-01-83, 0405-01-83 and 0405-01-75) this is unacceptable if it will result in flooding of these plots and adjoining land. No details have been provided to date. This is a crucial aspect as inadequate drainage arrangements can seriously affect the use and viability of agricultural land.</p>	<p>There are proposed indirect drainage connection to Birk sike. However, ponds and drainage systems have been designed to store the additional run-off produced by the scheme and restrict the peak flow rate to no greater than the existing green field run off rates. This minimises the risk of increasing flooding in the area. Further details will be developed in the detailed design stage alongside a Ground and Surface Water Management Plan which is to be developed in detail as required by the EMP (Document Reference 2.7, APP-019).</p>
<p>Mortham Estates RR-121</p>	<p>Design, Engineering and Construction</p> <p>Biodiversity and BNG</p> <p>Impacts to Land</p>	<p>The B6277 pass east of Smithy and Ivy Cottages and to then turn south west towards the proposed overbridge to the Stang road south of the A66 The southbound turn off to Brignall for westbound traffic at Cross Lanes be maintained Cross Lanes Farmhouse repurposed by dismantling and rebuilding as existing at the far end of the paddock to the North of the existing location and accessed via the PMA opposite the Smithy and Ivy Cottages</p> <p>The retention of the existing east bound carriageway of the A66 as a PMA to enable agricultural traffic to enter opposite Smithy and Ivy Cottages and to run parallel with the proposed dual carriageway to connect Cross Lanes to Streetside and Rokeby Grange Farms, Rokeby Church (inc School Room and School House) and proposed Blue II interchange at Rokeby Park.</p>	<p>We have met regularly with this landowner and their agent since 2020, which has enabled us to understand their issues.</p> <p>Chapter 8.1.29 of the Transport Assessment (Document Reference 3.7, APP-236) discusses the impact of the Project on 'The Sills' within Barnard Castle.</p> <p>While there is forecast to be an increase in traffic on the Sills (of 520 vehicles per day, which equates to less than 1 vehicle per minute across the day), the impact on Barnard Castle is one of a general reduction in traffic flow due to the lower flows on the A67, of around 400 vehicles AADT, including on Barnard Castle Bridge, and on Galgate within the town centre. This reduction on the A67 occurs due to the improved A66 attracting more longer distance east west traffic from the A67.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
		<p>We do not support the proposed junction west of Rokeby Church for the following reasons:</p> <p>The Black Route perpetuates HGV access passed St Mary's Church to C165 and requires traffic travelling from the East to access C165 by doubling back from the proposed junction location west of St Marys inevitably creating a tendency to continue to Cross Lanes to access the Town via Startforth and the narrow Sills and County Bridge/The Bank. This additional traffic will also impact upon other Estate property at Smithy & Ivy Cottages, Castle Farm (Grade II listed) and Thorsgill Farm.</p>	<p>HGV's accessing Barnard castle from the A66 will continue to be directed to the Rokeby junction and C165 Barnard Castle Road via appropriate signage.</p> <p>The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of the Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2, APP-049). The size of the areas proposed for environmental mitigation is based upon the land required to effectively mitigate the species impacts, landscape and visual effects and habitat loss of the Project based on the assessment of the preliminary engineering design (which forms part of the DCO application).</p>
Andrew Michael Addison as owner and occupier of Spittals Farm	Impacts to Land	<p>Compulsory acquisition restraints: In support of the points made above against the use of permanent acquisition, the Representors will rely on the guidance in Compulsory purchase process and the Crichel Down Rules (updated July 2019), particularly at paras 12 (there must be a compelling case in the public interest) and 13. In relation to the offers made above by the Representors to enter into rights for the benefit of National Highways, and to provide other land for mitigation plantings, and otherwise, there cannot be a compelling case in the public interest to acquire land in such circumstances.</p>	<p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises. As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project because the imposition of the mitigation measures would render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project. This approach reflects the use of compulsory acquisition powers as a 'tool of last resort', as advocated in Government Guidance on the Compulsory Purchase Process and the Cichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project in a way that is proportionate and which balances, as far and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p>
Mortham Estates, RR-121	Noise and Vibration	Noise and Air Pollution: The Black Route provides limited opportunity to alleviate noise and air pollution for the residents and users of St Marys Church, School	Noise and Air Pollution: The likely significant effects of the Project on Noise and Vibration receptors are set out in the Environmental Statement Chapter 12: Noise and Vibration (Document Reference 3.2, APP-055). Figure 12.4 Opening Year Alignment Noise Difference

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
		House and School Room Environmental Mitigation and Impact on Agricultural Land.	(Document Reference 3.4, APP-055) shows the predicted change in noise level as a result of the Project, including at Human Sensitive Receptors 62 and 63 which are model points in the location of St Mary's Church. St Mary's Church is expected to have significant beneficial effects as a result of the new A66 taking traffic further from the property therefore mitigation would not be required, as reported in the Cultural Heritage Chapter of the ES (Document Reference 3.2, APP-051).
Mortham Estates, RR-121	Cultural Heritage	<p>It will be intrusive and damaging to the setting and character of St Mary's Church (Grade II*) and harmful to the character and setting of Church Belt (part of the Rokeby RPG Grade II*) for the following reasons:</p> <p>Rokeby Church is set on a mound at the highest and most westerly point of the RPG to act as a classical gateway to the designed landscape and the break point between this and the historic estate landscape beyond. The principal characteristic being the tightly defined route of the A66 along the east west grain with the land falling away to either side to the woodland belts running parallel beyond.</p> <p>The Black Route perpetuates HGV access passed St Mary's Church to C165 and requires traffic travelling from the East to access C165 by doubling back from the proposed junction location west of St Marys inevitably creating a tendency to continue to Cross Lanes to access the Town via Startforth and the</p>	<p>The Order Limits include the Old Rectory and immediate grounds. It is not proposed to repurpose the Old Rectory, however, mitigation measures developed between the Landscape and Heritage teams include the removal of alien screen planting around the Old Rectory, allowing the built form group to be recognised, while retaining the mature trees planted as part of the designed parkland landscape.</p> <p>Further detail about the process, the alternatives considered, and the wider factors that have informed the decision-making for the alternative routes assessed through all stages of the project's development is set out in the Project Development Overview Report (PDOR) (Document Reference 4.1, APP-244). The Project Design Principles (Document Reference 5.11, APP-302) secures specific requirements for any landscape mitigation within this scheme so as to maintain the existing characteristics as far as possible.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
		<p>narrow Sills and County Bridge/The Bank. This additional traffic will also impact upon other Estate property at Smithy & Ivy Cottages, Castle Farm (Grade II listed) and Thorsgill Farm.</p> <p>No proposal has been made to repurpose the Old Rectory - a building of low to medium historic interest (Arup's Report of 20/7/21) with the consequent risk of abandonment and dereliction (cf Grade II Crossroads Farmhouse at Bramham on the A64/A1 Junction).</p>	<p>This includes 08.08 and 08.09 which specifies planting arrangements to open up views of the Old Rectory and plant between the existing and proposed alignments of the A66 to provide screening.</p> <p>The potential effects of the Project on Cultural Heritage are set out in the Environmental Statement Chapter 8: Cultural Heritage (Document Reference 3.2, APP-051). It is acknowledged that there is no viable alternative that avoids harm to the heritage designations in this area. 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 as it will no longer be passing between the Church of St Mary and the Old Rectory as assessed in the Cultural Heritage Chapter of the ES (Document Reference 3.2, APP-051). It is also considered that the Preliminary Design avoids direct impacts on the designated area of the Registered Parks and Garden. Detail on the reasoning behind the selection of the route through the Cross Lanes to Rokeby scheme can be found in the Project Development Overview Report (Document Reference 4.1, APP-244). The Project Design Principles (Document Reference 5.11, APP-302) secures specific requirements for any landscape mitigation within this scheme so as to maintain the existing characteristics as far as possible.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>Chapter 8.1.29 of the Transport Assessment (Document Reference 3.7, APP-236) discusses the impact of the Project on 'The Sills' within Barnard Castle.</p> <p>While there is forecast to be an increase in traffic on the Sills (of 520 vehicles per day, which equates to less than 1 vehicle per minute across the day), the impact on Barnard Castle is one of a general reduction in traffic flow due to the lower flows on the A67, of around 400 vehicles AADT, including on Barnard Castle Bridge, and on Galgate within the town centre. This reduction on the A67 occurs due to the improved A66 attracting more longer distance east west traffic from the A67.</p> <p>HGV's accessing Barnard castle form the A66 will continue to be directed to the Rokeby junction and C165 Barnard Castle Road via appropriate signage.</p>
	Air Quality	The Black Route provides limited opportunity to alleviate noise and air pollution for the residents and users of St Marys Church, School House and School Room.	It is acknowledged that there is no viable alternative that avoids harm to some heritage designations in this area. 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 as it will no longer be passing between the Church of St Mary and the Old Rectory. (Refer to ES Chapter 8, Cultural Heritage (Document Reference 3.2, APP-051), ES Chapter 10, Landscape and Visual (Document Reference 3.2, APP-053) and Environmental Mitigation Maps (Document Reference 2.8, APP-041) for further details.

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			<p>It is also considered that the Preliminary Design avoids direct impacts on the designated area of the Registered Parks and Garden. Detail on the reasoning behind the selection of the route through the Cross Lanes to Rokeby scheme can be found in the Project Development Overview Report (Document Reference 4.1, APP-244). The Project Design Principles (Document Reference 5.11, APP-302) includes specific requirements for any landscape mitigation within this scheme so as to maintain the existing characteristics as far as possible.</p> <p>The potential effects of the Project on Air Quality are set out in the Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-048). Figure 5.4 Air Quality Operational Phase Assessment (Document Reference 3.3, APP-068) shows the predicted change in air quality as a result of the Project, including at Human Sensitive Receptors 62 and 63 which are model points in the location of St Mary's Church. St Mary's Church is expected to have beneficial effects as shown in Environmental Statement Appendix 5.4 Air Quality Assessment Results (Document Reference 3.4, APP-153) as a result of the new A66 taking traffic further from the property therefore mitigation would not be required.</p> <p>The potential effects of the Project on noise are set out in the Environmental Statement Chapter 12: Noise and Vibration (Document Reference 3.2, APP-055). Figure 12.4 Opening Year Alignment Noise Difference (Document Reference 3.4, APP-115) shows the predicted</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>change in noise level as a result of the Project, including at Human Sensitive Receptors 62 and 63 which are model points in the location of St Mary's Church. St Mary's Church and the School House are expected to have beneficial effects as a result of the new A66 taking traffic further from the property therefore mitigation would not be required.</p>
	Landscape and Visual	<p>5.The proposed southern (Local Access Road) LAR approach to the underpass west of St Mary's church is within close proximity to the Ancient Semi Natural Woodland (ANSW) known as Jack Wood</p>	<p>The potential effects on Jack Wood Potential Ancient Woodland Site (PAWS) are set out in the Environmental Statement Chapter 6: Biodiversity (Document Reference 3.2, APP-049) section 6.10.64 to 6.10.67. With mitigation it is expected that impacts to this site are considered to be non-significant.</p>
Mortham Estates	Design engineering and construction	<p>We support the proposed junction west of Cross Lanes but would like to see: The B6277 pass east of Smithy and Ivy Cottages and to then turn south west towards the proposed overbridge to the Stang road south of the A66 The southbound turn off to Brignall for westbound traffic at Cross Lanes be maintained Cross Lanes Farmhouse repurposed by dismantling and rebuilding as existing at the far end of the paddock to the North of the existing location and accessed via the PMA opposite the Smithy and Ivy Cottages.</p> <p>The retention of the existing east bound carriageway of the A66 as a PMA to enable agricultural traffic to enter opposite Smithy and Ivy Cottages and to run parallel with the proposed dual carriageway to connect Cross</p>	<p>The design standards the roads are designed to restrict the curvature of the Rutherford Lane/ B6277 Moorhouse Lane link, meaning it could not tie back in east of Smithy and Ivy Cottages.</p> <p>With respect to retaining the existing turn off to Brignall, this has been discounted as the proposed Cross Lanes junction provides this movement. If the existing junction were to be retained along with the new junction, this would not be permitted under junction spacing guidelines. If the access to Brignall were retained in lieu of the new junction connector road, it would also need to be able to provide access to the new Moorhouse Lane overbridge link for trips north to Barnard Castle. This would pose safety concerns where successive junctions are in a very</p>

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		<p>Lanes to Streetside and Rokeby Grange Farms, Rokeby Church (inc School Room and School House) and proposed Blue II interchange at Rokeby Park.</p> <p>We do not support the proposed junction west of Rokeby Church.</p>	<p>constrained space i.e., diverge off the trunk road, the junction with Moorhouse Lane south and the junctions with Birk House and Cross Lanes Organic Farm Shop and Café.</p> <p>The DCO application proposes that Cross Lanes Farmhouse is to be retained due to its Grade II listed status. The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to the Land Plans Cross Lanes to Rokeby (Document Reference 5.13, APP-309) which show the property outside of the Order Limits and land to be acquired. There are no plans to disassemble and reconstruct it elsewhere on the plot, access will be provided via a connection to the B6277 Moorhouse Lane to the north.</p> <p>National Highways acknowledges the development opportunities put forward for the previously considered Blue Option, and the emergence of an option known as the 'Blue 2' Option (detailed within the Project Development Overview Report 1, Document Reference 4.1, APP-244)), Section 5.7 'Design development of Rokeby junction alternatives'). However, the requirement to not construct within the Grade II* Registered Park and Garden of Rokeby Park as set out in national policy (National Policy Statement for National Networks), resulted in the Blue Option being discounted.</p>

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			For this reason, the suggestion of using the existing A66 eastbound as a dedicated PMA would not result in any added benefits over the current layout.
Mortham Estates, RR-121	Landscape and Visual	We do not support the proposed junction west of Rokeby Church. The proposed location of the Rokeby junction west of St Mary's will be very visible from views towards the Church - most obviously for east bound A66 traffic but also users of the Westwick and A167 Darlington roads as well as from Brignall village and from the Public Rights of Way (particularly FP No 5&6 (Rokeby Parish) leading to FP No 3 (Brignall Parish) which connects the two communities).	The Environmental Statement Appendix 10.6: Schedule of Visual Effects (Document Reference 3.4) sets out the potential visual effects of the Project on receptors. Section 10.10.215 to 10.10.262 sets out the landscape and visual effects of the Cross Lanes to Rokeby scheme. This section states that by year 15 of operation there is likely to be residual significant effects on a number of view points, including the view from PRow footpaths 5 and 6. The Environmental Statement Figure 10.4: Zones of Theoretical Visibility (ZTV 3km) and Viewpoints (Document Reference 3.3), Sheet 6 of 8 shows the extent of changing views and visibility of the scheme and a map of the viewpoints described in the ES Appendix 10.6: Schedule of Visual Effects (Document Reference 3.4). It is considered that Brignall will not experience a significant effect due to the undulating and woody landscape between the settlement and the works. The A167 is a substantial distance from the Project and is unlikely to experience a significant change in view. Westwick Road to the north is unlikely to experience a significant change in view.

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Mortham Estates RR-121	Design, Engineering and construction	<p>The Private Means of Access to Ewebank and Tutta Beck Farms are shown along the southern edge of the proposed dual carriageway whereas to facilitate less land take and more effective connectivity between the farms the PMA should be located along the northern fringe of Jack Wood (where there is an existing route)</p> <p>The Balancing Ponds have been located without thought on appearance, landscape, access, discharge, management or impact upon the farm businesses involved.</p> <p>The scheme does not address safety issue beyond the section limits - such as the PMA to the 150 acres of land north of Greta Bridge in the Estates ownership.</p>	<p>The location, shape and size of proposed balancing ponds have been designed with consideration of the proposed highway design, the existing topography, engineering challenges, construction, future maintenance and access, cost, land take and stakeholder impacts. The design teams have tried to locate the proposed balancing ponds close to the A66 to limit land take to the highway corridor, which improves maintenance access and avoid long access tracks across additional land. Further refinement to the pond design will be undertaken at the detailed design stage; this may result in the relocation and/or resizing of some of the ponds. Discussions are ongoing with Local Authorities about combining ponds where currently the design allows for separate ponds for Local Authority and National Highways ownership.</p> <p>The access and PMA referred to is beyond the Order limits and does not form part of National Highways' proposed Project.</p>
Mortham Estates	Environment and EMP	<p>No Farm Impact Assessments have been undertaken by National Highways. Notwithstanding the impact of the preferred Black route will be considerable as a consequence of land take for both the carriageways, balancing ponds and environmental mitigation rendering these two units uneconomic through the loss of critical mass, access, character and connectivity with the adjacent farms on the Estate.</p>	<p>The assessment on agricultural land and farm holdings is set out in the Chapter 13 (Population and Human Health) of the Environmental Statement (Document Reference 3.2, APP-056). Paragraph 13.4.3 describes that data was gathered on the type, location, scale and number of agricultural holdings affected by the Project through the loss of land/existing access routes and the level of impact upon future viability of each affected holding. It also confirms that information was gathered on the level of</p>

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			<p>existing accessibility and their frequency of use within the study area of agricultural holdings.</p> <p>Paragraph 13.4.3 of the ES describes the focus of the assessment of agricultural land holdings as:</p> <ul style="list-style-type: none"> • the loss of or damage to key characteristics, features or elements of the agricultural holding and potential effect of this change on viability (e.g. removal or substantial amendment to access or acquisition of land). • the availability of access to and nature of land considered to form the key characteristics, features or elements of an agricultural holding. <p>As part of the assessment process, agricultural land owners were consulted in order to understand how their businesses operated. This has been factored into the assessment of likely significant effects</p> <p>The dialogue will continue with land interests throughout the Examination and detailed design stages of the Project in order to minimise and mitigate impacts as far as practicable.</p>
Mortham Estates	Flooding and Drainage	The majority of planned discharge from the proposed balancing ponds is to be into Tutta Beck - with known Flood Risk Management issues at Tutta Bridge Cottages at Greta Bridge. (Evidenced by recent alleviation works undertaken by Durham County Council with Environment Agency Local Levy funding).	There are proposed drainage connections to Tutta Beck. However, ponds and drainage systems have been designed to store the additional run-off produced by the scheme and restrict the peak flow rate to no greater than the existing run off rates. This minimises the risk of increasing flooding in the area. Further details will be developed in the detailed design stage and through a

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			<p>Ground and Surface Water Management Plan, as required to be developed in detail through the EMP (Document Reference 2.7, APP-019).</p> <p>Refer to the Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) and its annexes for more information on the proposed drainage design and principles (Document Reference 3.4, APP-221).</p>
Mortham Estates	Development of the Project and Alternatives	<p>We will promote our Blue II proposal at DCO stage as we and our advisors believe that this will address the principal grounds of objection to National Highways preferred Black Route and the intended junction location west of St Mary's church "The Blue II Option will bring about less than substantial residual harm on the RPG and will provide more advantages and fewer negative aspects when compared with the other options under consideration" (Southern Green Report Nov 21) We object to the proposed cycle track to pass south of Rokeby Grove and the Tack Room Cottage 6. We reserve the right to add to, change and amend these objections WHTS 2/9/22"</p>	<p>National Highways acknowledges the request for a commitment to a change to the design. National Highways is currently reviewing requests of this nature as part of early detailed design work on the Project. Whilst a degree of flexibility has been built into the DCO application with a view to accommodating detailed design work, it is possible that some design changes that have been proposed or requested will require more flexibility in the DCO if they are to be brought forward. Such design changes will need to be discussed with the relevant Interested Parties or Affected Persons and may also require wider public consultation and further environmental appraisal or assessment work, all of which would need to be carried out within timescales compatible with the examination timetable. Other more minor changes that can be accommodated within the flexibility already built into the DCO application, such that they do not require a change to the DCO application, may be secured through commitments in Statements of Common</p>

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			<p>Ground or Position Statements, or through a legal agreement between National Highways and the relevant Interested Parties or Affected Persons. National Highways would like to resolve such matters in advance of any relevant compulsory acquisition hearings and/or issue specific hearings.</p> <p>Where design changes that have been proposed or requested and which National Highways agrees with, could only be brought forward by means of a change to the DCO application, National Highways will notify the ExA of these proposed changes at the earliest opportunity during the Examination (and before the end of this year).</p>
A.W. Jenkinson, RR-124	<p>Landowner</p> <p>Environment and EMP</p> <p>Consultation and Engagement Process</p> <p>Impacts to Land</p>	<p>I, Allan Jenkinson am the owner occupier of Whinfell Park Farm, Penrith, a substantial arable and livestock farm. 2. I hold a tenancy on the eastward adjoining holding, Whinfell House, owned by Winderwath Settled Estate. 3. The two holdings are farmed as one and support a pedigree Limousin herd and substantial ewe flock. 4. The livestock enterprise utilises modern buildings at Whinfell Park Farm, surrounded by Grades 2 and 3 agricultural land. 5. The farm is located east of Penrith, occupying land north and south of the A66. 6. The proposed dualling scheme follows closely the A66 and requires land acquisition north and south of the existing highway. 7. Since commencement of negotiations in 2019 I have cooperated with</p>	<p>We have met with Mr Jenkinson and his team throughout the preliminary design stage, including a number of meetings with the design team. We understand their position and concerns with the scheme. The meeting held on 06.05.22 summarised the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans (Document Reference 5.13, APP-305) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p>

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		<p>Winderwath Estate regarding work affecting the tenanted holding. 8. Mitigation proposals affect both holdings. We have successfully negotiated mitigation on my own land but 14 acres of tenanted land at Whinfell House are designated as woodland. This will adversely affect my business.</p>	<p>The Application including the Environmental Statement (Document Reference 3.2), DCO and related Project Design Principles (Document Reference 5.11, APP-302) and Environmental Management Plan (Document Reference 2.7, APP-019) are prepared on the basis that detailed design will be progressed and refined and this will result in greater certainty at the final design stage and implementation (should consent be granted). Any design details brought forward will be within the terms of any consent granted, order limits and within the extent of assessment. It will also be in conformity with the EMP (Document Reference 2.7, APP-019) and the PDP (Document Reference 5.11, APP-302) but may not be in the same form as shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041).</p> <p>As the detailed design of the Project is progressed over the coming months, more detail will become available, and this will inform the use of land which needs to be acquired or used to enable the delivery of the Project.</p>
A.W. Jenkinson, RR-124	Walking, Cycling and Horse Riding	<p>The scheme proposes creation of a public access north of the completed road for pedestrians and cyclists, also to be used by farm staff for livestock and farm machinery. This is clearly a safety concern and should be reconsidered.</p> <p>I understand the existing public footpath running up the side of Barn/Schoolhouse field is being rerouted. To avoid serious Health, Safety and security risks to both</p>	<p>We recognise that there is a desire from some landowners to separate WCH routes from replacement private means of access. It is not unusual, particularly in rural areas, for private means of vehicular access to exist over public rights of way in relation to which there is no general public right of vehicular access. Such arrangements tend to have lower environmental impacts</p>

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		<p>my employees and the public, I suggest rerouting to run alongside the Center Parcs access road.</p> <p>We are happy with our Position Statement – negotiated in meetings with the HA team.</p>	<p>and require less land to be taken overall when compared with a segregated solution.</p> <p>Nonetheless, National Highways is giving further consideration, as part of the detailed design process, as to the extent that it is able to accommodate requests for segregated private means of access and walking, cycling and horse riding provision and the outcome of that consideration will be discussed with the relevant affected persons in due course.</p>
<p>A.W. Jenkinson, RR-124</p>	<p>Environment and EMP</p> <p>Design, Engineering and Construction</p>	<p>The SRG proposed on my land should run only from roadside to field boundary wall, avoiding interference with livestock operations. My landlord has planted c18 acres of woodland close to the highway for the specific purpose of mitigation of environmental impact. I strongly support their submission that this should be considered when assessing further mitigation requirements</p> <p>Accommodation works remain to be clarified at detailed design stage – the fundamental outstanding issues being:</p> <p>The safety of the access road proposed to double as a public right of way.</p> <p>The doubling of the number of balancing ponds because of separate local authority and Highways requirements.</p>	<p>National Highways acknowledges this request for a commitment to a change to the design in relation to accommodation works, access roads and woodland planting. The Application including the Environmental Statement (Document Reference 3.2), DCO and related Project Design Principles (Document Reference 5.11, APP-302) and Environmental Management Plan (Document Reference 2.7, APP-019) are prepared on the basis that detailed design will be progressed and refined and this will result in greater certainty at the final design stage and implementation (should consent be granted). Any design details brought forward will be within the terms of any consent granted, order limits and within the extent of assessment. It will also be in conformity with the EMP (Document Reference 2.7, APP-019) and the PDP (Document Reference 5.11, APP-302) but may not be in the same form as shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041).</p>

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		<p>Future maintenance responsibilities for the proposed public access route.</p> <p>If new woodland is required on Winderwath Estate, future maintenance liabilities including livestock fencing, must be addressed.</p> <p>The proposed woodland planting on part of the tenanted land at Whinfell House will adversely affect my agricultural operation and my landlord considers that it is unnecessary because of the extensive adjoining planting completed at their expense specifically for mitigation purposes.</p> <p>The current design suggests that the access road is diverted around the balancing ponds. This is inappropriate for large agricultural machinery and the designers should consider siting the access road immediately parallel to the A66.</p>	<p>National Highways is aware of the woodland planting referred to in the representation. It has been considered by our ecology and landscape teams and based on professional judgement, due to the timing of its planting, and its location, it was not considered sufficient for mitigation with regard to potential effects in the Environmental Statement referenced above.</p> <p>National Highways is continuing the engagement with affected parties to resolve matters such as those relating to access issues and accommodation works, in advance of any relevant compulsory acquisition hearings and/or issue specific hearings.</p> <p>Future maintenance of the proposed public access route is set out in Article 9 of the draft DCO.</p> <p>The current drainage strategy (Document Reference 3.4, APP-221) 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 ponds but this will be subject to legal discussion and agreements. Design development of the ponds will continue in the detailed design stage which may involve amendments to pond locations and/or shape to better fit the existing landscape/</p>

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			<p>field patterns, in consultation with the drainage authorities and land interests.</p> <p>Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) and its annexes for details of the proposed outfall locations. Further details will be developed in the detailed design stage.</p> <p>The access roads have been diverted around the balancing ponds to minimise land take and provide better landscape integration. However, there is some scope at detailed design stage to amend these to better suit site specific issues. In addition, swept path analysis has been carried out in order to ensure that appropriate large agricultural vehicles can manoeuvre along sections of these access tracks.</p>
Mr P White, RR-131	Impacts to Land	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required ii) Accommodation Works iii) Protection of existing spring water supplies iv) Drainage</p> <ul style="list-style-type: none"> • The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement • Justification for the permeant acquisition of land or rights over land, and temporary land occupation; and the extent of those needs including in relation to public rights of way 	<p>National Highways have met with this landowner and their agent throughout the preliminary design stage and we understand the issues they are raising as part of their representation. The meeting held on 26 April 2022 summarised the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 2 and 3 of 3 (Document Reference 5.13, APP-308) submitted as part of the DCO application.</p>

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			<p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. The District Valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss.</p> <p>National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The extent and location of the land required is shown on Land Plans Regulation 5 (2)(i) (Document Reference 5.13, APP-308) plots 07-02-68, 07-02-71, 07-02-96, 07-02- 99 and the corresponding entries in the Compulsory Acquisition and Temporary Possession Schedule (Document Reference 5.9, APP-300).</p>

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			<p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.4, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-346) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>If development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document</p>

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			<p>Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their</p>

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			<p>agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p>
	<p>Design Engineering and Construction</p>	<p>The requirement for and location of site compounds The requirement for and location of ponds The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required</p>	<p>Details of construction compound locations are identified in 3.3 Environmental Statement Figures 2.3 Indicative Construction Areas (Document Reference 3.3, APP-063). Topsoil storage, construction material and laydown areas will be required where large cut and/or fill requirements are needed or where key structures are required. In this particular case, there are no construction compounds shown on the respondent land holdings. The provision and intended use of each compound is based on an assumed approach to construction and is subject to change as the approach to construction evolves during the detailed design phase. We will continue to engage with landowners as the proposals are developed.</p>

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			<p>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), 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 ponds, but this will be considered as part of our detailed design work. This may involve amendments to pond locations and /or shape within the DCO Order Limits to better fit the existing landscape, including field patterns. Where National Highways are able to agree this detail with the Local Authorities, we may seek to make commitments with appropriate agreements.</p> <p>National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures. The permanent land required to construct and operate the scheme is considered to be reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations</p>

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			<p>The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process is set out in 4.1 Project Development Overview Report (Document Reference 4.1, APP-244). National Highways has carried out multidisciplinary design and assessment, which has identified that the land applied for is required.</p>
Mr C Tipping, RR-132	Design, Engineering and Construction	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required ii) Accommodation Works iii) Protection of existing culverts iv) Drainage v) Impact on retained land</p> <ul style="list-style-type: none"> • The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement • The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required • Justification for the permeant acquisition of land or rights over land, and temporary land occupation; and the extent of those needs 	<p>We have met with this landowner and their agent during the preliminary design stage, and we understand the issues they are raising as part of their representation. Mr Tipping's land adjoins the project.</p> <p>Land owned by Mr Tipping does not fall within the DCO order limits.</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>With regard to the protection of existing culverts, The Environmental Management Plan (Document Reference 2.7, APP-019) item D-RDWE10 of the Register of environmental actions and commitments states that any works that disturb existing drainage features shall include necessary mitigation or reinstatement to ensure the</p>

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			<p>features fulfil their original function and the baseline drainage conditions are maintained.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which</p>

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			<p>National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>We look forward to discussing further the respondents concerns on the impact on their land as the design work progresses.</p> <p>The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244). National Highways has carried out multidisciplinary design and assessment, which has identified that the land applied for is required.</p>

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	Flooding and Drainage	The requirement for, and location of ponds on or close to the subject property.	<p>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), 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 ponds, but this will be considered as part of our detailed design work. This may involve amendments to pond locations and /or shape within the DCO Order Limits to better fit the existing landscape, including field patterns. Where National Highways are able to agree this detail with the Local Authorities, we may seek to make commitments with appropriate agreements.</p> <p>There is a proposed pond located to the south of the affected person land plot. During detailed design consideration will be given to moving the pond as far south as possible within the Order Limits to maximise the distance between the pond from adjacent properties.</p> <p>National Highways continue to engage with the landowner on these matters.</p>

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Mr J Manners, RR-126	Landowner	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required ii) Accommodation Works iii) Drainage iv) Impact on retained land.</p> <p>The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement</p> <p>Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p>	<p>We have met with this landowner and their agent throughout the preliminary design stage and we understand the issues they are raising as part of their representation. The meeting held on 26 April 2022 summarises the issues, including matters resolved and those outstanding.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The extent and location of the land required is shown on the Land Plans (Document Reference 5.13, APP-308) plots (a) 07-02-112, 07-02- 113, 07-03-04, 07-03- 05, 07-03-07, 07-03- 09, 07-03-44 and the corresponding entries in the Compulsory Acquisition and Temporary</p>

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			<p>Possession Schedule (Document Reference 5.9, APP-300).</p> <p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-riding Proposals document (Document Reference 2.1, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-346) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the</p>

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			<p>Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019 which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
	Design, Engineering and Construction	The requirement for, and location of the proposed bridge adjacent to their property.	National Highways notes the landowner concerns in relation to the accommodation bridge-- however not all landowners with A66 access also have access to the A67 and therefore the bridge, at this stage, is considered to be the most feasible alternative access provision for those who will have accesses onto the A66 removed.
Mr A Hobson, RR-137	Impacts to Land	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required ii) Accommodation Works iii) Protection of existing services iv) How access and services to the retained land will be maintained during and after the construction period v) Drainage vi) Impact on retained land vii) The rationale for the design of the junction with the A67.</p> <p>The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required</p> <p>The design of the junction with the A67, particularly in regard to safety concerns</p> <p>The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement</p> <p>The requirement for and location of site compounds</p>	<p>We have met with this landowner and their agent throughout the preliminary design stage and we understand the issues they are raising as part of their representation. The meeting held on 26 April 2022 summarised the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 2 of 3 (Document Reference 5.13, APP-308) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and negotiations are underway with the land agent. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The extent and location of the land required is shown on the Land Plans (Document Reference 5.13, APP-308) plots (a) 07-02-24, 07-02- 47 4 and the corresponding entries in the Compulsory Acquisition and Temporary Possession Schedule (Document Reference 5.9, APP-300).</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with stakeholders to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>If development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p> <p>Details of new access provision to impacted land, homes and business can be found on the Rights of Way and Access Plans submitted as part of the DCO application (Document Reference 5.19, APP-346). It is acknowledged that further dialogue with the affected person and agreement will be required at detailed design stage to mitigate landowner concerns over accessing retained land post completion. This may require consideration of new gate positions, turning facilities, alternative access tracks and the like.</p> <p>During the construction phase, The Environmental Management Plan (EMP), (Document Reference 2.7, APP-019) includes in its Register of Environmental Actions and Commitments (REAC) commitments to minimise severance of access to businesses, private assets and community receptors during construction (MW-PH-01) and to minimise impacts to farm businesses</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>during construction (MW-PH-02). 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 under the DCO.</p> <p>Details of construction compound locations are identified in the Environmental Statement (ES) Chapter 2 (Document Reference 3.2, APP-045). Storage areas will be proposed where large cut and/or fill requirements are needed or where key structures are required. Information is also provided within Chapter 2 of the ES in regard to construction haul roads, satellite compounds and the anticipated construction workforce. The assessments contained within the ES are based on Chapter 2 and have considered these elements of the construction phase. The Environmental Management Plan (EMP), in Volume 2.7 (Document Reference 2.7, APP-019) of the DCO application incorporates construction phase management, setting out how construction stage mitigation measures would be implemented to manage risks and certain requirements for contractors. Annex B10 includes the construction worker travel and accommodation plan and Annex B13 includes the construction traffic management plan.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>The EMP will be furthered 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 under the DCO.</p> <p>The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244). National Highways has carried out multidisciplinary design and assessment, which has identified that the land applied for is required.</p> <p>At the Bowes A67 junction, we are proposing new/improved merge and diverge lanes for the carriageways in both directions. This will provide better connection to Barnard Castle for road users. Access to Bowes via The Street will be removed and replaced with the upgraded A67 junction. This will improve the connectivity between the A66 and A67 and avoid the need for strategic traffic to travel through the village of Bowes.</p> <p>The proposed merge and diverge slip roads are designed in accordance with the Design Manual for Roads and Bridges in terms of geometry and visibility requirements.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>The junction will be further developed and assessed in the detail design stage in consultation with National Highways Safety Engineering and Standards and having regard to the requirements of Durham County Council.</p> <p>The scheme preliminary design including the developing junction layout at the A67 has 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> <p>An accompanying signage strategy will be developed at detailed design in consultation with Durham County Council to assist road users in navigating the new road and junction network.</p> <p>Improving road safety is one of the core Project objectives. Since 2017, we have been working hard to deliver a safer, more connected A66 for local people, businesses, tourists and other road users between Penrith and Scotch Corner. We will remove potentially hazardous turnings as part of the Project, providing new links – via the local road network – to safe junctions to provide safer journeys on the newly-dualled sections of the A66. To reduce risk, we have designed the improvements so there are no gaps in the central reservation, removing right turns.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>We have included junctions, connected to the local road network, which enable drivers to safely join and leave the route in the direction of travel only.</p>
Mr F Hayllar, RR-138	Impacts to Land	<ul style="list-style-type: none"> • The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required ii) Accommodation Works iii) Drainage iv) Protection measures in relation to an existing spring water supply v) Impact on retained land • The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement • The availability of more suitable routes to the north of the proposed scheme; and more efficient designs in regard to the land-take required 	<p>We have met with the Hayllars throughout the preliminary design stage and we understand their concerns with the scheme. This has included meetings with the design team. The meeting held on 20.06.22 summarised the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 4, 5 and 6 of 6 (Document Reference 5.13, APP-307) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>i) National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>Since then, the valuer has been instructed and negotiations are underway with the land agent. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>Further and updated information on highway drainage and run off attenuation forms part of the DCO Application documents (see general arrangement plans for an illustrative proposals) and details on land drainage and management measures will be prepared as part of the detailed design process, as set out in the road drainage and water environment section of Table 3-2: Register of environmental actions and commitments, within the EMP (Document Reference 2.7, APP-019).</p> <p>With regard to private drainage, if development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p> <p>The development of the design for the Project, including alternative routes considered and the decision-making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244)</p> <p>Engagement is ongoing with this landowner and we will seek further clarification.</p>
	Flooding and Drainage	The suitability of proposed locations for drainage ponds on my Client's land.	<p>The current drainage strategy 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 ponds but this will be subject to legal discussion and agreements. Design development of the ponds will continue in the detailed design stage which may involve amendments to</p>

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			<p>pond locations and /or shape to better fit the existing landscape/ field patterns, in consultation with the drainage authorities and land interests.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>We look forward to discussing further the respondents concerns on the impact on their land as the design work progresses.</p>
	Landscape and Visual	The need for and location of bunds and other landscaping proposed to at the expense of productive agricultural land.	<p>We understand this representation to be in relation to the Appleby to Brough scheme. There are no earthworks included in the Appleby to Brough scheme specifically for the purpose of landscaping. The earthworks through this scheme are required in the design, and there are locations where these earthwork gradients have been proposed to be altered in order to integrate them better with the surrounding landscape.</p> <p>An agricultural land impact assessment has informed the project design, as reported in chapter 13 of the ES.</p>

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Mr T Foster, RR-139	Impacts to Land	<ul style="list-style-type: none"> • The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required ii) Accommodation Works iii) Protection of existing spring water supplies iv) How access to retained land will be maintained during and after the construction period v) Drainage vi) Impact on retained land • The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement • Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs 	<p>We have met with this landowner and their agent throughout the preliminary design stage and we understand the issues they are raising as part of their representation. The meeting held on 26 April 2022 summarises the issues discussed, including matters resolved and those outstanding.</p> <p>i) National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301]). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and negotiations on-going. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The extent and location of the land required is shown on the Land Plans (Document Reference 5.13, APP-308) plots (a) 07-01-11, 07-01- 16, 07-01-21, 07-01- 23, 07-01- 26, 07-01- 38, 07-01-44, 07-01- 65, 07-01-71, 07-01- 93 and the corresponding entries in the Compulsory Acquisition and Temporary Possession Schedule (Document Reference 5.9, APP-300).</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-riding Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-346) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>ii) The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>If development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>keeping the affected person informed as to the timing of any works that would affect private utilities.</p> <p>Details of new access provision to impacted land, homes and business can be found on the Rights of Way and Access Plans submitted as part of the DCO application (Document Reference 5.19, APP-346). It is acknowledged that further dialogue with the affected person and agreement will be required at detailed design stage to mitigate landowner concerns over accessing retained land post completion. This may require consideration of new gate positions, turning facilities, alternative access tracks and the like.</p> <p>During the construction phase, The Environmental Management Plan (EMP), (Document Reference 2.7, APP-019) includes in its Register of Environmental Actions and Commitments (REAC) commitments to minimise severance of access to businesses, private assets and community receptors during construction (MW-PH-01) and to minimise impacts to farm businesses during construction (MW-PH-02). 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 under the DCO.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p>
	<p>Impacts to Land</p>	<p>The requirement for and location of a soil storage compound on my Client's land</p> <p>The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required</p>	<p>Details of construction compound locations are identified in 3.3 Environmental Statement Figures 2.3 Indicative Construction Areas (Document Reference 3.3, APP--063). Topsoil storage, construction material and laydown areas will be required where large cut and/or fill requirements are needed or where key structures are required. In this particular case, the compound area is required for topsoil and material storage due to the presence of earthworks operations and the Lyndale Underpass extension. The provision and intended use of each compound is based on an assumed approach to construction and is subject to change as the approach to construction evolves during the detailed design phase. We will continue to engage with landowners as the proposals are developed.</p> <p>National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>measures. The permanent land required to construct and operate the scheme is considered to be reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations.</p> <p>The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process is set out in 4.1 Project Development Overview Report (Document Reference 4.1, APP-244). National Highways has carried out multidisciplinary design and assessment, which has identified that the land applied for is required, although it may be possible as the detailed design develops to reduce the amount of land required permanently for the Project.</p>
	Environment and EMP	Ecological impact, the adequacy of mitigation measures, and also the suitability of the Applicant's current proposed locations for mitigation measures	<p>The ecological impact of the Project has been assessed as part of the Project Environmental Impact Assessment and reported in Environmental Statement Chapter 6: Biodiversity (Document Reference 3.2, APP-049).</p> <p>Paragraph 3.3 of the National Networks National Policy Statement (NNNPS) states that "in delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>The Government's detailed policy on environmental mitigations for developments is set out in Chapter 5 of the NNNPS.</p> <p>In response to NNNPS policies National Highways LD117 Landscape Design provides a list of eight environmental masterplan codes to summarise and illustrate the environmental mitigation. Four of these are utilised to show the types of land required for environmental mitigation, as shown on the illustrative Environmental Mitigation Maps (Document Reference 2.8, RR-041) and are listed below in no particular order:</p> <ol style="list-style-type: none"> 1. Landscape integration 2. Nature conservation and biodiversity 3. Visual amenity 4. Visual screening <p>Areas of habitat creation and replacement are principally within the second category (nature conservation and biodiversity) shown on the Environmental Mitigation Maps, although some of the landscape and visual mitigation shown on the maps can also function as habitat (hence has a dual function). The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of the Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2, APP-049)). The size of the areas proposed for environmental mitigation is based upon the</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>land required to effectively mitigate the species impacts, landscape and visual effects and habitat impacts and loss of the Project based on the assessment of the preliminary engineering design (which forms part of the DCO application). As such, it is not considered excessive.</p> <p>The Application including the Environmental Statement (Document Reference 3.2), DCO and related Project Design Principles (Document Reference 5.11, APP-302) and Environmental Management Plan (Document Reference 2.7, APP-019) are prepared on the basis that detailed design will be progressed and refined and this will result in greater certainty at the final design stage and implementation (should consent be granted). Any design details brought forward will be within the terms of any consent granted, order limits and within the extent of assessment. It will also be in conformity with the EMP (Document Reference 2.7, APP-019) and the PDP (Document Reference 5.11, APP-302) but may not be in the same form as shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041).</p>
Brogden Family, RR-140	Impact on land	On behalf of my Clients, I intend to raise through written representations and replies, and if appropriate oral representations at a Hearing and Compulsory Acquisition Hearing concerns relating to the following points: - The adequacy of information provided by the Applicant, including but not limited to information	We have met with the Brogden family throughout the preliminary design stage and we understand their concerns with the scheme. This has included meetings with the design team. The meeting held on 06.05.22 summarises the issues discussed, including matters resolved and those outstanding.

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
		<p>relating to: i) The extent and location of land and rights required</p>	<p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuers have been instructed and met with their Agent, with discussions currently on-going. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p>
	<p>Design, Engineering and Construction</p>	<p>Accommodation Works, drainage and impact on retained land. The extent of any negotiations or attempts by the Applicant to acquire land and rights by agreement.</p> <p>The availability of more suitable routes to the north of the proposed scheme; and more efficient designs in regard to the lake required.</p>	<p>National Highways is seeking acquisition of the affected persons land, including plots 06-05-13, 06-05-14 and 05-05-16.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 5 of 6 (Document Reference 5.13, APP-307) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>The Applicant issued an offer of negotiations letter on the 28th March 2022, inviting the Brogdens to complete and return a form expressing their willingness to discuss the acquisition by National Highways of the interests it requires for the Project by agreement. Engagement with affected persons will continue.</p> <p>Further and updated information on highway drainage and run off attenuation forms part of the DCO Application (see general arrangement plans) and details on land drainage and management measures will be prepared as part of the detailed design process, as set out in the road drainage and water environment section of Table 3-2: Register of environmental actions and commitments, within the EMP (Document Reference 2.7, APP-019).</p> <p>With regard to the suggestion of more suitable routes and more efficient designs, the development of the design for the Project, including alternative routes considered and the decision making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244).</p>
Moss Family, RR-141	Impact on land	The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement. The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required.	We have met with Mr Moss (a tenant of the Mortham Estate) and their agent throughout the preliminary design stage and we understand the issues they are raising as part of their representation. The meeting held on 26 April 2022 summarised the issues, including matters resolved and outstanding.

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>National Highways will continue to engage with the Moss Family, along with the landowner Mortham Estate.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 2 and 3 of 3(Document Reference 5.13, APP-309) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process is set out in 4.1 Project Development Overview Report (Document Reference 4.1, APP-244). 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 reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
	Impact on land	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to: The extent and location of land and rights required including public rights of way; accommodation works; drainage; Impact on retained land; How the design will mitigate additional risks in respect of security and anti-social behaviour; and the requirement for, and suitability of proposed pond locations on the subject property, and how they will integrate with existing watercourses.</p>	<p>The extent and location of the land required is shown on the Land Plans (Document Reference 5.13, APP-309) e.g., including plot 08-03-01, and the corresponding entry in the Compulsory Acquisition and Temporary Possession Schedule (Document Reference 5.9, APP-300). Refer to both land plans and schedule for the full extent of impacted plots.</p> <p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-riding Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-347) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>National Highways looks forward to discussing further the respondents concerns on the impact on retained land as the design work progresses.</p> <p>National Highways acknowledge the landowner concerns regarding security and anti-social behaviour. The dialogue will continue with land interests throughout the Examination and detailed design stages of the Project to agree the required accommodation works and mitigation in relation to security and anti-social behaviour.</p>
Mr S W Harrison, RR-142	<p>Impact on land</p> <p>Design, Engineering and Construction</p> <p>Impacts to Land</p>	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required including public rights of way ii) Accommodation Works iii) Drainage iv) Impact on retained land v) Protection of existing service connections vi) How access to retained property will be achieved vii) How the design will mitigate additional risks in respect of security and anti-social behaviour viii) On-going responsibility for infrastructure and landforms created</p> <p>The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement</p> <p>Justification for the permeant acquisition of land or rights over land, and temporary land occupation; and</p>	<p>We have met with Mr Harrison throughout the preliminary design stage, including a number of meetings with the design team. We understand their concerns with the scheme. The meeting held on 27.04.22, summarised the issues, including matters resolved and those outstanding.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
		<p>the extent of those needs including in relation to public rights of way</p>	<p>Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The extent and location of the land required is shown on the Land Plans (Document Reference 5.13, APP-310) plots (a) 09-04-38, 09-04- 39, 09-04-40, 09-04- 42, 09-04-44 and the corresponding entries in the Compulsory Acquisition and Temporary Possession Schedule (Document Reference 5.9, APP-300).</p> <p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-348) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design..</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>If development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p> <p>Details of new access provision to impacted land, homes and business can be found on the Rights of Way and Access Plans submitted as part of the DCO application (Document Reference 5.19, APP-346). It is acknowledged that further dialogue and agreement will</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>be required at detailed design stage to mitigate landowner concerns over accessing retained land post completion. This may require consideration of new gate positions, turning facilities, alternative access tracks and the like. During the construction phase, The Environmental Management Plan (EMP), (Document Reference 2.7, APP-019) includes in its Register of Environmental Actions and Commitments (REAC) commitments to minimise severance of access to businesses, private assets and community receptors during construction (MW-PH-01) and to minimise impacts to farm businesses during construction (MW-PH-02). 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 under the DCO.</p> <p>National Highways acknowledge the landowner concerns regarding security and anti-social behaviour. The dialogue will continue with land interests throughout the Examination and detailed design stages of the Project to agree the required accommodation works and mitigation in relation to security and anti-social behaviour.</p> <p>The responsibility for the ongoing maintenance of infrastructure provided as part of the project, such as accommodation tracks, will be discussed with each landowner on a case-by case-basis and where applicable</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>will be subject to management agreements and third party access rights where required.</p> <p>As part of the Environmental Management Plan (EMP), (Document Reference 2.7, APP-019), a Landscape and Ecological Management Plan (LEMP) shall identify what the landscape and ecology mitigation measures are, how they will be implemented, monitored, maintained and managed; and who will be responsible for ensuring they achieve their stated functions.</p>
Mr S W Harrison, RR-142	Design, Engineering and Construction	<p>The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required</p> <p>Whether the proposed design will integrate sufficiently with the service road in order to minimise agricultural traffic on the A66.</p>	<p>The Order Limits in the DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244).</p> <p>The de-trunked A66 and extension of Warrener Lane will provide help separate local and strategic traffic movements and minimise agricultural traffic on the A66 over the scheme extents.</p>
Hammond Family, RR-143	Design, Engineering and Construction	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required including public rights of way ii) Accommodation Works iii) Drainage iv) Impact on retained land</p>	<p>National Highways have had discussions with the Hammond Family, including answering a number of design related queries in April 2022. They have recently appointed an agent and we will continue to discuss the scheme with them going forward.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
	<p>Impacts to Land</p> <p>Flooding and Drainage</p>	<p>The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement</p> <p>The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required.</p> <p>Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs.</p>	<p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 3 of 4 (Document Reference 5.13, APP-310) submitted as part of the DCO application.. 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 reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300). This states that plot 09-03-14 is required for permanent acquisition to facilitate the provision of a shared equestrian track on the north side of the carriageway, the provision of new at-grade crossing facilities for non-motorised users on the de-trunked A66 and private means of access and the provision of landscaping and reprofiling, permanent diversion of third party apparatus.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then there has been no response to the letter to negotiate. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221 which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302, in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at</p>

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			<p>Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>The Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) describes the baseline environment, the existing flood risk and drainage arrangements on a scheme-by-scheme basis and the</p>

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			<p>proposed drainage design principles and parameters for the Project, including the impact to existing ditches drains and culverts as well as location of outfall to existing networks or local watercourses. Detailed designs for any necessary mitigation measures will be developed during the detailed design stage in accordance with current legislation and design standards.</p> <p>Accommodation Works have primarily focused on providing continued operation and access to existing homes, businesses and land interests. Details of new access provision can be found on the Rights of Way and Access Plans submitted as part of the DCO application (Document Reference 5.19, APP-346). It is acknowledged that further dialogue and agreement will be required at detailed design stage to mitigate landowner concerns over accessing retained land post completion. This may require consideration of new gate positions, turning facilities, alternative access tracks and the like.</p> <p>During the construction phase, The Environmental Management Plan (EMP), (Document Reference 2.7, APP-019) includes in its Register of Environmental Actions and Commitments (REAC) commitments to minimise severance of access to businesses, private assets and community receptors during construction (MW-PH-01) and to minimise impacts to farm businesses during construction (MW-PH-02). The EMP will be further developed by the Principal Contractors into a second</p>

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			<p>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 under the DCO.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
Mr G. S. Harrison, RR-145	Flooding and Drainage	The requirement for and suitability of location for proposed ponds	<p>We have met with Mr Harrison during the preliminary design stage and we understand their concerns with the scheme. This has included meetings with the design team and ongoing correspondence. The meeting held on 26.04.22 summarised the issues, including matters resolved and those outstanding.</p> <p>The current drainage strategy 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. This strategy is outlined in Annex A to the Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221). National Highways and the Local authorities recognise there may be efficiencies in combining the ponds but this will be subject to legal discussion and agreements</p>
Mr G. S. Harrison, RR-145	Geology and Soils	The suitability of the proposed location for soil storage.	<p>Details of construction compound locations are identified in 3.3 Environmental Statement Figures 2.3 Indicative Construction Areas (Document Reference 3.3, APP-063). Topsoil storage, construction material and laydown areas will be required where large cut and/or fill requirements are needed or where key structures are required. In this particular case, the compound area is required for topsoil and material storage due to the presence of earthworks operations and the proposed location being a strategic point (midpoint) along the scheme.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>The provision and intended use of each compound is based on an assumed approach to construction and is subject to change as the approach to construction evolves during the detailed design phase. We will continue to engage with landowners as the proposals are developed.</p>
<p>Mr G. S. Harrison, RR-145</p>	<p>Landowner Design, Engineering and Construction Impacts to Land</p>	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required including public rights of way ii) Accommodation Works iii) Drainage iv) Impact on retained land v) Protection of existing service connections vi) How access to retained property will be achieved.</p> <ul style="list-style-type: none"> • The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement. • The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required. • Justification for the permeant acquisition of land or rights over land, and temporary land occupation; and the extent of those needs including in relation to public rights of way 	<p>i) The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 and 2 of 3 (Document Reference 5.13, APP-309) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and negotiations are underway with the land agent.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The extent and location of the land required is shown on the Land Plans (Document Reference 5.13, APP-309) e.g., plot 08-01-37, and the corresponding entry in the Compulsory Acquisition and Temporary Possession Schedule (Document Reference 5.9, APP-300). Refer to both land plans and schedule for the full extent of impacted plots.</p> <p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-347) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>ii) The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design. Further discussions around other accommodation works items to mitigate the impacts of the scheme such as gates, fencing, surfacing materials and the like will take place during the detailed design stage and agreed with each affected person.</p>

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			<p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>National Highways looks forward to discussing further the respondents concerns on the impact on retained land as the design work progresses.</p> <p>If development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>keeping the affected person informed as to the timing of any works that would affect private utilities.</p> <p>Details of new access provision to impacted land, homes and business can be found on the Rights of Way and Access Plans submitted as part of the DCO application (Document Reference 5.19, APP-346). It is acknowledged that further dialogue and agreement will be required at detailed design stage to mitigate landowner concerns over accessing retained land post completion. This may require consideration of new gate positions, turning facilities, alternative access tracks and the like.</p> <p>During the construction phase, The Environmental Management Plan (EMP), (Document Reference 2.7, APP-019) includes in its Register of Environmental Actions and Commitments (REAC) commitments to minimise severance of access to businesses, private assets and community receptors during construction (MW-PH-01) and to minimise impacts to farm businesses during construction (MW-PH-02). 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 under the DCO.</p>

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Mr M Carruthers, RR-146	<p>Landowner</p> <p>Design, Engineering and Construction</p> <p>Impacts to Land</p>	<ul style="list-style-type: none"> • The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required including public rights of way ii) Accommodation Works iii) Drainage iv) Impact on retained land v) How the Applicant will mitigate adverse effects on existing businesses during the construction period, and afterwards vi) How the design will mitigate additional risks in respect of security and anti-social behaviour vii) On-going responsibility for accesses, infrastructure and landforms created • The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement • Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs including in relation to public rights of way 	<p>We have met with Mr Carruthers throughout the preliminary design stage, including a number of meetings with the design team. We understand their concerns with the scheme. The meeting held on 06.05.22, and subsequent meetings and calls summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 of 6 (Document Reference 5.13, APP-307) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>i) National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, there has been no formal response to the Letter to Negotiate. National Highways will continue to</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-345) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>ii) The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>The dialogue will continue with land interests throughout the Examination and detailed design stages of the Project.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme (Document Reference 5.13, APP-304 to APP-311) As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p> <p>iii) Further and updated information on highway drainage and run off attenuation forms part of the DCO Application (see general arrangement plans (Document Reference 2.5 APP-011 to APP-018)) and details on land drainage and management measures will be prepared as part of the detailed design process, as set out in the road drainage and water environment section of Table 3-2: Register of environmental actions and commitments, within the EMP (Document Reference 2.7, APP-019).</p> <p>iv) We look forward to discussing further Mr Carruther's concerns on the impact on retained land as the design work progresses.</p> <p>v) We will look to mitigate disruption to land owners and their businesses during construction through the development of thorough local traffic management and access plans to be secured through the EMP. These will be developed with the landowners and we anticipated that they will be agreed before start of works.</p>

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			<p>vi) While National Highways recognises concerns relating to anti-social behaviour and fly tipping, the new road will be a free flowing dual carriageway with quicker more reliable journey times, enabling people to spend less time on the road, which may lead to reduced litter/fly tipping.</p> <p>vii) The responsibility for the ongoing maintenance of infrastructure provided as part of the project, such as accommodation tracks, will be discussed with each landowner on a case-by case-basis and where applicable will be subject to management agreements and third party access rights where required.</p> <p>Refer to the Compulsory Acquisition and Temporary Possession Schedule of the DCO Application (Document Reference 5.9, APP-300) for an explanation of the purpose(s) for which plot of land is required.</p>
	Design, Engineering and Construction	<ul style="list-style-type: none"> • The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required • The suitability of the proposed entry and exit routes from the A66 around the A66 café. 	<p>With regard to more suitable routes and more efficient designs, the development of the design for the Project, including alternative routes considered and the decision-making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244).</p> <p>Access to Café 66 will be provided via an off slip from the eastbound carriageway leading to the car park of the building. Access to the eastbound carriageway is provided via an on slip. There will be no access to the westbound carriageway ensuring current formal</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			arrangements are maintained. The off and on slip will be shared with local landowners to access severed lands.
Bowes and Romaldkirk Charities Estate, RR-147	Impacts to Land	On behalf of my Clients, I intend to raise through written representations and replies, and if appropriate oral representations at a Hearing and Compulsory Acquisition Hearing concerns relating to the following points: - The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required including public rights of way	<p>We have met regularly with the appointed representatives of Bowes and Romaldkirk Charities Estate since 2020, which has enabled us to understand their issues.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The extent and location of the land required is shown on the Land Plans (Document Reference 5.13, APP-308) plots (a) 07-02-101, 07-02- 106, 07-03-01, 07-03- 02, 07-03-10, 07-03- 11, 07-03-14, 07-03- 20, 07-03-21, 07-03-26, 07-03-34, 07-03- 35, 07-03-36, 07-03- 37.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 3 of 3 (Document Reference 5.13, APP-308) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.4, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-346) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p>
	Flooding and Drainage	ii)Accommodation Works iii) Drainage iv) Impact on retained land	<p>ii) The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>iii) National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A</p>

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			<p>of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>iv) We look forward to discussing further the respondents concerns in the impact on retained land as the design work progresses.</p>
Bowes and Romalldkirk Charities Estate, RR-147	Design, Engineering and Construction	<ul style="list-style-type: none"> • On-going responsibility for accesses, infrastructure and landforms created • The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement • The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required • Ecological impact, the adequacy of mitigation measures, and also the suitability of the Applicant's current proposed locations for mitigation measures • Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs including in relation to public rights of way • Demonstration of the availability of necessary funding We have not had sight of Position Statements prepared by the Applicant or any subsequent reply from the Planning Inspectorate, and reserve the right to raise further points relating to these if necessary 	<p>The responsibility for the ongoing maintenance of infrastructure provided as part of the project, such as accommodation tracks, will be discussed with each landowner on a case-by case-basis and where applicable will be subject to management agreements and third party access rights where required.</p> <p>As part of the Environmental Management Plan (EMP), (Document Reference 2.7, APP-019), a Landscape and Ecological Management Plan (LEMP) will also identify what the landscape and ecology mitigation measures are, how they will be implemented, monitored, maintained and managed; and who will be responsible for ensuring they achieve their stated functions.</p> <p>The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process, is set out in the Project Development Overview Report (Document Reference 4.1, APP-244).</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures. 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 reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations</p> <p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises and the land required to mitigate the significant environmental effects of the Project. The land required for environmental mitigation is that needed to mitigate the significant effects of the Projects based on the findings of the EIA as reported in the Environmental Statement (Document Reference 3.2, APP-044 to APP-059). As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually</p>

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			<p>need to be acquired or used to enable the delivery of the Project</p> <p>The Funding Statement (Document Reference 5.6, APP-289) demonstrates: "...that the Project will be adequately funded through the Road Investment Strategy ("RIS"), using the change control processes set out in Part 6 of National Highways' Licence (see Appendix A of this Statement) if required, and therefore that funding is no impediment to the delivery of the Project or the payment of compensation to persons who would be affected by compulsory acquisition, temporary possession, or a blight claim if the DCO was made by the Secretary of State for Transport." Please refer to that document for more details.</p>
<p>Mrs M Heron, RR-149, Mrs C Heron, RR-151, Mr S Heron, RR-152, Mr J Heron, RR-154,</p>	<p>Design, Engineering and Construction</p>	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to:</p> <p>i) The extent and location of land and rights required including proposed public rights of way ii) Accommodation Works iii) Drainage iv) Impact on retained land</p> <ul style="list-style-type: none"> • The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement • Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs 	<p>We have met extensively with the Heron family throughout the preliminary design stage and we understand in detail their concerns with the scheme. This has included a number meetings with the design team. The meeting held on 06.05.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 4 of 6 (Document Reference 5.13, APP-307) submitted as part of the DCO application.</p>

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<p>Mr I Heron, RR-156,</p> <p>Mr D Heron, RR-157,</p> <p>Mrs D Heron, RR-150</p>			<p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>i) National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, National Highways are awaiting further clarification from the land agent in order for the valuer to be instructed. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-345) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>ii) The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>iii) Further and updated information on highway drainage and run off attenuation forms part of the DCO Application (see the Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221)) and details on land drainage and management measures will be prepared as part of the detailed design process, as set out in the road drainage and water environment section of Table 3-2: Register of environmental actions and commitments, within the EMP (Document Reference 2.7, APP-011-018).</p> <p>iv) Engagement is ongoing with this landowner and we will seek further clarification on this issue.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-307). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p>
<p>Mrs M Heron, RR-149 Mrs D Heron, RR-150 Mrs C Heron, RR-151 Mrs S Heron, RR-152 Mr J Heron, RR-154 Mr I Heron, RR-156 Mr D Heron, RR-157</p>	<p>Design, Engineering and Construction</p>	<p>The availability of more suitable routes to the north of the proposed scheme.</p> <ul style="list-style-type: none"> • The suitability of the proposed location of site compounds on my Client's land • The suitability of the proposed location and arrangements for the Brough Hill Fair replacement site 	<p>With regard to more suitable routes and more efficient designs, the development of the design for the Project, including alternative routes considered and the decision making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244). This document also provides information on the proposed location for the Brough Hill Fair replacement site.</p> <p>Further information on the proposed location of site compounds can be found in Environmental Statement Chapter 2 supplemented by Annex B14 of the Environmental Management Plan (Document Reference 2.7, APP-034).</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
Mrs M Heron, RR-149, Mrs D Heron, RR-150, Mrs C Heron, RR-151, Mr S Heron, RR-152, Mr J Heron, R-154, Mr I Heron, RR-156, Mr D Heron, RR-157	Flooding and Drainage	<ul style="list-style-type: none"> The suitability of proposed locations for drainage ponds on my Client's land 	<p>The current drainage strategy 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 ponds but this will be subject to legal discussion and agreements. Design development of the ponds will continue in the detailed design stage which may involve amendments to pond locations and /or shape to better fit the existing landscape/ field patterns, in consultation with the drainage authorities and land interests.</p> <p>Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy and its annexes for details of the proposed outfall locations. Further details will be developed in the detailed design stage.(Document Reference 3.4, APP-221).</p>
Mr P Tavener, RR-161	Impact on land	The adequacy of information provided by the Applicant, including but not limited to information relating to: The extent and location of land and rights required including public rights of way Accommodation Works Drainage Impact on retained land	National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.4, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-347) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).

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			<p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p>
	Design, Engineering and Construction	<p>The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to accesses.</p> <p>The suitability of the design of service roads and impact on emergency services, and the surrounding areas and businesses</p>	<p>The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process is set out in 4.1 Project</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
		<p>The requirement for, and safety implications in relation to the proposed slip road onto the A66</p> <p>The proposed signage designs</p> <p>The safety of the proposed designs on farmers and business along the A66</p>	<p>Development Overview Report (Document Reference 4.1, APP-244).</p> <p>At the Bowes A67 junction, we are proposing new/improved merge and diverge lanes for the carriageways in both directions. This will provide better connection to Barnard Castle for road users. Access to Bowes via The Street will be removed and replaced with the upgraded A67 junction. This will improve the connectivity between the A66 and A67 and avoid the need for strategic traffic to travel through the village of Bowes.</p> <p>The proposed merge and diverge slip roads are designed in accordance with the Design Manual for Roads and Bridges in terms of geometry and visibility requirements. The junction will be further developed and assessed in the detail design stage in consultation with National Highways Safety Engineering and Standards and Durham County Council requirements.</p> <p>The scheme preliminary design including the developing junction layout at the A67 has 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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			<p>An accompany signage strategy will be developed at detailed design in consultation with Durham County Council to assist road users in navigating the new road and junction network.</p> <p>Improving road safety is one of the core Project objectives. Since 2017, we have been working hard to deliver a safer, more connected A66 for local people, businesses, tourists and other road users between Penrith and Scotch Corner. We will remove potentially hazardous turnings as part of the Project, providing new links – via the local road network – to safe junctions to provide safer journeys on the newly-dualed sections of the A66. To reduce risk, we have designed the improvements so there are no gaps in the central reservation, removing right turns. We have included junctions, connected to the local road network, which enable drivers to safely join and leave the route in the direction of travel only.</p> <p>The proposals will be designed to the latest standards within the Design Manual for Roads and Bridge and subject to Road Safety Audits commensurate with preliminary and detailed design stages.</p>
Henshaw Family, RR-164	Landowner Design, Engineering	The adequacy of information provided by the Applicant, including but not limited to information relating to: The extent and location of land and rights required including public rights of way Accommodation Works Drainage Impact on retained land.	We have met with The Henshaw family throughout the preliminary design stage, including detailed discussions with the design team. We understand their concerns with the scheme and impact on their business going forward.

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
	and Construction	<p>The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement</p> <p>Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p>	<p>The meeting held on 12.09.22 summarises the issues, including matters resolved and those outstanding.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The extent and location of the land required is shown on the Land Plans (Document Reference 5.13, APP-310) plot 09-03-30 and the corresponding entries in the Compulsory Acquisition and Temporary Possession Schedule (Document Reference 5.9, APP-300).</p> <p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-347) and are</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>The dialogue will continue with land interests throughout the Examination and detailed design stages of the Project.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-310). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily</p>

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			<p>acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p>
	Biodiversity and BNG	<p>The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required Ecological impact, the adequacy of mitigation measures, and also the suitability of the Applicant's current proposed locations for mitigation measures</p>	<p>With regard to more suitable routes and more efficient designs, the development of the design for the Project, including alternative routes considered and the decision making process is set out in the Project Development Overview Report (Document Reference 4.1 APP-244). The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises and the land required to mitigate the significant environmental effects of the Project. The land required for environmental mitigation is that needed to mitigate the significant effects of the Projects based on the findings of the EIA as reported in</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>the Environmental Statement (Document Reference 3.2, APP-044 to APP-059). As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p>
	Design, Engineering and Construction	<p>How the design will minimise additional security works and potential for anti-social behaviour</p>	<p>National Highways acknowledges the landowner concerns regarding security and anti-social behaviour. The dialogue will continue with affected persons throughout the Examination and detailed design stages of the Project to agree the required accommodation works and mitigation in relation to security and anti-social behaviour.</p>
Mr J Richmond, RR-167	Landowner Design, Engineering and Construction	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required including public rights of way ii) Accommodation Works iii) Drainage iv) Impact on retained land v) How the design will mitigate additional risks in respect of security and anti-social behaviour</p> <p>The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement</p>	<p>We have met with this landowner throughout the preliminary design stage and we understand their concerns with the scheme. This has included meetings with the design team. The meeting held on 27.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout stage three. A letter inviting the respondent to negotiate with National Highways was issued on 28</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The extent and location of the land required is shown on the Land Plans (Document Reference 5.13, APP-310) plot (a) 09-02-10, 09-02- 11, 09-02-36, 09-02- 37, 09-02-38 and (b) 09-02-09, 09-02- 13 and the corresponding entries in the Compulsory Acquisition and Temporary Possession Schedule (Document Reference 5.9, APP-300).</p> <p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-348) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan (Document Reference 2.7, APP-019) also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>We look forward to discussing further Mr Richmond's concerns on the impact on retained land as the design work progresses.</p> <p>Section 3.3 of (Document Reference 4.1, APP-244) Project Development Overview Report (PDOR) describes the process of considering alternative options to dualling the A66. The long list of options considered included 43 strategic options identified within the NTPRSS (North Trans Pennine Route Strategic Study) corridor, included 20 strategic options for the A66, 18 strategic options for the A69 and 5 strategic options for the A685.</p> <p>National Highways acknowledge the affected persons' concerns regarding security and anti-social behaviour.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>The dialogue will continue with affected persons throughout the Examination and detailed design stages of the Project to agree the required accommodation works and mitigation in relation to security and anti-social behaviour.</p>
	Design, Engineering and Construction	<ul style="list-style-type: none"> • The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required • The requirement for, and safety implications in relation to the proposed slip road onto the A66 at Brownson Back 	<p>The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process is set out in 4.1 Project Development Overview Report (Document Reference 4.1, APP-244).</p> <p>Following feedback at the autumn 2021 consultation, several stakeholders raised concerns regarding the lack of connection of the de-trunked A66 to the proposed new carriageway at the western scheme extent in the vicinity of Brownson Bank. As such, in response to the suggestions put forward, the design team have carried out further refinements and have included a new westbound slip road at the eastern scheme extents to provide access from surrounding villages to the new westbound A66 dual carriageway. The impacted farm access to Brownson Bank has also been redesigned to suit this new arrangement, providing reducing journey times for those accessing the A66 in this area.</p>

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			<p>This proposal avoids local detours to Moor Lane Junction for access to the A66 and prevents the de-trunked road from becoming a dead-end with the potential to be misused, for example, for fly-tipping or overnight stays.</p> <p>The current scheme proposals are shown on the DCO General Arrangement drawings Sheet 1 of 4 (Document Reference 2.5, APP-017).</p> <p>The proposed merge slip road is designed in accordance with the Design Manual for Roads and Bridges in terms of geometry and visibility requirements. The junction will be further developed and assessed in the detailed design stage in consultation with National Highways' Safety Engineering and Standards and having regard to the requirements of Durham and North Yorkshire County Councils, and will also be subject to a Stage 2 Road Safety Audit.</p> <p>Section 3.3 of (Document Reference 4.1, APP-244) Project Development Overview Report (PDOR) describes the process of considering alternative options to dualling the A66. The long list of options considered included 43 strategic options identified within the NTPRSS (North Trans Pennine Route Strategic Study) corridor, included 20 strategic options for the A66, 18 strategic options for the A69 and 5 strategic options for the A685.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
Mr J Richardson, RR-168	Landowner Design, Engineering and Construction	<ul style="list-style-type: none"> • The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required including public rights of way ii) Accommodation Works iii) Drainage iv) Impact on retained land v) How the design will mitigate additional risks in respect of security and anti-social behaviour construction • The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement • Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs including in relation to public rights of way 	<p>We have met with Mr Richardson throughout the preliminary design stage and we understand their concerns with the scheme. This has included meetings with the design team and ongoing correspondence. The meeting held on 27.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The extent and location of the land required is shown on Land Plans (Document Reference 5.13, APP-310) plot 09-01-12, 09-01- 19, 09-02-04 and the corresponding entries in the Compulsory Acquisition and Temporary Possession Schedule (Document Reference 5.9, APP-300).</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-348) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (APP-310). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019] and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>We look forward to discussing further Mr Richardson's concerns on the impact on retained land as the design work progresses.</p> <p>National Highways acknowledge the landowner concerns regarding security and anti-social behaviour. The dialogue will continue with land interests throughout the Examination and detailed design stages of the Project to agree the required accommodation works and mitigation in relation to security and anti-social behaviour.</p>
	Design, Engineering and Construction	The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required	The Order Limits in our DCO Application shown on the General Arrangement Drawings (Document Reference 2.5, APP-011 to APP-018) is the land we need to construct the Project, associated infrastructure and environmental mitigation. National Highways has sought

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures. The size of the areas proposed for environmental mitigation is based upon the land required to effectively mitigate the species impacts, landscape and visual effects and habitat impacts and loss of habitat based on the assessment of the preliminary engineering design (which forms part of the DCO application) and as set out in the Environmental Statement (Document Reference 3.2, APP-044 to APP-059).</p> <p>The development of the design for the Project, including alternative routes considered and the decision making process is set out in 4.1 Project Development Overview Report (Document Reference 4.1, APP-244).</p>
Maple Bridge Corporation Ltd, RR-169	Design, Engineering and Construction	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to:</p> <ul style="list-style-type: none"> i) Accommodation Works ii) How the design will mitigate additional risks in respect of security and anti-social behaviour iii) How the design will minimise any adverse effects on existing businesses <ul style="list-style-type: none"> • The availability of more suitable routes for the proposed scheme; particularly with regard to the effect on existing businesses 	<ul style="list-style-type: none"> i) The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.. ii) National Highways acknowledge the landowner concerns regarding security and anti-social behaviour. The dialogue will continue with affected persons throughout the Examination and detailed design stages of the Project to agree the required accommodation works and mitigation in relation to security and anti-social behaviour.

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>iii) The project team does not consider there to be sufficient information within this representation to respond to the issues raised. Engagement is ongoing with this landowner and we will seek further clarification.</p> <p>With regard to more suitable routes and more efficient designs, the development of the design for the Project, including alternative routes considered and the decision making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244).</p>
Kenneth Thompson Discretionary Will Trust, RR-159	Design, Engineering and	<p>i) The extent and location of land and rights required including public rights of way ii) Accommodation Works iii) Drainage iv) Impact on retained land v) How the design will minimise additional security works and potential for anti-social behaviour.</p> <p>Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p>	<p>We have met with this interested party and their agent throughout the preliminary design stage and we understand the issues they are raising as part of their representation. The meeting held on 21 April 2022 summarises the issues, including matters resolved and those outstanding.</p> <p>It is understood that the land in question is shown on Land Plans Regulation 5 (2)(i) Sheet 1 of 3 (including inset 1C) (Document Reference 5.13, APP-309) submitted as part of the DCO application.</p> <p>Rights of Way and Access Plans can be found in (Document Reference 5.19, APP-347).</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p>

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			<p>Further and updated information on highway drainage and run off attenuation forms part of the DCO Application (see general arrangement plans) and details on land drainage and management measures will be prepared as part of the detailed design process, as set out in the road drainage and water environment section of Table 3-2: Register of environmental actions and commitments, within the EMP (Document Reference 2.7, APP-019).</p> <p>We look forward to discussing further the respondents concerns on the impact on retained land as the design work progresses.</p> <p>The project team does not consider there to be sufficient information within this representation to respond to the issues raised. Engagement is ongoing with this landowner, and we will seek further clarification.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-309). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive</p>

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			<p>covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p>
Kenneth Thompson Discretionary Will Trust, RR-159	Impact on land	<p>The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required</p> <p>Ecological impact, the adequacy of mitigation measures, and also the suitability of the Applicant's current proposed locations for mitigation measures</p>	<p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout stage three. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>The Order Limits in our DCO Application identify the land National Highways need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244). 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 reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations.</p> <p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises and the land required to mitigate the significant environmental effects of the Project. The land required for environmental mitigation is that needed to mitigate the significant effects of the Projects based on the findings of the EIA as reported in the Environmental Statement (Document Reference 3.2, APP-044 to APP-059). As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required,</p>

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			and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.
Emma Nicholson, RR-220	Development of the Project and Alternatives Design, Engineering and Construction	I object to NH DCO application to dual the Temple Sowerby to Appleby (west section). I am impacted as landowner and homeowner. I submitted a 34 page written response to NH's Statutory Consultation. This was neither acknowledged nor responded to. I submitted a second separate document hi-lighting inadequacies in NH consultation process at Kirkby Thore. Again, this has been acknowledged nor responded to by NH. That is typical of the secretive way in which NH have operated throughout Project Speed. NH should be co-operating/consulting with interested parties seeking to narrow/resolve issues. That is not our experience. Whilst on each occasion apologies are offered for lack of consultation (to include by both Heads of Project) the failure to answer questions persists. NH originally maintained that they had chosen the northern route as that is what Kirkby Thore wanted. They stated the village considered the northern route the only way to remove HGV traffic. The efforts to accommodate British Gypsum by assisting it to remove HGV from Kirkby Thore could cost the British taxpayer 500 million pounds. That figure is rising. NH will not disclose it stating is commercially sensitive. This is taxpayers' money. It must be	<p>We have met with the Nicholson family throughout the preliminary design stage, and we understand their concerns with the scheme. This has included meetings with the design team.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 4 of 4 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>There has been wide ranging and extensive consultation and engagement on the project. A statutory consultation in Autumn 2021 was undertaken including consultation on a range of design information, on alternative routes that have been evaluated (including alternatives at Kirkby Thore and Temple Sowerby to Appleby scheme)) and environmental information (as set out in the Preliminary Environmental Information (PEI) Report). The PEI Report (published for Statutory Consultation in September 2021 and reproduced in Annex L of the Consultation Report</p>

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		<p>questioned why the British taxpayer should pay to resolve an access issue for a French Company (which due to dwindling mine reserves) now imports the majority of its gypsum supplies from Europe. The problem of HGVs travelling through Kirkby Thore is real, but possibly time limited. It is acknowledged by Gypsum that at current rates of extraction the mine remains viable for another 15 years approx. The likelihood that St Gobain (the French Parent Company) would continue with a factory once the gypsum supplies are exhausted is low. After 15 years the only other alternative for gypsum extraction at Kirkby Thore would be open casting to access deeper mines. Gypsum say that is too costly. That (combined with the unpopularity of open casting) is the reason Gypsum already importing from Europe to supplement mine supplies. Given the uncertain future why are we spending 500 million, incurring 600,000 tonnes of carbon, impacting on the Eden SAC/SSI, intruding into an AONB, exposing a village to air/light/noise and tyre pollution to remove HGVs from a factory with a limited life span. It is a sledgehammer to crack a nut. The problem of HGVs in Kirkby Thore could be resolved by enforcing planning restrictions. Gypsum was supposed to transport gypsum to the factory via rail and has its own railhead for this purpose. A lack of enforcement has allowed HGVs to increase. British Gypsum Social charter states they are moving transport to rail to</p>	<p>(Document Reference 4.4, APP-252) presented information on the likely significant environmental effects of the project as well as the measures proposed to avoid or reduce such effects. This information was provided to allow for responses on the preliminary design of the project, the assessment of impacts and the appropriateness of potential mitigation.</p> <p>Following the statutory consultation process and ongoing engagement with stakeholders, proposed design changes were identified to the layout of several schemes as well as changes to walking, cycling and horse-riding provisions, the location of construction compounds and landforms. These changes were subject to a targeted consultation during January-April 2022 with information provided as part of the consultation that compared the environmental effects of the proposed changes with those presented in the original PEI Report.</p> <p>The feedback on the proposed design of the project, its assessment and the proposed mitigation measures (as presented at statutory consultation and as part of the supplementary consultation) has informed the alignment of the route and its design for the DCO application. The process of how the consultation feedback has informed the design is set out in the Consultation Report (Document Reference 4.4, APP-252) with details on our response to each consultation issue set out in Annex N (Document Reference 4.4, APP-271) and P (Document</p>

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		<p>reduce transport emissions. The Kirkby Thore plant is considered one of the key places the company can make reductions. The Kirkby Thore plant sustainability manager confirms that Gypsum is seeking to establish a transport plan in line with its Social Charter</p>	<p>Reference 4.4, APP-273) of the Consultation Report (Document Reference 4.4, APP-252).</p> <p>Table 6.2 of the Consultation Report (Document Reference 4.4, APP-252) provides a summary of some of the project design changes made following statutory consultation. Design development continued following statutory consultation having regard to feedback received throughout the consultation and ongoing engagement, to address environmental and traffic issues that arose following completion of surveys and to incorporate mitigation for impacts that had been identified through the Environmental Impact Assessment (EIA).</p> <p>In addition, there has been extensive engagement with affected persons. This has included meetings with affected persons and other forms of communication (letters, emails, and telephone calls). These meetings and communications have covered a wide range of issues, such as exploring different alignments and designs to address impact on business activity and farming. The dialogue will continue as necessary with those with land interests throughout the Examination and detailed design stages of the Project.</p> <p>The proposed route alignment for the western section of the Temple Sowerby to Appleby scheme includes a northern bypass of Kirkby Thore village. This alignment was presented at Statutory Consultation and a developed version of this was included in the DCO application</p>

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			<p>submission made by National Highways, see General Arrangement Drawing 0405 Temple Sowerby to Appleby (Document Reference 2.5, APP-013). Selection of this route was driven by a number of factors, including but not limited to engineering design, environmental considerations, traffic and economics, stakeholders and policy conformance. An assessment process was undertaken during Preliminary Design which compared this route to alternative alignments for the scheme, as outlined in Section 5.4 of the Project Development Overview Report (Document Reference 4.1, APP-244); specifically, from paragraphs 5.4.19 onwards.</p> <p>The Project objectives, included in Consultation material and the DCO application (refer to Table 1 in the Project Development Overview Report), highlight National Highways' commitment to improving the A66 Northern Trans-Pennine route. These objectives were key to informing the route selection for all schemes, including the bypass of Kirkby Thore. Removal of HGVs from the village was a secondary benefit to the alignment selected, with the primary consideration in promoting the Blue Route over the alternative Orange Route (which followed the alignment of the A66 through Kirkby Thore village) being policy conformance with respect to potential impacts on the River Eden Special Area of Conservation and the Scheduled Monument of Kirkby Thore Roman fort and Associated Vicus as outlined in Section 5.4 of the Project Development Overview Report (Document</p>

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			<p>Reference 4.1, APP-244); specifically, from paragraphs 5.4.35 to 5.4.42.</p> <p>A number of meetings have been held with Mr and Mrs Nicholson throughout the development of the project to explain the evolution and justification of the route selection. Meetings will continue as the project progresses.</p> <p>Matters relating to consultation are addressed in a section below.</p>
	<p>Development of the Project and Alternatives</p> <p>Cultural Heritage</p>	<p>The Planning Inspectorate should consider whether the justification of removing HGV's (daily number not stated) from Kirkby Thore can possibly be justification in light of the limited lifespan the factory may have and the other available alternatives. Faced with mounting scrutiny of its choice of route and over-reliance on the benefit to British Gypsum, NH suddenly raised roman archaeology as the sacred cow justifying the northern route. National Policy meant the road must go north to avoid the Roman Viccus. This is so farcical that even Historic England have given written confirmation that Cultural heritage is just one of the factors to be considered. This letter is already available to the Planning Inspectorate. If avoiding the Roman Viccus was the dominating factor, then presumably the southern route would never have been proposed. Seeking to rely on archaeology over and above all other factors is an example of NH doubling down on its</p>	<p>Removal of HGVs from the village was a secondary benefit to the alignment selected, with the primary consideration in promoting the Route being policy conformance with respect to potential impacts on the River Eden Special Area of Conservation and the Scheduled Monument of Kirkby Thore Roman fort and Associated Vicus as outlined in Section 5.4 of the Project Development Overview Report (Document Reference 4.1, APP-244); specifically, from paragraphs 5.4.35 to 5.4.42.</p> <p>The Kirkby Thore Roman Fort and Associated Vicus scheduled monument underlays the village of Kirkby Thore and borders the existing A66 on both sides as it approaches Main Street from the east. Online widening was considered as an alternative along with two arrangements of routes to the north of Kirkby Thore, with many factors taken into account, the potential for significant direct impact to the Scheduled Monument</p>

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		<p>decision to go north and is evidence of its bias. NH even moved the southern route closer to the Roman Vicus in May 2021 when putting forward a revised version of the southern route. Again, this indicates that either they were purposefully trying to create a route which they could not accept or that archaeology is an issue which can be overcome with mitigation. It is not the absolute bar that NH have stated it to be River Restoration Project. It remains unclear how much land NH will take from Sleastonhow Farm as part of the DCO. The frustration caused by NH's lack of consultation on land take was then compounded by efforts to commandeer an existing river restoration project planned at Sleastonhow Farm. This project is not environmental mitigation advanced by NH. This is stealing an existing project which existed as an easy way to achieve mitigation. Losing land will impact the future viability of Sleastonhow farm as a business. It makes Sleastonhow (which has farmed to benefit nature for generations) less able to devote land to this planned River Restoration project. NH acknowledge this River Restoration project as important. NH sifting matrix included the protection of this project as a priority</p>	<p>included. Whilst the direct impact on the Scheduled Monument was not considered to be the determining factor in the preference of route, direct impacts to Scheduled Monuments should be avoided, unless in exceptional circumstances as per national policy.</p> <p>Given the potential impact the Orange Route would have on the Kirkby Thore Roman Fort and Associated Vicus Scheduled Ancient Monument, an application for development consent (that included the orange route) would have to demonstrate exceptional circumstances for the route. This would require a case to be made that potential substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm (to accord with policy 5.133 of the NNNPS). As an alternative alignment exists which does not have potential to harm the heritage assets in the proposed DCO application route (referred to as the blue route) the alternative orange route is likely not to be in accordance with national policy and in these circumstances there was the likelihood that development consent would be refused by the Secretary of State in response to paragraph 5.133 of the NNNPS, as set out in the Route Development Report - Appendix 3 to the PDOR (Document Reference 4.1, APP-247).</p> <p>Environmental Statement Chapter 3 Assessment of Alternatives (Document Reference, 3.2, APP-046) sets out a comparative assessment of alternative routes within the Temple Sowerby to Appleby scheme in section 1.5.21</p>

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	Consultation and Engagement Process	It is unclear why they have not included the actual landowners in any discussions. Eden Rivers Trust, Natural England and the Environment Agency should be consulted on the impact to the SAC should this project not proceed. I wish to be given the opportunity to attend the Examination in person. As a landowner and homeowner (which NH accept they have failed to consult) and as someone whose home and businesses will be irreparably impacted should this project proceed	<p>to 1.5.47. For further detail on the decision-making process involved in the route selection, see the Project Design Overview Report (Document Reference 4.1, APP-244); specifically, from paragraphs 5.4.19 onwards.</p> <p>There has been extensive engagement and consultation with the Nicholson family.</p> <p>We have met with the Nicholson Family throughout the preliminary design stage, and we understand their concerns with the scheme. A meeting held on 16/09/22 summarises the issues, including matters resolved and outstanding. We will continue to meet with the Nicholson Family throughout the Examination of the DCO Application.</p> <p>There has been wide ranging and extensive consultation and engagement on the project. A statutory consultation in Autumn 2021 was undertaken including consultation on a range of design information, on alternative routes that have been evaluated (including alternatives at Kirkby Thore) and environmental information (as set out in the Preliminary Environmental Information (PEI) Report) (published for Statutory Consultation in September 2021 and reproduced in Annex L of the Consultation Report (Document Reference 4.4, APP-264)). The PEI Report (presented information on the likely significant environmental effects of the project as well as the measures proposed to avoid or reduce such effects.</p>

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			<p>This information was provided to allow for responses on the preliminary design of the project, the assessment of impacts and the appropriateness of potential mitigation.</p> <p>A range of statutory and non-statutory environmental bodies (including those listed in the Nicholsons response) have been engaged through the project, in technical groups, focus groups and through engagement and consultation. They have therefore through the formal measures had opportunity to engage on environmental matters on the project.</p> <p>Following the statutory consultation process and ongoing engagement with stakeholders, proposed design changes were identified to the layout of several schemes as well as changes to walking, cycling and horse-riding provisions, the location of construction compounds and landforms. These changes were subject to a targeted consultation with information provided as part of the consultation that compared the environmental effects of the proposed changes with those presented in the original PEI Report,</p> <p>The feedback on the proposed design of the project, its assessment and the proposed mitigation measures (as presented at statutory consultation and as part of the supplementary consultation) has informed the alignment of the route and its design for the DCO application. The process of how the consultation feedback has informed the design is set out in the Consultation Report</p>

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			<p>(Document Reference 4.4, APP-252) with details on our response to each consultation issue set out in Annex N (Document Reference 4.4, APP-271) and P (Document Reference 4.4, APP-273) of the Consultation Report.</p> <p>In addition, there has been extensive engagement with affected land owners. This has included meetings with landowners and other forms of communication (letters, emails, and telephone calls. These meetings and communications have covered a wide range of issues, such as exploring different alignments and designs to address impact on business activities.</p>
	Development of the Project and Alternatives	I also wish to make representations on the following - Cost -Carbon - GHG emissions are x3 than the southern route -Landscape -Impact on the SAC -Loss of agricultural land -Increase in properties in Kirkby Thore exposed to noise and air pollution -Failure to consult on junction change/WCH/Compounds in the Statutory Consultation -Biodiversity loss at Sleastonhow Farm.	We have met with the Nicholson Family throughout the preliminary design stage, and we understand their concerns with the scheme. A meeting held on 16/09/22 summarises the issues, including matters resolved and outstanding. We will continue to meet with the Nicholson Family throughout the Examination of the DCO Application.
Humphrey Taylor, RR-229	Design, Engineering and Construction Development of the Project	My family moved to (REDACTED) in the 1950s and I have visited regularly since then. I am very concerned about the impact of the proposals for the Langrigg Junction on my sister and her husband, both in their 90s, and about which they were only informed in March 2021. Filling a field with roads and junctions which many local people consider not only unnecessary, but also a safety hazard, causing	We have met with Mr Taylor's family throughout the preliminary design stage, and we understand their concerns with the scheme. A meeting held with the Thompsons family on 21.04.22 summarises the issues, including matters resolved and those outstanding. National Highways need to promote a route that minimises the impact of and potential damage to the North Pennines Area of Outstanding Natural Beauty

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	and Alternatives	<p>increased cost (the Appleby-Brough section , with that to Temple Sowerby, constitutes 50 per cent of the total cost of the scheme), seems quite inappropriate in a time of climate emergency and cost of living crisis. The Thompsons are both in their nineties, and their current peaceful environment will be destroyed by multiple roads and sink ponds and road works. The local landscape, one of the most beautiful in the country, will be destroyed. Increased noise, more and faster traffic near the house, and obstruction of light, and air pollution, are all likely to be detrimental to their health as well as to the value of the cottage. National Highways have not seriously considered the option of the route going north of the current road, despite the support of local people, parish councils and other councillors, and their MP. The advice of key stakeholder, Friends of the Lake District, to upgrade the single carriageway, was not considered. Increased safety is not promised in the DCO documents, and the benefit cost ratio is low, under one. This scheme has no guaranteed benefits and should be rejected and reconsidered.”</p>	<p>(AONB), which is protected as a nationally designated site by legislation and policy. One of the key considerations in the design development work for Appleby to Brough has been to ensure that the design of the route alignment minimises the impact of and potential damage to the AONB. There are two key sets of policy tests to be addressed for such developments that need an incursion into the AONB; notably those applicable to developments within the boundary of such an area, and those applicable to developments outside such areas but that have an impact on them. As the preliminary design of the scheme developed it was found that elements of the Project could not be constructed, following the alignment of the Preferred Route, without some limited construction within the AONB. Alignments were then identified which would be in conformity with the key policy tests for the AONB and that would be suitable with respect to minimising or satisfactorily mitigating environmental impacts and meet the project objectives. The northern route being put forward would not conform with the key policy tests so was not considered.</p> <p>With regard to the alternatives taken forward, National Highways carried out a sifting exercise to compare the route options for the Appleby to Brough scheme. The details of the assessment can be found within the PDOR (Document Reference 4.1, APP-244) section 5.5 ‘Appleby to Brough’. The comparison assessed the options on a range of criteria including environmental and landscape</p>

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			<p>effects, safety, land take, demolition, geomorphology, impact on local businesses including farms and the economy, impact on communities and users, engineering, buildability and cost, carbon and conformity with the National Networks National Policy Statement including key policy tests and impacts on nationally designated areas including AONBs and cultural heritage. Conformity with the policy set out the National Networks National Policy Statement (NNNPS) is necessary when considering development outside the boundary of the AONB as they highlight that there is a need to have regard to the purpose of AONBs and avoid compromising this purpose when designing schemes which are outside of the designation, but which could lead to adverse effects within them. National Highways are therefore promoting a route with a minimal incursion into the AONB and MoD land to the north of the existing A66</p>
Mr A Watson, RR-209	<p>Design, Engineering and Construction</p> <p>Development of the Project Alternatives</p>	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required including public rights of way ii) Accommodation Works iii) Drainage iv) Impact on retained land v) Access to retained land</p> <ul style="list-style-type: none"> • The availability of more suitable routes for the proposed scheme; • and more efficient designs in regard to the land-take required 	<p>iii) The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design..</p> <p>iii) Further and updated information on highway drainage and run off attenuation forms part of the DCO Application (see general arrangement plans) and details on land drainage and management measures will be prepared as part of the detailed design process, as set out in the road</p>

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			<p>drainage and water environment section of Table 3-2: Register of environmental actions and commitments, within the EMP (Document Reference 2.7, APP-019).</p> <p>iv) We look forward to discussing further the respondents concerns on the impact on retained land as the design work progresses.</p> <p>v) The project team does not consider there to be sufficient information within this representation to respond to the issues raised. Engagement is ongoing with George F White as agent, and we will seek further clarification.</p> <p>With regard to more suitable routes and more efficient designs, the development of the design for the Project, including alternative routes considered and the decision making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244).</p>
Mr A Watson, RR-209	Design, Engineering and Construction Biodiversity and BNG	Ecological impact, the adequacy of mitigation measures, and also the suitability of the Applicant's current proposed locations for mitigation measures – Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs including in relation to public rights of way - Impact of the design on drainage to retained land and surrounding land and properties	The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-304 to APP-311 inclusive). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject

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			<p>to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p> <p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises and the land required to mitigate the significant environmental effects of the Project. The land required for environmental mitigation is that needed to mitigate the significant effects of the Projects based on the findings of the EIA as reported in the Environmental Statement (Document Reference 3.2, APP-044 to APP-059). As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p>

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			<p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-346) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure</p>

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			<p>MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>With regard to private drainage, if development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding</p>

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			<p>accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p>
Mrs S Strong RR-201	Landowner Flooding and Drainage	<p>"Mrs Strong is the owner/occupier of (REDACTED). The project will cut the farm into 2 sections which will be accessed via an underpass. The land take plans currently issued show excessive areas of land being taken (more than 10% of the farm). We have requested detailed plans showing what land is to be taken permanently and temporarily and also if there are to be any future management restrictions on land that is to be handed back. Information such as this is critical and has not been supplied in sufficient detail. The road scheme is to be built in a flood plain and has been designed to reduce the impact on the flood plain. However, we are concerned that the outfall under the railway line to the south is not large enough to cope with additional drainage water. Current proposals for attenuation ponds etc do not fully satisfy Mrs Strong. Further measures to prevent flooding of her farmhouse need to be put in place. To summarise, potential flooding and excessive land take are the basis of objections. If we are given more information on both</p>	<p>National Highways have met with Mrs Strong throughout the preliminary design stage, and we understand their concerns with the scheme. This has included meetings with the design team. The meeting held on 07.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 3 of 6 (Document Reference 5.13, APP-307) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout stage three. A letter inviting the respondent to negotiate with National Highways was issued on 28</p>

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		issues Mrs Strong may well be able to withdraw any objections.”	<p>March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>Outline management requirements for habitats are set out in the Environmental Management Plan Annex B1 Outline Landscape and Ecology Management Plan (Document Reference 2.7, APP-019). As mitigation is developed alongside the Project design, detailed plot specific management plans will be developed. These must be adhered to by whomever continues to manage that land for the management plan's duration.</p>
Richardson Family, RR-197	Design, Engineering and Construction	<p>Access:</p> <p>The farms current access is only utilized by the Richardson's and their subsequent business. However, the proposed farm access from the A66 will be available to a number of parties including the neighbouring landowners and provides a potential access point to Café Sixty Six. Although it is understood that the café does in fact have its own access point.</p>	<p>National Highways have met with The Richardson family throughout the preliminary design stage, including meetings and discussions with the design team. We understand their concerns with the scheme. The meeting held on 27.04.22 summarises the issues, including matters resolved and those outstanding. National Highways will continue to engage with the Richardson family on these matters.</p>

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		<p>It is our belief that road users will still potentially use the Richardson's access through miss understanding of the Cafés entrance, especially those travelling east to west. This also emphasises the point of safety on the road with potential movement of a number of vehicles including large agricultural machinery, livestock and pedestrians. Furthermore, neighbouring landowners, access onto Richardson's access way to provide access to their neighbouring land and potentially their hen shed if a further access track was constructed. In addition, it is unclear if the cycle track running north would be available to Mr Pattinson to gain entry to his fields further towards Warcop. As previously stated, the Richardson's run a closed 'High Health Herd' which therefore means that contact with other stock, is not permitted. This status of High Health enables the Richardson's to receive a premium payment. If this was no longer achievable through cross contamination with other stock from other holdings, this status would no longer be achieved, and the premium will be lost. It is therefore our concern that the neighbouring landowner has effectively been provided with a 'thoroughfare' from one side of the A66 to the other for movement of stock and vehicles, which is currently not the case. There is also a concern regarding this access with the potential for the neighbouring landowner to use the track to move livestock, the muck left on the road by the livestock</p>	<p>National Highways recognises that the Project may impact on certain access arrangements. Where this is the case, it will work with the relevant owners of the land affected to minimise disruption. Details on access arrangements and accommodation works will be developed further as part of the detailed design process.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to</p>

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		<p>would case a risk to safety for all vehicles travelling on the road</p>	<p>minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p>
	<p>Walking, Cycling and Horse Riding</p>	<p>WCH Track: The WCH track which has been proposed has come as a great concern to the Richardson's, regarding the potential for unwanted road users. This track will effectively be a haul road off the A66 which could see a number of vehicles accessing the track even though it is not proposed to be used for public vehicular access. As the track will be 3m in diameter this track will attract these users. The other issue will see a large number of travellers use this route running up to the Horse Fair week</p>	<p>We recognise that there is a desire from some affected persons to separate WCH routes from replacement private means of access. It is not unusual, particularly in rural areas, for private means of vehicular access to exist over public rights of way in relation to which there is no general public right of vehicular access. Such arrangements tend to have lower environmental impacts and require less land to be taken overall when compared with a segregated solution.</p> <p>Nonetheless, National Highways is giving further consideration, as part of the detailed design process, as to the extent that it is able to accommodate requests for</p>

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			<p>segregated private means of access and walking, cycling and horse riding provision and the outcome of that consideration will be discussed with the relevant affected persons in due course.</p>
	Impact to Land	<p>Impact on Farming Business The proposed route and environmental works will have significant impact upon the farming business and although the scheme is proposed to have minimal impact. The published arrangement drawings identify that that is not the case. The proposal takes no account that there is no alternative suitable land available to rent or buy in the immediate area to make up for the land lost to the scheme and environmental proposal on both a permanent and temporary basis result in a significant amount of additional land lost. The land which will be affected is currently utilised under strict management for the grazing of the dairy herd/youngstock and also used to make crop for the winter months. This land has taken many years to improve and establish to the necessary standards to aid the growth of a high-performance, high health dairy herd. Therefore, this land is not easily replaced. Any replacement land must also be suitably located so that it is in walking distance for livestock. In addition, the heavily managed grazing land requires applications of slurry post grazing to replace nutrients lost in the ground, to intensively grow the grass back.</p>	<p>Chapter 13 Population and Human Health within the Environmental Statement (Document Reference 3.2, APP-056) includes an assessment of impacts upon agricultural land holdings. As part of the assessment process agricultural landowners were consulted in order to understand how their businesses operated. This has been factored into the assessment of likely significant effects.</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design but it is recognised that it might not be possible to fully mitigate the adverse impacts to the farm business and in such cases it should be noted that the compulsory purchase compensation code would operate to seek to put the affected person in the position they would have been in had their land not been compulsory purchased, in so far as financial compensation is able to do so.</p>

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		<p>Therefore, the loss of the land to the scheme will not only adversely affect the grazing routine of the farming business but also require the erection of a new slurry storage facility to hold excess slurry which would normally be spread on the land taken but will now need to be retained. As the current accessible land will be lost to the scheme the farm will have to withstand housing their dairy cows over a longer period. Therefore, the prolonged housing of the herd will require significant more spending on feedstuffs all year round for the dairy enterprise and additional cost with managing the slurry on farm. The current plans identify that approximately 48 acres of the land owned by the Richardson family will be lost to the scheme, this is out of the 205 acres owned at New Hall or 23% of the land holding or 8.69% of the total land holding owned of 552 acres. As you can imagine, this is of great concern to the Richardson Family, and it will have detrimental impact on the farming business which has successfully been built up over many years. The Richardson Family have already had to suffer a reduction to their current herd, selling off youngstock at an earlier date than desired, to enable the archaeological works to be undertaken. Therefore, it is not an option to consider reducing the milking herd to mitigate the loss of the land. The business has built up livestock numbers to the level today after years of successful breeding. In addition, reducing cow numbers would automatically</p>	

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		<p>see the farming business at a disadvantage, not only would they receive a penalty from their milk buyer, but they would be disadvantaged when buying feedstuff and consumables</p>	
	<p>Design, Engineering and Construction</p> <p>Impact to Land</p>	<p>Access: The main farm access (and only access) leading to New Hall is also proposed to be altered as a result of the road scheme. During the whole process, it is requested that an access is provided at all times for New Hall for all vehicular access. There is also a certified site at New Hall for the caravan and motorhome club. Therefore, it is essential that access is available at all times so that visitors of the site are not restricted or prevented from accessing. If visitors are restricted from access this could see a reduction in visitor numbers and therefore revenue from the caravan site for the family. The new underpass bridge must also be of a sufficient size and height to accommodate large agricultural machinery which the Richardson Family use. The family also take three cuts of silage off the land which results in around 30 – 40 tractors and trailers per hour over three days per cut travelling in and out of New Hall. Following this is two days of slurry spreading which will see around 10 slurry tankers per hour to use the access after each cut. On top of this there is also all other various jobs that will be undertaken over the spring/summer months which require the access.</p>	<p>National Highways has liaised with affected landowners throughout the development of the Project. Meetings with landowners and through other forms of communication (letters, emails, and telephone calls) are a significant area of the engagement activity on the Project and have covered a wide range of issues including impact on accesses.</p> <p>National Highways recognises that the Project may impact on certain access arrangements. Where this is the case, it will work with the relevant owners of the land affected to minimise disruption. Details on access arrangements and accommodation works will be developed further as part of the detailed design process.</p> <p>The responsibility for the ongoing maintenance of infrastructure provided as part of the project, such as accommodation tracks, will be discussed with each landowner on a case-by case-basis and where applicable will be subject to management agreements and third party access rights where required.</p>

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		<p>Further information is also requested to understand the maintenance responsibility of the access track both during and post construction of the scheme. In addition, the access road proposed to the balancing ponds sever a number of the field parcels up and will allow third party rights over parts of the farm which currently have no rights at present this is very concerning and also represents a bio security issue.</p>	
	<p>Environment and EMP Biodiversity and BNG</p>	<p>Heathland: The environmental plans also illustrate areas of Heathland to be planted on the access, neighbouring field to the access track and a buffer strip around the field on the opposite side of the access track. We object to the amount of land taken for this heathland to be planted on. We are unsure on the management responsibility of the heathland as to who will be responsible for this or how we would expect this heathland to look. Would it be expected that the farmers take the responsibility for the management of the heathland back from Highways England. There is other suitable land on the scheme for heathland without using this good quality agricultural land for the environmental mitigation. The location of the farm is not regarded as a heathland area, and it is not sightly vegetation to have on the entrance to a dairy farm which prides themselves on well-maintained grassland. Therefore, the planting of the heathland is objected to on this basis.</p>	<p>While the Project has been designed with care to limit its adverse effects on the environment, it nonetheless gives rise to a need for landscape and environmental mitigation to reduce those adverse effects to an acceptable level. Areas of habitat creation and replacement are shown in an illustrative manner within Environmental Mitigation Maps (Document Reference 2.8, APP-041). that represent how the relevant mitigation measures could be implemented so as to be effective in terms of mitigating the adverse environmental effects of the Project.</p> <p>While the precise location of the mitigation measures within the Order limits is not fixed, their design will be developed to respond to the detailed design of the Project, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019), in particular commitments D-BD-01 and D-BD-05 which require the development of a Landscape and Ecological Management Plan and an Environmental Mitigation Scheme, and so as to be compatible with the</p>

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		<p>Further information is also required to understand the necessity of planting this heathland.</p> <p>Species Rich Grassland Approximately 5.27 hectares of the farms best silage ground is also proposed to be lost to accommodate balance ponds and species rich grassland. It has not been identified as to what the species rich grassland will include and to what the maintenance requirements there will be. Or whether the responsibility will remain that of Highways England or whether the responsibility will be transferred onto the farmers. We also object to the area this species rich grassland will cover and how the red line shows the grassland extending over the access track and leaving the farmer with small unviable parts of the field on the southern and western</p>	<p>applicable Project Design Principles (Document Reference 5.11, APP-302).</p> <p>The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2, APP-049). The sizes of the areas of land required are commensurate to the adverse environmental effects of the Project, prior to such environmental and landscape mitigation being taken into account, and as such the land is required to deliver the Project. Potential effects of the acquisition of the land required for the Project on agricultural businesses are assessed within Environmental Statement Chapter 13: Population and Human Health (Document Reference 3.2 APP-056), which takes into account the land required for essential mitigation such as for landscaping and habitat creation.</p> <p>Outline management requirements for habitats are set out in the Environmental Management Plan Annex B1 Outline Landscape and Ecology Management Plan (Document Reference 2.7 APP-021) for the different elements of landscape and ecological mitigation (for example species rich grassland, woodland, native hedgerows etc.). As mitigation is developed alongside the Project design, detailed management plans will be developed and consulted upon before they are implemented in accordance with the Environmental Management Plan (Document Reference 2.7, APP-019),</p>

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			<p>in particular commitments D-BD-01 and D-BD-05, which require the development of a Landscape and Ecological Management Plan (based on the Outline Landscape and Ecology Management Plan) and an Environmental Mitigation Scheme respectively. The landscape and ecological mitigation will be designed so as to be compatible with the relevant Design Principles (Document Reference 5.11, APP-302) and will be carried out and managed in accordance with those finalised plans.</p> <p>Throughout the stages of the Project Control Framework required for National Highways projects, as reported in the PDOR (Document Reference 4.1, APP-244), from as early as Stage 1 deliverables, shortlisted options were considered against a number of criteria including BMV in accordance with paragraph 5.168 of the NNNPS. The assessment shows that the magnitude of effect for loss of BMV is similar if not the same for all of the route options evaluated for the Project. The potential loss of BMV was therefore taken into account but was not a clear differentiating factor between options.</p>
	Road, Drainage, Water and Environment	7– Balance Ponds Objection to the size of the balance ponds and the necessity for two. Further information required regarding the maintenance track which is to be installed for the balance tracks and who will have the right to access this track and maintain the condition of it.	National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document).

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		<p>We have requested that these are relocated to be less intrusive and also if they are to be located in this location that access will be required around these for stock movements.</p> <p>8 – Extra Land Take To the north of A66 it is identified that a large area of land has been included within the DCO red line boundary. It is not understood as to why this land is essential for the construction of the scheme and why such a large area is required. With this land being lost, this furthers the reduction of viable grazing land for the dairy herd/youngstock. This land is also classed as the dry land of the holding which enables out-wintering of youngstock. With the loss of this land under the scheme, the Richardson's will be required to house the youngstock which will require extra feedstuffs and bedding as well as suitable housing as the current housing on farm is at full capacity at present, meaning they are unable to consider housing any more stock without additional shed space</p>	<p>The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage</p>

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			<p>surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process, is set out in the Project Development Overview Report (Document Reference 4.1, APP-244). National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures. 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 reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations.</p> <p>We recognise that there is a desire from some landowners to separate WCH routes from replacement private means of access. It is not unusual, particularly in rural areas, for private means of vehicular access to exist over public rights of way in relation to which there is no general public right of vehicular access. Such arrangements tend to have lower environmental impacts</p>

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			<p>and require less land to be taken overall when compared with a segregated solution.</p> <p>Nonetheless, National Highways is giving further consideration, as part of the detailed design process, as to the extent that it is able to accommodate requests for segregated private means of access and walking, cycling and horse riding provision and the outcome of that consideration will be discussed with the relevant affected persons in due course. National Highways recognises that the Project may impact on certain farming, security and access arrangements. Where this is the case, it will work with the relevant owners of the land affected to minimise disruption. Details on access arrangements and accommodation works will be developed further as part of the detailed design process</p>
	<p>Design, Engineering and Construction</p> <p>Impact to Land</p> <p>Walking, Cycling and Horse Riding</p>	<p>Footpath Diversion Objection to the location of the new footpath diversion. At present the current footpath does not impact the farming business or interfere with the day-to-day working life on the holding. The proposed diversion of the footpath will see, public utilising the under-bridge. This access is used regularly by farm machinery and the dairy cows, especially during the spring and summer months. It is of great concern to the Richardson family that this access will now be shared with the public, with concerns over health and safety of the public with farm machinery and dairy cows. Also concerns over security of the</p>	<p>National Highways are currently considering walking and cycling provision along the route and how this shared facility will interact with PROW's. The proposed layout (including PROW's) will be developed and refined during the detailed design stage. Any land required and accommodation works will be considered further as changes are made to the layout. We will continue to work and consult with all impacted stakeholders through the DCO process and into detailed design.</p> <p>National Highways recognises that the Project may impact on certain farming, security and access arrangements. Where this is the case, it will work with the</p>

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		farm through allowing greater access for the public, concerns relating to stock being let out and ease of access to the farms main access route. If the footpath is to be diverted under the bridge then there will need to be a dedicated pedestrian lane so prevent any possible conflict between the farm traffic and the public	relevant owners of the land affected to minimise disruption. Details on access arrangements and accommodation works will be developed further as part of the detailed design process.
	Design, Engineering and Construction Impact to Land	Small Parcels of Land Excluded from the Red Line Objection of the location of the red line. The location of the red line across land parcels excludes small parts of field parcels which leaves the farmer with unviable pieces of land which will be unsuitable for agricultural use. The areas are not large enough to consider even grazing stock on	Chapter 13 Population and Human Health within the Environmental Statement (Document Reference 3.2, APP-056) includes an assessment of impacts upon agricultural land holdings. As part of the assessment process agricultural landowners were consulted in order to understand how their businesses operated. This has been factored into the assessment of likely significant effects.
	Biodiversity and BNG Impacts to Land	<ul style="list-style-type: none"> • 11 – Hedgerows Where fields are severed, by such a long linear scheme it will result in some fields being left awkward shapes. A common element for severance is the cost of removing hedges and fences in order to reshape fields into a sensible layout. Since the introduction of the Hedgerows Regulations 1997, the removal of any hedge which is more than 20 meters in length requires consent of the Local Planning Authority. This adds time, costs and uncertainty to farmers and in some instances planning authorities do not approval the removal of the hedgerows which further impacts the overall farming system of the affected party. 	National Highways acknowledges the concerns raised in relation to the adaptation of the affected person's retained land and the potential difficulties that can be encountered in relation to the Hedgerow Regulations 1997. National Highways will continue to engage with the affected person in relation to its acquisition of the interests in land required for the Project and notes that the statutory compensation code makes provision for compensation as a result of the diminution in value of retained land.

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	Biodiversity and BNG Impact to Land	9 – Use of Compulsory Purchase Powers for Environmental Mitigation National Highways has included large areas of farmland for use as environmental mitigation. There is no reason why the landowners should not be able to retain ownership of such land in such circumstances if the farmer is content to take on the burden of maintenance , subject to reasonable terms being agreed to ensure the mitigation is maintained.	<p>Land identified for environmental and landscape mitigation is required in order to mitigate the adverse environmental effects of the Project and as such is essential to its delivery. All of the land in relation to which National Highways seeks authorisation for compulsory acquisition, for the creation and compulsory acquisition of new rights and for the creation and imposition of restrictive covenants, or for temporary possession, is shown on the Land Plans (Document Reference 5.13, APP-304 to APP-311 inclusive) shaded pink (acquisition of land), blue (acquisition of rights over land / imposition of restrictive covenants on land) or green (temporary possession of land).</p> <p>National Highways is committed to working with landowners to avoid the need to exercise compulsory acquisition powers if appropriate agreements can be entered into. Such agreements could include management agreements or agreements under section 253 of the Highways Act 1980 in appropriate circumstances. However, not all types of environmental mitigation are well suited to those types of contractual arrangements given the long duration of the Project and the need to maintain certain categories of mitigation over the long term.</p>

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			<p>As such, while National Highways is committed to exploring such arrangements in appropriate circumstances, it must, nonetheless, retain the ability to acquire such land in order to safeguard the delivery of the Project.</p> <p>In order to safeguard the delivery of the Project whilst also ensuring that the most appropriate arrangement can be reached with affected landowners on a case-by-case basis, the draft Development Consent Order (Document Reference 5.1, APP-285) is drafted in terms which allow a flexible approach to the exercise of the compulsory acquisition powers. For example: where land is shaded pink on the Land Plans, denoting that powers of compulsory acquisition are sought to enable the outright acquisition of the land, articles 19, 22 and 29 of the draft DCO also provide for an alternative 'lesser' solution, such that if the necessary environmental mitigation could be achieved through the creation and acquisition of new rights (including the imposition of restrictive covenants), without the need for the land to be acquired outright, this would still be possible notwithstanding the fact that the land is shaded pink on the Land Plans. Similarly, all land shaded pink or blue (in addition to that shaded green) on the Land Plans may be subject to powers of temporary possession (as distinct from powers of compulsory acquisition).</p>

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			<p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises. As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project because the imposition of the mitigation measures would render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project.</p>

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			<p>This approach reflects the use of compulsory acquisition powers as a 'tool of last resort', as advocated in Government Guidance on the Compulsory Purchase Process and the Crichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project in a way that is proportionate and which balances, as far and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p> <p>The Project will need to be delivered within the Order limits (as shown by means of a red line boundary on the Land Plans), but it is possible that as the detailed design is progressed, not all of the land included within the Order limits will be needed. Where that is the case, then, in accordance with section 122 of the Planning Act 2008, National Highways will only acquire, or use, the land which is actually required for the Project, or to facilitate it, or to be incidental to it, or is required as exchange land (to replace special category land). Indeed, there would not be a compelling case in the public interest to acquire any more land than that which is actually needed for the Project.</p> <p>In the context outlined above, as provided for in the draft DCO and accompanying Land Plans, National Highways remains committed to achieving the acquisition or use of land by agreement with landowners wherever possible, such that where the acquisition of rights or the use of temporary possession powers provide a mutually</p>

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	Environment and EMP	<p>10 – Maintenance of Farmland – Weed Control Measures On other schemes where large areas of land have been taken, via compulsory purchase land has then been left to lie unused for long period of time. What then happens is then weeds are allowed to grow, and the condition of the land deteriorates. National Highways should be made to ensure that all land is maintained correctly</p>	<p>acceptable solution within a reasonable timescale, this will be progressed.</p> <p>Weed control, where required, will be part of the management regime for the habitats set out in the Environmental Management Plan Annex B1 Outline Landscape and Ecology Management Plan (Document Reference 2.7, APP-021) for the different elements of landscape and ecological mitigation (for example species rich grassland, woodland, native hedgerows etc.). As mitigation is developed alongside the Project design, detailed management plans will be developed and consulted upon before they are implemented in accordance with the Environmental Management Plan (Document Reference 2.7, APP-019). This includes the development of the OLEMP into a more detailed document, in consultation with stakeholders, which will then be subject to Secretary of State approval as part of the 2nd iteration EMP, prior to the start of works (as secured in article 53 of the draft DCO (Document Reference 5.1, APP-285). This includes the development of the OLEMP into a more detailed document, in consultation with stakeholders, which will then be subject to Secretary of State approval as part of the 2nd iteration EMP, prior to the start of works (as secured in article 53 of the draft DCO (Document Reference 5.1, APP-285).</p>

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	Road Drainage and Water Environment Environment and EMP	<p>Interruption of Water Supplies The impact on water supplies, should be considered. National Highways should produce a management plan of how they will ensure water supplies are not impacted during the construction and operational phase of the scheme.</p> <p>Land Drainage It is likely that the construction of this scheme will have a big impact upon land drainage. We would ask that it a condition of the approval that a full scheme of drainage is designed by a third party expert and then implemented</p>	<p>If development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed in writing. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities. As stated in table 2-2 of the EMP, the Agricultural Liaison Officer will be responsible for “coordinating land drainage surveys land and sharing pre-and post-construction land drainage schemes with owner/occupiers’ land.”</p> <p>In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so</p>

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			<p>that it can be taken into account as the detailed design of the Project progresses.</p> <p>The Environmental Management Plan (Document Reference 2.7, APP-019) includes REAC D-RDWE-09) which secures the commitment for further monitoring and additional surveying be undertaken in detailed design, and a protection plan be developed for any impacted well/source, or provide a replacement well or alternative water supply. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p> <p>The EMP referenced above also includes REAC D-RDWE-10 which secures the requirement for any affect to land drainage will be mitigated or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained.</p>
	Impact to Land	Meetings The Richardson's have had several meetings with various people from National Highways, during these meetings it has been promised that things would be changed and that further meetings would be	The Schedule of Negotiations (Document Reference 5.9, APP-301) sets out the meetings and other communications with the Richardson's family at the pre-application stage (see row 13 and 72 of the Schedule).

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		arranged, to date we have not been able to arrange these meetings.”	Through further engagement, National Highways will seek to resolve the outstanding issues.
Stephen Reay, RR-199	Impact to Land	1 – Communication: There has been little/no communication over the inclusion in this area of land within the DCO and Mr. Reay would like to have an on-site meeting to discuss the impact of the inclusion of this land immediately. There was communication at the commencement of the project but nothing further since this time	<p>The Public Liaison Officer (PLO) for this area has been in regular touch with Mr Reay. Subsequently emails have been exchanged to address the issues raised by Mr Reay. A meeting has now been arranged to discuss this matter further with the newly appointed land agent.</p> <p>The Schedule of Negotiations (Document Reference 5.9, APP-301) sets out the communications at the pre-application stage with Mr Reay (row 284 of the Schedule). Through further engagement, National Highways will seek to resolve the outstanding issues.</p>
	Design, Engineering and Construction Impact to Land	Access: The area of land is the only access to the Woodland on the banks of the River Eden, Mr. Reay has plans to slowly extract timber from this wood in due course for his firewood business. The unregistered area of land was to be used as his extraction route, if the DCO is approved there will be no legal route to gain entry to the woodland. Therefore, this will significantly depreciate the value of the wood and also lead to the woodland not being able to be managed correctly. If a site meeting had been had during the consultation period this would have been picked up	<p>National Highways are considering access arrangements across the scheme and from the proposed footway/cycleway and B6542 and how this best accommodates affected landowners.</p> <p>National Highways acknowledges this request for a commitment to a change to the design in relation to the access to the woodland. This change, if appropriate and feasible, can most likely be undertaken within the boundaries of the DCO application as there is sufficient flexibility in most cases built into the DCO application to allow for this type of change. If feasible and appropriate the change would be secured through commitments in Statements of Common Ground or Position Statements, or through a legal agreement between National Highways and the relevant Interested Parties or Affected Persons.</p>

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			<p>National Highways is continuing the engagement with affected parties to resolve matters such as those relating private means of access in advance of any relevant compulsory acquisition hearings and/or issue specific hearings.</p>
	<p>Impact to Land</p> <p>Environment and EMP</p> <p>Legal</p>	<ul style="list-style-type: none"> • Use of Compulsory Purchase Powers for Environmental Mitigation National Highways has included large areas of farmland for use as environmental mitigation. There is no reason why the landowners should not be able to retain ownership of such land in such circumstances if the farmer is content to take on the burden of maintenance, subject to reasonable terms being agreed to ensure the mitigation is maintained. 	<p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Sheet 7 of 7 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>Land identified for environmental and landscape mitigation is required in order to mitigate the adverse environmental effects of the Project and as such is essential to its delivery. All of the land in relation to which National Highways seeks authorisation for compulsory acquisition, for the creation and compulsory acquisition of new rights and for the creation and imposition of restrictive covenants, or for temporary possession, is shown on the Land Plans (Document Reference 5.13, APP-306) shaded pink (acquisition of land), blue (acquisition of rights over land / imposition of restrictive covenants on land) or green (temporary possession of land).</p>

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			<p>National Highways is committed to working with landowners to avoid the need to exercise compulsory acquisition powers if appropriate agreements can be entered into. Such agreements could include management agreements or agreements under section 253 of the Highways Act 1980 in appropriate circumstances. However, not all types of environmental mitigation are well suited to those types of contractual arrangements given the long duration of the Project and the need to maintain certain categories of mitigation over the long term. As such, while National Highways is committed to exploring such arrangements in appropriate circumstances, it must, nonetheless, retain the ability to acquire such land in order to safeguard the delivery of the Project.</p> <p>In order to safeguard the delivery of the Project whilst also ensuring that the most appropriate arrangement can be reached with affected landowners on a case-by-case basis, the draft Development Consent Order (5.1, APP-285) is drafted in terms which allow a flexible approach to the exercise of the compulsory acquisition powers. For example: where land is shaded pink on the Land Plans, denoting that powers of compulsory acquisition are sought to enable the outright acquisition of the land, articles 19, 22 and 29 of the draft DCO also provide for an alternative 'lesser' solution, such that if the necessary environmental mitigation could be achieved through the creation and acquisition of new rights (including the</p>

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			<p>imposition of restrictive covenants), without the need for the land to be acquired outright, this would still be possible notwithstanding the fact that the land is shaded pink on the Land Plans. Similarly, all land shaded pink or blue (in addition to that shaded green) on the Land Plans may be subject to powers of temporary possession (as distinct from powers of compulsory acquisition).</p> <p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises. As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project</p>

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			<p>because the imposition of the mitigation measures would render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project. This approach reflects the use of compulsory acquisition powers as a 'tool of last resort', as advocated in Government Guidance on the Compulsory Purchase Process and the Crichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project in a way that is proportionate and which balances, as far and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p> <p>The Project will need to be delivered within the Order limits (as shown by means of a red line boundary on the Land Plans), but it is possible that as the detailed design is progressed, not all of the land included within the Order limits will be needed. Where that is the case, then, in accordance with section 122 of the Planning Act 2008, National Highways will only acquire, or use, the land, which is actually required for the Project, or to facilitate it, or to be incidental to it, or is required as exchange land (to replace special category land). Indeed, there would not be a compelling case in the public interest to acquire any more land than that which is actually needed for the Project.</p>

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			<p>In the context outlined above, as provided for in the draft DCO and accompanying Land Plans, National Highways remains committed to achieving the acquisition or use of land by agreement with landowners wherever possible, such that where the acquisition of rights or the use of temporary possession powers provide a mutually acceptable solution within a reasonable timescale, this will be progressed.</p>
	<p>Environment and EMP</p>	<p>Maintenance of Farmland – Weed Control Measures On other schemes where large areas of land have been taken, via compulsory purchase land has then been left to lie unused for long period of time. What then happens is then weeds are allowed to grow, and the condition of the land deteriorates. National Highways should be made to ensure that all land is maintained correctly</p>	<p>Where appropriate and necessary weed control measures will be set out as part of the outline management requirements for habitats, as part of the Environmental Management Plan Annex B1 Outline Landscape and Ecology Management Plan (Document Reference 2.7, APP-021) (OLEMP) for the different elements of landscape and ecological mitigation (for example species rich grassland, woodland, native hedgerows etc.). As mitigation is developed alongside the Project design, detailed management plans will be developed and consulted upon before they are implemented in accordance with the Environmental Management Plan (Document Reference 2.7, APP-019), in particular commitments D-BD-01 and D-BD-05, which require the development of a Landscape and Ecological Management Plan (substantially in accordance with the OLEMP) and an Environmental Mitigation Scheme respectively.</p>

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			The landscape and ecological mitigation will be designed so as to be compatible with the relevant Design Principles (Document Reference 5.11, APP-302) and will be carried out and managed in accordance with those finalised plans.
	Landowner Design, Engineering and Construction	Footpath Although not confirmed it would appear from the plans that there is a proposal to install a footpath along this area, this raises various concerns over littering of the adjoining land holding.	All new highways, including footpaths, would be subject to an operational maintenance regime that would ensure that they are maintained to an appropriate standard.
	Biodiversity and BNG	Extra Land Take The majority of the land appears to have been included within the DCO is sown as grassland, this land is already grassland and therefore we are unsure as to why this area has been included at all. This land does not need to be included in order to facilitate the construction of the project	The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process, is set out in the Project Development Overview Report (Document Reference 4.1, APP-244). National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures. 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 reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations

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			<p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises and the land required to mitigate the significant environmental effects of the Project. The land required for environmental mitigation is that needed to mitigate the significant effects of the Projects based on the findings of the EIA as reported in the Environmental Statement (Document Reference 3.2, APP-044 to APP-059). As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p>
	Legal	<p>Inappropriate use of Compulsory Purchase Powers As the full detailed design has not been carried out yet and the design keeps changing, the DCO includes large areas of additional land required which may be temporary and may be permanent, some of which it is clear that it is not required for the scheme. We ask that this is looked into. This point is also linked to the above comment.</p>	<p>National Highways is committed to working with landowners to avoid the need to exercise compulsory acquisition powers if appropriate agreements can be entered into. Such agreements could include management agreements or agreements under section 253 of the Highways Act 1980 in appropriate circumstances. However, not all types of environmental mitigation are well suited to those types of contractual arrangements given the long duration of the Project and the need to maintain certain categories of mitigation over</p>

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			<p>the long term. As such, while National Highways is committed to exploring such arrangements in appropriate circumstances, it must, nonetheless, retain the ability to acquire such land in order to safeguard the delivery of the Project.</p> <p>In order to safeguard the delivery of the Project whilst also ensuring that the most appropriate arrangement can be reached with affected landowners on a case-by-case basis, the draft Development Consent Order (Document Reference 5.1, APP-285) is drafted in terms which allow a flexible approach to the exercise of the compulsory acquisition powers. For example: where land is shaded pink on the Land Plans, denoting that powers of compulsory acquisition are sought to enable the outright acquisition of the land, articles 19, 22 and 29 of the draft DCO also provide for an alternative 'lesser' solution, such that if the necessary environmental mitigation could be achieved through the creation and acquisition of new rights (including the imposition of restrictive covenants), without the need for the land to be acquired outright, this would still be possible notwithstanding the fact that the land is shaded pink on the Land Plans. Similarly, all land shaded pink or blue (in addition to that shaded green) on the Land Plans may be subject to powers of temporary possession (as distinct from powers of compulsory acquisition).</p>

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			<p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises. As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project because the imposition of the mitigation measures would render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project.</p>

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			<p>This approach reflects the use of compulsory acquisition powers as a 'tool of last resort', as advocated in Government Guidance on the Compulsory Purchase Process and the Crichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project in a way that is proportionate and which balances, as far and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p> <p>The Project will need to be delivered within the Order limits (as shown by means of a red line boundary on the Land Plans), but it is possible that as the detailed design is progressed, not all of the land included within the Order limits will be needed. Where that is the case, then, in accordance with section 122 of the Planning Act 2008, National Highways will only acquire, or use, the land which is actually required for the Project, or to facilitate it, or to be incidental to it, or is required as exchange land (to replace special category land). Indeed, there would not be a compelling case in the public interest to acquire any more land than that which is actually needed for the Project.</p> <p>In the context outlined above, as provided for in the draft DCO and accompanying Land Plans, National Highways remains committed to achieving the acquisition or use of land by agreement with landowners wherever possible, such that where the acquisition of rights or the use of temporary possession powers provide a mutually</p>

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			acceptable solution within a reasonable timescale, this will be progressed.
Susanna Lucy Martin, RR-231	Traffic and Transport	<p>I am very concerned about the destruction of the landscape and the beautiful views inherent in the whole scheme, and particularly the Langrigg Junction and associated new roads. Additional junctions increase the risk of accidents. Because the route has been planned south of the current A66 it is necessary to build additional roads and junctions. The number of additional roads and the increase in traffic will lead to an increase in noise and air pollution. There is no promise of improved safety In the DCO documents and value for money is poor. National Highways appear not to have considered the huge disruption to my grandparents, living at (REDACTED) in their nineties when constructing this scheme. It is not going to benefit future generations (including my own children) to have beautiful countryside turned into an industrial desert. It is time to plan for the future, as in the government's own policies, to more sustainable transport.</p>	<p>We have met with the respondent's family throughout the preliminary design stage and we understand their concerns with the scheme. The meeting held on 21.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The Project has undertaken an Environmental Impact Assessment to determine the potential effects of the Project on the environment, including effects on landscape, noise, and air quality. This assessment can be found in the Environmental Statement that has been submitted as part of the DCO application.</p> <p>Environmental Statement Chapter 9: Landscape and Visual (Document Reference 3.2, APP-052) sets out the assessment of landscape and visual effects and identifies mitigation required to minimise the effects such as planting and landform. As stated in section 10.10.134 is considered that with the maturation of planting, there is expected to be one significant effect as a result of the Appleby to Brought scheme, by year 15, which is the view from Warcop Railway.</p> <p>With reference to increased noise and air pollution, Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-048) assesses potential effects of the Project on air pollution. There is a modelled air quality point close to Langrigg junction (HSR48)</p>

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			<p>which, as stated in Appendix 5.4 Operational Phase Assessment this location is expected to experience a slight increase in particulate matter and NO₂ concentrations, however these are not expected to be significant. Environmental Statement Chapter 12: Noise and Vibration (Document Reference 3.2, APP-055) assesses the potential effects of the Project on noise and vibration. As stated in section 12.10.94 to 12.10.95, there are a number of significant effects expected in the Appleby to Brough scheme as a result of noise, four significant beneficial effects as a result of reduction in noise and 11 adverse, West View and Foxtower View, and nine dwellings in Brough. Essential mitigation is identified and described in Table 12-20 of the aforementioned Environmental Statement Chapter 12.</p> <p>With reference to increased accident risk, section 9.4 of the Transport Assessment (Document Reference 3.7, APP-236) describes the impact of the Project on Road Safety. It forecasts that the Project will save 530 casualties (including 14 fatalities) over the 60-year appraisal period.</p> <p>When considering Value for money, the project needs to be considered alongside all of the benefits that the project will bring. Chapter 4 of the Case for the Project (Document Reference 2.2 APP-008) describes the current issues on the route:</p>

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			<ul style="list-style-type: none"> • Paragraph 4.2.8 to 4.2.15 outline the current safety issues. In summary the A66 has a higher-than-average number of accidents across some lengths of the route, with a direct correlation between road accidents within the single carriageway lengths of the route and where dualled lengths meet or are reduced to single carriageway lengths. • Paragraph 4.2.16 to 4.2.21 outline the issues caused by the single carriageway sections in terms of journey times and reliability. • Paragraph 4.2.22 to 4.2.23 discusses the increased likelihood of road closures on the single carriageway sections. • Paragraph 4.2.24 to 4.2.27 discuss the issues of severance, notably within Kirkby Thore. • Paragraph 4.2.28 to 4.38 discuss the importance of the route to Freight traffic, as highlighted by the fact that HGVs comprise on average 25% of total vehicles on most lengths significantly higher than on comparable roads of this nature. <p>The A66 project is about improving safety on a road which is well below standard, transforming East-West connectivity particularly for longer distance freight to/from the English/Scottish ports, and also supporting businesses and communities along the route particularly the tourism sector through providing a faster, safer and more reliable route.</p>

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			<p>In response to these issues the Project Objectives have been developed, which are outlined in paragraph 1.7.10 and Table 1-2 of the document.</p> <p>HM Treasury and The Department for Transport sets out guidance for valuing the costs and benefits through a scheme business case, through the 'Green Book' and WebTAG.</p> <p>Some of the costs and benefits can have a monetary value calculated and presented into a Benefit Cost Ratio ('BCR'), whilst other costs and benefits are valued qualitatively and described within the business case. Table 5.4 of the document presents the monetised economic benefits the Project will bring. The principle monetisable benefits are Transport economic efficiency benefits of £521.1m; safety and accident benefits of 29.6m; and journey time reliability benefits £272.204m. The analysis that underpins this is contained within the Combined Modelling and Appraisal Report (Document Reference 3.8, APP-237).</p> <p>The BCR is just one component of the overall project business case, and should be read alongside all the other impacts of the project – this wider view of the project is key to decision making, taking into account the various benefits which the project presents. To this end, the way in which the proposals meet the Project objectives is detailed within Table 7-1 of (Document Reference 2.2, APP-008) Case for the Project.</p>

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			<p>As the A66 project develops, more information becomes available around the project costs, and also the project benefits, so the Benefit Cost Ratio will be refined, as the project goes through its various development stages, which is normal and to be expected and occurs on all projects, as set out in the 'Green Book'.</p> <p>In advance of the next DfT approval stages of the business case, National Highways is undertaking further development work to prepare the full business case. This includes for example, looking to update our valuation of the BCR (across costs and benefits) to reflect the latest project costs and applying latest data around safety, freight, the impact of the project on levelling-up, environmental impacts etc.</p> <p>In response to concerns regarding the impacts during construction, Annex B13 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) 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. Article 53 of the DCO requires a second iteration of the EMP to be approved by the Secretary of State pre-implementation</p>

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			<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 Management Plan is available and understood by all parties prior to commencing the works on site.</p> <p>The CTMP will be developed within Chapter B13.2 (Document Reference 2.7, APP-033) 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.

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			<p>The measures agreed through CTMP will therefore be implemented to limit the diversion of traffic away from the A66 during construction such that the local roads can continue to fulfil their current function</p>
Tim Nicholson, RR-218	<p>Case for the Project</p> <p>Consultation and Engagement Process</p>	<p>We demand the right to be heard. We OBJECT to the proposals for the A66 dualling specifically around Kirkby Thore village (Temple Sowerby to Appleby section) on the grounds of it being a poorly considered proposal which has not been properly consulted on.</p>	<p>Members of the project team have met with the Nicholson family throughout the preliminary design stage, and we understand their concerns with the scheme. This has included meetings with the design team.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 4 of 4 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>There has been wide ranging and extensive consultation and engagement on the project. A statutory consultation in Autumn 2021 was undertaken including consultation on a range of design information, on alternative routes that have been evaluated (including alternatives at Kirkby Thore and Temple Sowerby to Appleby scheme)) and environmental information (as set out in the Preliminary Environmental Information (PEI) Report). The PEI Report (published for Statutory Consultation in September 2021 and reproduced in Annex L of the Consultation Report</p>

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			<p>(Document Reference 4.4, APP-252) presented information on the likely significant environmental effects of the project as well as the measures proposed to avoid or reduce such effects. This information was provided to allow for responses on the preliminary design of the project, the assessment of impacts and the appropriateness of potential mitigation.</p> <p>Following the statutory consultation process and ongoing engagement with stakeholders, proposed design changes were identified to the layout of several schemes as well as changes to walking, cycling and horse-riding provisions, the location of construction compounds and landforms. These changes were subject to a targeted consultation during January-April 2022 with information provided as part of the consultation that compared the environmental effects of the proposed changes with those presented in the original PEI Report.</p> <p>The feedback on the proposed design of the project, its assessment and the proposed mitigation measures (as presented at statutory consultation and as part of the supplementary consultation) has informed the alignment of the route and its design for the DCO application. The process of how the consultation feedback has informed the design is set out in the Consultation Report (Document Reference 4.4, APP-252) with details on our response to each consultation issue set out in Annex N (Document Reference 4.4, APP-271) and P (Document</p>

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			<p>Reference 4.4, APP-273) of the Consultation Report (Document Reference 4.4, APP-252).</p> <p>Table 6.2 of the Consultation Report (Document Reference 4.4, APP-252) provides a summary of some of the project design changes made following statutory consultation. Design development continued following statutory consultation having regard to feedback received throughout the consultation and ongoing engagement, to address environmental and traffic issues that arose following completion of surveys and to incorporate mitigation for impacts that had been identified through the Environmental Impact Assessment (EIA).</p> <p>In addition, there has been extensive engagement with affected land owners. This has included meetings with landowners and other forms of communication (letters, emails, and telephone calls). These meetings and communications have covered a wide range of issues, such as exploring different alignments and designs to address impact on business activity and farming. The dialogue will continue as necessary with those with land interests throughout the Examination and detailed design stages of the Project.</p>
	Development of the Project and Alternatives	It represents poor value for public money with a Benefit: Cost ratio of less than 1 and the poor route selection SPECIFICALLY on this section will cost more than £80m more and emit more than 600,000 tonnes	When considering Value for money, the project needs to be considered alongside all of the benefits that the project will bring. Chapter 4 of Document Reference 2.2 APP-008 Case for the Project describes the current issues on the route:

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		<p>mor" CO₂e than the alternative ("orange" or "southern") route (NH own figures) in construction alone</p>	<ul style="list-style-type: none"> • Paragraph 4.2.8 to 4.2.15 outline the current safety issues. In summary the A66 has a higher-than-average number of accidents across some lengths of the route, with a direct correlation between road accidents within the single carriageway lengths of the route and where dualled lengths meet or are reduced to single carriageway lengths. • Paragraph 4.2.16 to 4.2.21 outline the issues caused by the single carriageway sections in terms of journey times and reliability. • Paragraph 4.2.22 to 4.2.23 discusses the increased likelihood of road closures on the single carriageway sections. • Paragraph 4.2.24 to 4.2.27 discuss the issues of severance, notably within Kirkby Thore. • Paragraph 4.2.28 to 4.38 discuss the importance of the route to Freight traffic, as highlighted by the fact that HGVs comprise on average 25% of total vehicles on most lengths significantly higher than on comparable roads of this nature. <p>The A66 project is about improving safety on a road which is well below standard, transforming East-West connectivity particularly for longer distance freight to/from the English/Scottish ports, and also supporting businesses and communities along the route particularly the tourism sector through providing a faster, safer and more reliable route.</p>

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			<p>In response to these issues the Project Objectives have been developed, which are outlined in paragraph 1.7.10 and Table 1-2 of the document.</p> <p>HM Treasury and The Department for Transport sets out guidance for valuing the costs and benefits through a scheme business case, through the 'Green Book' and WebTAG.</p> <p>Some of the costs and benefits can have a monetary value calculated and presented into a Benefit Cost Ratio ('BCR'), whilst other costs and benefits are valued qualitatively and described within the business case. Table 5.4 of the document presents the monetised economic benefits the Project will bring. The principle monetisable benefits are Transport economic efficiency benefits of £521.1m; safety and accident benefits of 29.6m; and journey time reliability benefits £272.204m. The analysis that underpins this is contained within the Combined Modelling and Appraisal Report (Document Reference 3.8, APP-237).</p> <p>The BCR is just one component of the overall project business case, and should be read alongside all the other impacts of the project – this wider view of the project is key to decision making, taking into account the various benefits which the project presents. To this end, the way in which the proposals meet the Project objectives is detailed within Table 7-1 of (Document Reference 2.2, APP-008) Case for the Project.</p>

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			<p>As the A66 project develops, more information becomes available around the project costs, and also the project benefits, so the Benefit Cost Ratio will be refined, as the project goes through its various development stages, which is normal and to be expected and occurs on all projects, as set out in the 'Green Book'.</p> <p>In advance of the next DfT approval stages of the business case, National Highways is undertaking further development work to prepare the full business case. This includes for example, looking to update our valuation of the BCR (across costs and benefits) to reflect the latest project costs and applying latest data around safety, freight, the impact of the project on levelling-up, environmental impacts etc.</p>
	<p>Noise and Vibration</p> <p>Climate</p>	<p>Furthermore, we wish to be heard specifically with regards to the proposals directly affecting Sleastonhow Farm the owner/occupiers RK&GF Nicholson farm partnership, Cactus Tree Guards LTD and the owner occupiers of Sleastonhow Farmhouse and Hare Cottage "The Bungalow". We make the following observations on the application under examination: 1) Mitigation of noise, light and air pollution. The proposed mitigation is insufficient to mitigate the impact of noise and light on the occupiers, their houses and protect their amenity of the land. On the selected route there is no to insufficient provision for mitigation of noise, light and air pollution.</p>	<p>The potential effects of the Project on Noise and Vibration are set out in the Environmental Statement Chapter 12: Noise and Vibration (Document Reference 3.2, APP-055). Figure 12.4 Opening Year Alignment Noise Difference (Document Reference 3.3, APP-155) shows the predicted change in noise level as a result of the Project. The majority village of Kirkby Thore is anticipated to experience a beneficial effect on noise as a result of the new A66 alignment removing traffic associated with British Gypsum from Main Street. Mitigation has been built into the design of the A66 through the inclusion of false cuttings on the earthworks of the A66 as it passes to</p>

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		<p>These factors will all be far worse under this scheme for the entire village of Kirkby Thore other than those few houses on the alignment of the current road. NH demonstrate this in their own data</p>	<p>the north of the village in order to serve as a barrier to noise.</p> <p>The potential effects of the Project on Air Quality are set out in the Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-0048). Figure 5.4 Air Quality Operational Phase Assessment (Document Reference 3.3, APP-068) shows the predicted change in air quality level as a result of the Project. There are five points where air quality has been modelled within Kirkby Thore, Human Sensitive Receptor (HSR) 34, 35, 36, 37 and 38. As noted in the Environmental Statement Appendix 5.4 Air Quality Assessment Results (Document Reference 3.4, APP-153), points 34, 35, and 36 are anticipated to experience a reduction in NO₂ emissions, point 37 has no anticipated change and point 38 has an anticipated increase of 0.4 µg/m³ per year. HSR 38 is located to the northeast of Kirkby Thore along Main Street.</p> <p>Mitigation for noise and light has been integrated into the earthworks of the A66 which have included an additional false cutting to screen noise impacts, which will also serve as a visual screen. The Project Design Principles (Document Reference 5.11, APP-302) reference 0405.05 secures this principle through the DCO.</p>

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	Air Quality	Kirkby Thore village school will be adversely affected bringing the road within 250m of the school with increased speeds and air pollution risks which are now well documented. We find this unacceptable for the local community	The potential effects of the Project on Air Quality are set out in the Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-0048). Figure 5.4 Air Quality Operational Phase Assessment (Document Reference 3.3, APP-068) shows the predicted change in air quality level as a result of the Project. There are five points where air quality has been modelled within Kirkby Thore, Human Sensitive Receptor (HSR) 34, 35, 36, 37 and 38. As noted in the Environmental Statement Appendix 5.4 Air Quality Assessment Results (Document Reference 3.4, APP-153), points 34, 35, and 36 are anticipated to experience a reduction in NO2 emissions, point 37 has no anticipated change and point 38 has an anticipated increase of 0.4 µg/m ³ per year. HSR points 35 and 36 are located at Kirkby Thore School.
	Traffic and Transport	We question the impact of increasing road speeds when it produces more pollution, increases CO ₂ e emissions and the risk of fatal accidents due to higher speeds. The issues in this scheme are the poor traffic management at both ends of the A66 on the A1 and M6 junctions. Increasing speeds to these junctions will only make the problems worse and encourage more traffic. This is wholly unsustainable when improved traffic management along the length would make the road safer, quieter, less polluting, have a lessened visual impact in the setting of the AONB and Yorkshire Dales NP.	The Environmental statement Chapter 7: Climate sets out the assessment of the effects of the Project on the climate, including assessment of potential carbon emissions. As stated in section 7.11.20 of this document, the expected construction phase carbon emissions represent 0.027% of the UK's Fourth Carbon Budget and 0.030% of the UK's Fifth Carbon Budget, and as stated in section 7.11.22 the operational emissions would represent 0.019% of the Sixth Carbon Budget. Section 7.11.24 states that as per DMRB methodology and in line with National Policy Statement for National Networks, the

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		<p>NH has consistently failed to upgrade the problem sections of this trunk road for over 40 years and now concludes the only solution is to dual the whole road and increase traffic numbers and speeds which they forecast will significantly increase within the project lifetime</p>	<p>assessment concludes that the Project's emissions in isolation do not have a significant effect on climate.</p> <p>Section 9.4 of the Transport Assessment (Document Reference 3.7, APP-236) describes the impact of the Project on Road Safety. It forecasts that the Project will save 530 casualties (including 14 fatalities) over the 60-year appraisal period. This saving is derived from upgrading the single carriageway sections of route, together with at-grade junctions to a safer standard, i.e., dual carriageway, with grade separated junctions.</p> <p>Chapter 4 of (Document Reference 2.2, APP-008) Case for the Project describes the current issues on the route:</p> <ul style="list-style-type: none"> • Paragraph 4.2.8 to 4.2.15 outline the current safety issues. In summary the A66 has a higher-than-average number of accidents across some lengths of the route, with a direct correlation between road accidents within the single carriageway lengths of the route and where dualled lengths meet or are reduced to single carriageway lengths. • Paragraph 4.2.16 to 4.2.21 outline the issues caused by the single carriageway sections in terms of journey times and reliability. • Paragraph 4.2.22 to 4.2.23 discusses the increased likelihood of road closures on the single carriageway sections. • Paragraph 4.2.24 to 4.2.27 discuss the issues of severance, notably within Kirkby Thore.

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			<ul style="list-style-type: none"> Paragraph 4.2.28 to 4.38 discuss the importance of the route to Freight traffic, as highlighted by the fact that HGVs comprise on average 25% of total vehicles on most lengths significantly higher than on comparable roads of this nature. <p>In response to these issues the Project Objectives have been developed, which are outlined in paragraph 1.7.10 and Table 1-2.</p> <p>It should be noted that travel time savings and improvements in other journey characteristics, such as travel time reliability (i.e., improved punctuality) are important benefits of transport infrastructure investment and policy-making initiatives. The benefits of quicker, more reliable, journeys, and the social and economic opportunities which they facilitate are the subject of a key objective of the Project. Reduced journey times enable transport users to benefit by saving time which they can then put to other uses that are valuable to them, be it contributing to the economy by being more productive, or through spending that time on something that contributes to their overall well-being.</p> <p>Paragraph 8.2.3 summarises how the Project has been identified as the best option to meet the defined need and objectives, including the delivery of a comprehensive set of benefits.</p>

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			<p>Section 3.3 of (Document Reference 4.1, APP-244) Project Development Overview Report (PDOR) describes the process of considering alternative options to dualling the A66. The long list of options considered included 43 strategic options identified within the NTPRSS (North Trans Pennine Route Strategic Study) corridor, included 20 strategic options for the A66, 18 strategic options for the A69 and 5 strategic options for the A685. 4 options on the A66 were discussed in detail including:</p> <ol style="list-style-type: none"> 1) A66 dualling, to dual all remaining single carriageway sections of the A66. 2) Improvement of the existing A6/A66 at-grade junction. Could be delivered as a standalone scheme or as part of the A66 dualling option. 3) Dualling the section of the A66 between Greta Bridge and the A1 at Scotch Corner. 4) Dualling the section of the A66 between Temple Sowerby and Brough. <p>In addition, at that time and stage, it was recommended that three options for the A69 and one option for the A685 were to be taken forward to be considered in detail.</p> <p>Traffic management options were not considered during optioneering as these options would all increase the journey time taken to travel along the route. This would lead to traffic reassigning to alternative routes that would be either more congested or less suitable for long</p>

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			<p>distance traffic. Overall, the transport network would become less efficient.</p> <p>Paragraphs 3.3.24 to 3.3.26 describe the recommendations of the study, namely that a recommendation was made that PCF Stage 1 development of A66 dualling should be undertaken. Strategic benefits highlighted included:</p> <ul style="list-style-type: none"> • Journey time savings, particularly for strategic trips (including freight). • Safety improvements, including a reduction in accidents (due to increased capacity significantly reducing the need for vehicles to overtake others on busy sections of single carriageway). • Improved reliability (dual carriageway sections would reduce delays, incidents and the need for road closures). <p>Paragraph 2.4.6 of (Document Reference 3.8, APP-237) Combined Modelling and Appraisal Report notes that National Highways have implemented a number of safety schemes on the single carriageway sections of the route since 2016, some of which have involved reductions in the speed limit, as described below:</p> <ul style="list-style-type: none"> • The speed limit through Kirkby Thore village is 40mph, with average speed enforcement cameras installed in2016. • A 50mph speed limit was introduced between Appleby and Brough in2016.

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			<ul style="list-style-type: none"> • A scheme to provide a right turn lane at Llama Karma Kafe was completed in 2016, following a number of incidents involving eastbound vehicles waiting to turn right into the café. • A safety improvement scheme has also been implemented at Ravensworth, which reduces the speed limit to 50mph in 2017. <p>Despite these improvements, fatalities on the single carriageway sections continue to occur. It should be noted that since December 2021 there have been a total of 5 fatal accidents (7 fatalities) on the single carriageway sections of the A66, at the following locations:</p> <ol style="list-style-type: none"> 1) Rokeby (two fatalities) 2) Kirkby Thore (in two separate incidents) 3) Warcop (three fatalities in two separate incidents) <p>This poor recent accident record highlights the limitations of traffic management techniques to improve the safety record of single carriageway sections, and the need for the single carriageway sections of the route to be brought up to dual carriageway standard.</p>
	Consultation and engagement process	5) Power supply and generation. The construction stage will inevitably interrupt the mains power supply to the farm. Any interruption of the 3 phase supply is business critical as we use 3 phase motors to run wood processing machines most days.	If development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the

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	Design Engineering and Construction	It would also impact on our ability to feed power into the grid via the 54kwp of solar panels we have on the buildings. So far NH have not commented and were given details at StatCon	<p>location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p> <p>We have met with the Nicholson Family throughout the preliminary design stage, and we understand their concerns with the scheme. A meeting held on 16/09/22 summarises the issues, including matters resolved and outstanding. We will continue to meet with the Nicholson Family throughout the Examination of the DCO Application. Annex N of the Consultation Report (Document Reference 4.4, APP-271) describes how we have responded to the issues raised by the Nicholson's family at statutory consultation.</p>
	Geology and Soils	<p>Drainage and damage to soils.</p> <p>The construction phase will inevitably lead to very damaged soils and sub-soils due to the impact of heavy plant and storage of materials. The sloping ground that the selected route would carve through will</p>	<p>An assessment of the potential effects to soils and sub-soils has been undertaken and is set out in the Environmental Statement Chapter 9: Geology and Soils (Document Reference 3.2, APP-052). The Environmental Statement Chapter 6 Biodiversity (Document Reference</p>

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	Flooding and Drainage Legal-EMP	be at very high risk of soil wash, inevitably polluting the SSSI/SAC rivers. In the event of intense rainfall and/or flooding it will be impossible to avoid soil wash into the river. The damage to the SSSI/SAC will be significant. Construction compounds will damage underlying soils and land drains. Soils rarely recover from this long term damage	<p>3.2, APP-049) assesses impacts to watercourses throughout the Project in multiple places in the chapter, the Trout Beck and the River Eden Special Area of Conservation and Site of Special Scientific Interest included. The Habitat Regulations Assessment Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235) undertakes an assessment of the potential effects to all European designations across the Project, the River Eden SAC/SSSI included. An extract from the Executive Summary states "...the potential for any adverse effect on the integrity of the River Eden SAC, North Pennine Moor SAC and North Pennine Moor SPA has been ruled out." This assesses both the construction phase and the operational phase of the Project.</p> <p>The potential effects on soils and measures to minimise any potential damage to soils during construction will be controlled in the Environmental Management Plan (EMP) Annex B9 Soils Management Plan (Document Reference 3.2, APP-029). Potential effects on the River Eden Site of Special Scientific Interest and Special Area of Conservation are additionally controlled by the EMP Annex C1 Working in and Near SAC Method Statement (Document Reference 2.7, APP-036).</p> <p>Compliance with the EMP, and its Annexes are secured in the DCO.</p>

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	Landscape and Visual	<p>Impacts on local landscape value, amenity and fine vistas. The blue and red routes carve their way through an ancient agricultural landscape with a complete lack of regard for the impact on the landform, fine rural vistas and well-being of the local residents who enjoy the views from Sleastonhow Lane, Priest Lane and Station Road. This important local amenity will be lost with the disruption of views and noise and light pollution from the proposed alignments. It has been stated that "the finest views in the whole of Westmorland" were to be seen from Sleastonhow Lane". It is also the route of the increasingly popular "Lady Anne Way". If it weren't for the current A66 and British Gypsum works detracting from the landscape we believe that this is far superior landscape than most areas which are protected landscapes, affording fine views to Wild Boar Fell, The Howgills, The Lake District Fells (including the prominent Blencathra) and also the northern Pennine chain with its highest peak Cross Fell.</p>	<p>Environmental assessments were undertaken to determine the likely significant impacts of each route based on the information that was available at the time. A summary of the environmental assessments undertaken on alternatives that have been considered in the Preliminary Environment Information (PEI) Report (which is in Annex L Part 2 of the Consultation Report – S.47 Material (Document Reference 4.4, APP-265) presented as part of the Statutory Consultation. The environmental appraisal of the alternative route alignments is reported in the route development report, also presented as part of the Statutory Consultation, which sets out the findings of the assessment of the alternative routes in relation to a wide range of criteria (including criteria relating to the issues raised in the RR on landscape and visual impacts and the historic environment). The Route Development Report is contained in Appendix 3 to the Project Development Overview Report (Document Reference 4.1, APP-247).</p> <p>Since the PEI Report, there has been further development of the design, which is based on the Blue alternative as it was named at Statutory Consultation. The design now submitted as part of the DCO application has been assessed within the Environmental Statement Chapter 10 Landscape and Visual (Document Reference 3.2, APP-053) and identifies the requirements for landscape mitigation as is shown in an illustrative form on the Environment Mitigation Maps (Document Reference</p>

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			<p>2.8, APP-041). The Landscape and Visual assessment included a number of viewpoints, including Sleastonhow Lane, Sleastonhow Farm, and Priest Lane. Environmental Statement Appendix 10.6 Schedule of Visual Effects (Document Reference 3.4, APP-202) sets out the assessment of likely effects for each of these. At Priest Lane (Table 25 of Appendix 10.6), it is considered there is likely to be a large significant effect, with a reduction to a moderate adverse effect by year 15 of operation as the establishment of mitigation planting would soften and screen views of the scheme. At Sleastonhow Lane (Table 32 of Appendix 10.6), it is considered that there is likely to be a moderate effect in operation, however by year 15 of operation, once vegetation and planting has established, this effect will be reduced to a slight effect. At Sleastonhow Farm (Table 33 of Appendix 10.6), it is considered that there is likely to be a moderate effect in operation, however by year 15 of operation, once vegetation and planting has established, this effect will be reduced to a slight effect.</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 (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, the environmental appraisal against a range</p>

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			<p>of environmental, social and economic criteria of the alternative route alignments and the wider factors that have informed the decision-making is set out in the Route Development Report (Appendix 3 to the Project Development Overview Report (Document Reference 4.1, APP-247). The Route Development Report was presented as part of the Statutory Consultation and any feedback on the alternative route alignments presented in the report is reported alongside National Highway's response to the feedback in Annex N of the Consultation Report (Document Reference 4.4, APP-271).</p>
	<p>Consultation and Engagement Process</p>	<p>NH's failure to consult. The alternative routes have not been properly consulted on as "general arrangement drawings" were never provided for the alternative routes meaning that consultees could not sensibly assess the alternatives. It is also clear that the preferred route was selected in a rush due to pressures of "Project Speed" from the outset and then NH have worked to make their route selection fit at any cost in a faux-consultation process. This is not a logical process, and you could not ever expect that approach to select the best option, or option of least over-all impact. We as local occupants, land and business owners have raised our concerns about the lack of transparency and consultation AT EVERY STAGE in this process and our concerns and questions have consistently not been answered. This demonstrates a failure to consult, and we therefore</p>	<p>Both consultation and engagement on alternative route alignments was undertaken that was appropriate and proportionate to support the principal objectives for this work. The objectives were to ensure that a preferred alignment could be identified that would comply with policy and legal tests and would minimise the environmental impact of the project, following the incorporation of appropriate mitigation. This work on alternatives and the associated consultation was going beyond what is usually undertaken by National Highways for a preliminary design for a DCO application. The details on the process, the alternatives considered, the environmental appraisal against a range of environmental, social and economic criteria of the alternative route alignments and the wider factors that have informed the decision-making is set out in the Route Development Report (Appendix 3 to the Project</p>

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		believe this project section should be refused by the Planning Inspectorate	<p>Development Overview Report (Document Reference 4.1, APP-247). The Route Development Report was presented as part of the Statutory Consultation and any feedback on the alternative route alignments presented in the report is reported alongside National Highway's response to the feedback in Annex N of the Consultation Report (Document Reference 4.4, APP-271).</p> <p>In two areas (Kirkby Thore and Warcop) there were opportunities to revisit the proposed route, to further reduce the environmental and ecological impact of the scheme, The process of how we consulted and engaged with local communities and interested parties on the alternative route options in these two areas is set out in the Consultation Report (Document Reference 4.4, APP-252) This Consultation Report confirms that:</p> <ul style="list-style-type: none"> • To share updates on the alternative route alignments, the local community and stakeholders' community drop-in events were held at local venues in Kirkby Thore and Warcop (para 3.12.3) • Information leaflets setting out the alternatives for the Kirkby Thore, Warcop and Rokeby locations were sent out to stakeholders and local communities. The leaflets provided information on the reasons alternative routes or junction locations were being considered, including information from further environmental and heritage surveys and traffic modelling, and a description of the alternatives. (Paragraph 3.13.1)

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			<ul style="list-style-type: none"> The drop-in events included exhibition boards which explained the alternative routes being explored and the rationale behind them, based on further environmental and heritage surveys undertaken since the PRA. Relative impacts were also discussed. The event was attended by members of the project team to talk the members of the CLG and the community through the options and answer any questions they had. The design specialists also attended the meeting to listen to feedback (paragraph 3.13.4) <p>At statutory consultation the alternative routes were presented, and a preferred route was identified. Consultees were provided with revised maps of the preferred and alternative routes, and environmental information on the preferred route and alternatives was set out in the PEI. Specific questions were asked on the consultation feedback form on the alternative routes and consultees were asked for their feedback on whether they agreed with National Highways' preferred scheme route.</p> <p>The findings of the environmental assessment of the alternatives are set out in Chapter 3 of the Environmental Statement (Document Reference 3.2, APP-046). The ES states that "In parallel with the design refinements, alternative routes that deviate from the preferred route had also been developed and assessed for three of the schemes. This process, and the reasons for it, is described in detail in the Route Development Report, which is Appendix 3 to the Project Development</p>

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			<p>Overview Report (Document Reference 4.1, APP-244) with the environmental assessment summarised further in this report.”</p> <p>At Statutory Consultation the public and other stakeholders were informed that their comments on the project and the alternative routes presented would be reviewed, and regard given to them in the final preparation of the application for development consent. The feedback from statutory consultation on the preferred route and alternatives presented is set out along with National Highway’s response for each issue raised in Annex N of the Consultation Report (Document Reference 4.4, APP-271. Table 6.2 of the Consultation Report (Document Reference 4.4, APP-252) provides a summary of some of the project design changes made following statutory consultation. Design development continued following statutory consultation having regard to feedback received throughout the consultation and ongoing engagement, to address environmental and traffic issues that arose following completion of surveys and to incorporate mitigation for impacts that had been identified through the Environmental Impact Assessment (EIA).</p> <p>In addition to consultation on alternative routes there was engagement with local communities on those sections of the route where alternatives were being considered. The engagement was undertaken to provide additional information for stakeholders and local communities to</p>

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			<p>help them understand the alignment alternatives before undertaking the statutory consultation. Attendees at the local events arranged as part of this engagement were encouraged to participate in the statutory consultation that followed. Attendees were also advised at these engagement events that a route preference would be stated at statutory consultation. The approach to the engagement on the alternative alignments is set out at sections 3.12 – 3.17 of the Consultation Report (Document Reference 4.4, APP-252).</p> <p>The Planning Inspectorate (by letter dated 19th July 2022) has accepted the DCO application and in doing so has confirmed that the consultation undertaken accords with the requirements of the Planning Act (PA 2008) as set out in Chapter 2, Part 5 of PA 2008.</p>
Tim Nicholson, RR-218	<p>Impacts to Land</p> <p>Development of the Project and Alternatives</p>	<p>Impact of loss of land, soils and severance to farm business the selected route will have an unacceptable impact by severing the land across the best block of land on the farm. It dissects all the south facing sandy loam fields. The land take for construction compounds, the road with bridge, revised alignment of Sleastonhow Lane with the dual carriageway, access tracks and balancing ponds will be devastating to the farmed unit. This is an average sized family farm which is rare in that the farm buildings are in the middle of the whole block of land. Continued loss of high quality agricultural cropping land is socially and morally</p>	<p>We have met with the Nicholson Family throughout the preliminary design stage, and we understand their concerns with the scheme. A meeting held on 16/09/22 summarises the issues, including matters resolved and outstanding. We will continue to meet with the Nicholson Family throughout the Examination of the DCO Application.</p> <p>In relation to the development of the Project and its alternatives, please see the response above.</p> <p>Throughout the stages of the Project Control Framework required for National Highways projects, as reported in the PDOR (Document Reference 4.1, APP-244), from as</p>

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		<p>unacceptable. The farm is in transition to farming regeneratively with a focus on building soil health prior to growing heritage grains for human consumption. The selected route will completely destroy this business plan by leaving the farm with very little choice of arable cropping fields to do this on. By comparison, the southern (orange) route option would lead to far less loss of productive agricultural land, mostly sighted on existing concreted areas and the old railway sidings and being considerably narrower and shorter due to its direct alignment.</p>	<p>early as Stage 1 deliverables, shortlisted options were considered against a number of criteria including BMV in accordance with paragraph 5.168 of the NNNPS. The assessment shows that the magnitude of effect for loss of BMV is similar if not the same for all of the route options evaluated for the Project. The potential loss of BMV was therefore taken into account but was not a clear differentiating factor between options.</p>
Tim Nicholson, RR-218	Design, Engineering and Construction	<p>Water supplies. The selected route will impact on our mains and private borehole supplies. We have provided details as to where these supply pipes and borehole are located at StatCon, and NH has failed to address our concerns. The borehole is right next to the proposed bridge ov'r the Trout Beck River so it is hard to see how it won't be damaged/polluted in construction.</p>	<p>We have met with the Nicholson Family and understand their concerns. A meeting held on 16/09/2022 discussed the private water supply that feeds the farm and the location of the borehole. During this meeting we committed to pre and post surveys to ensure that water quality and feed is preserved. A method statement will also be in place for the protection of the borehole during construction.</p>
	Design Engineering and Construction	<p>Re-alignment of Sleastonhow Lane. The re-alignment of Sleastonhow Lane seems excessive, destroying better sandy loam soils and destroying an ancient trackway, ancient species rich hedgerows. A more ecological approach would be to cross the new highway with a longer span of bridge and keep the current alignment, biodiversity and character of Sleastonhow Lane as intact as possible.</p>	<p>We have met with the Nicholson Family and understand their concerns. A was meeting held on 16/09/2022 where it was discussed that Sleastonhow Lane had been designed to Design Manual for Roads and Bridges in discussion with Cumbria County Council standards. The Nicholson Family advised that they would be supportive of reducing the standards of Sleastonhow Lane to be more in keeping with the existing road.</p>

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		<p>It is important to note here that this bridge needs to have a load capacity in excess of 50 tonnes so that articulated grain wagons and wagon and drag timber wagons can access the farm buildings. We have not had confirmation from NH that a suitable bridge would be provided despite raising the issue at StatCon</p>	<p>This is something that the project will explore during Detailed Design, and we will continue to engage with the Nicholson Family on this matter.</p> <p>In accordance with the design criteria for structures carrying minor roads over the A66 NTP route, agreed with the local councils, traffic loads will include BS EN 1991-2 Load Models (LM) LM1, LM2 and LM4 and all the special vehicles (SV) models, up to and including SV 80. In accordance with this standard, Sleastonhowe Bridge has been designed to accommodate vehicles of up to 80 tonnes. We will continue to engage with the Nicholson Family on this matter as the Project progresses.</p>
	<p>Biodiversity and BNG</p>	<p>Loss of Species and habitats and habitat connectivity. The selected route does not take any consideration of the existing habitats and linear features. The plan shows excessive lengths of ancient hedgerow removal, and the compounds and lay-down areas are shown to be right over new woodland, new hedgerows, ancient hedgerows etc. If these aren't retained connectivity of habitats in the landscape will be severed. We have spent a lot of time, money over the last 25 years to manage the hedgerows to their best potential. The difference in quality between our hedgerows and those in the surrounding landscape is notable. NH have suggested that they would want us to enter a management agreement to manage habitats created for mitigation of biodiversity loss and we have</p>	<p>Environmental Statement Chapter 6 Biodiversity (Document Reference 3.2, APP-049) sets out the assessment of the impacts of the Project on ecology, including the breeding and wintering birds identified in the study area of the Project, and impacts to hedgerows. Environmental Statement Appendix 6.13 Breeding Birds (Document Reference 3.4, APP-166) and Environmental Statement Appendix 6.14 Wintering Birds (Document Reference 3.4, APP-14) in particular assess the bird population present within the Project, assessing the named birds in multiple instances throughout the documents. Environmental Statement Appendix 6.4 Hedgerow (Document Reference 3.4, APP-157) assesses the hedgerows potentially affected by the Project.</p>

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		<p>asked for more details on numerous occasions, but they have failed to provide any. The selected route risks threatening a significant local wintering roost (400 +lapwings, 100 + golden plover) and summer breeding site for s41 species of wader (curlew, lapwing, snipe, red shank, golden plover) and they have not offered any mitigation. The selected route will cause unacceptable disturbance for these species with noise, vibration, light and air pollution</p>	<p>Mitigation to protect these species is included in the Chapter 6 Biodiversity document. Illustrative locations of habitat creation to mitigation impacts to species such as lapwing and golden plover, and illustrative hedgerow planting locations are shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041).</p> <p>The Environmental Management Plan (Document Reference 2.7, APP-019) includes a number of requirements for mitigation to birds such as B-BD-05 which sets out the requirement for detailed mitigation schemes to be developed, including specific habitat mitigation for bird species, and the employment of hedgerow translocation; MW-BD-01 which sets out the requirement for pre-construction surveys for nesting birds; MW-BD-12 which sets out the requirement for noise barriers to be implemented where reasonably practicable to protect wintering and breeding birds; D-LV-01 which has the objective to protect trees and hedgerows and requires an Aboricultural Impact Assessment and mitigation to protect retained hedgerows.</p>
	Biodiversity and BNG	<p>Loss of biodiversity We currently enjoy daily sightings of brown hare in the south facing fields and sparrow hawks and barn owls hunting along the lanes. We have seen and recorded otter along the river and floodplain and badger along the tracks. These species will surely be lost through disturbance and road deaths</p>	<p>Environmental Statement Chapter 6 Biodiversity (Document Reference 3.2, APP-049) sets out the assessment of the impacts of the Project on ecology, which includes assessment of habitats and protected species including badger, birds, and insects. This assessment has also identified mitigation required to</p>

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		<p>if this route goes ahead. The road will become an impenetrable barrier for many species. Butterflies, moths and birds will also be decimated by the loss of habitat and disturbance. We really value seeing these species in our daily lives. Our lives will be much poorer for this loss</p>	<p>minimise effects on these species, including the inclusion of crossing points for mobile species such as badger and create habitats that will support these species. Illustrative mitigation plans are set out on the Environmental Mitigation Maps (Document Reference 2.8, APP-041) and mitigation requirements are secured in the Environmental Management Plan (Document Reference 2.7, APP-019) including commitments such as D-BD-05 which includes a list of requirements to protect a number of protected species.</p>
	<p>Impacts to Land Biodiversity and BNG</p>	<p>Shooting and fishing rights and general amenity. The selected route will both lead to a loss of our sporting rights on the farm. The location of the highway would also prevent any shooting rights from being exercised in the vicinity of the road. The light pollution from the selected route will lead to us not being able to see the constellations of the night sky. These routes will inevitably lead to a loss of wildlife in our surroundings. The first few years of construction and operation of the road will lead to a massacre of wildlife in this area. Roe deer will be a particular problem for the road users as they will continue to try and cross the impacted fields into their existing territories on both sides of the Trout beck. The Barn owls and bats that currently traverse these fields and hunt along the hedgerows will be killed by trucks, as will hares, badgers, hedgehogs and otters.</p>	<p>Effects on the night sky are discussed throughout the Environmental Statement Chapter 10 Landscape and Visual (Document Reference 3.2, APP-053). Environmental Statement Figure 10.6 CPRE Dark Skies (Document Reference 3.3, APP-107) maps existing dark skies throughout the extent of the Project. As shown on this figure, the British Gypsum plant to the north of Kirkby Thore creates an existing impact to the night sky which reduces towards Trout Beck. There is no new lighting proposed across the Temple Sowerby to Appleby scheme so as to avoid impacts to the character of the night sky as a result of the Project.</p> <p>The effective mitigation for habitat impact and loss is complex as it is dependent on the habitat impacted alongside factors such as the rarity and condition of the habitat.</p>

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		<p>This will lead to the unnecessary loss of s41 species when the orange route could been built online, not severing another landscape. The existing corridor already serves as a barrier to wildlife, why create another far worse one? There is nothing that can mitigate this biodiversity loss. NH should be held accountable to delivering Biodiversity Net Gain in this project</p>	<p>In order to demonstrate effective mitigation for habitat impact and loss the project has applied the principle of No Net Loss.</p> <p>Environmental Statement Chapter 6 Biodiversity (Document Reference 3.2, APP-049) sets out the assessment of the impacts of the Project on ecology, which includes assessment of badger, birds, and insects. This assessment has also identified mitigation required to minimise effects on these species, including the inclusion of crossing points for mobile species such as badger and create habitats that will support these species. Illustrative mitigation plans are set out on the Environmental Mitigation Maps (Document Reference 2.8, APP-041) which show connective planting in multiple locations for the purpose of bat crossing and locations of taller planting for barn owl. Mitigation requirements are secured in the Environmental Management Plan (Document Reference 2.7, APP-019) including commitments such as D-BD-05 which includes a list of requirements to protect a number of protected species including otter, bat, and hare. Roe deer are not a protected species under the legislation that would mean that they would be assessed in the above document. The Trout Beck viaduct will be open span to allow animals, including roe deer, to pass underneath.</p> <p>The reasoning behind the decision not to take the Orange alternative forward alongside detail about the process, the alternatives considered, the environmental appraisal against a range of environmental, social and economic</p>

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			<p>criteria of the alternative route alignments and the wider factors that have informed the decision-making is set out in the Route Development Report (Appendix 3 to the Project Development Overview Report (Document Reference 4.1, APP-247). The Route Development Report was presented as part of the Statutory Consultation and any feedback on the alternative route alignments presented in the report is reported alongside National Highway's response to the feedback in Annex N of the Consultation Report (Document Reference 4.4, APP-271).</p>
<p>John Gordon Slee, John Harvey Slack AND Clare Patterson, Richard Mackey, Martyn George Farrell, John Steadman Dodd, John Gordon Slee, Martyn George Farrell</p>	<p>Drainage and the Water Environment Impact on Agriculture</p>	<p>There has been no consultation on the impact on drainage nor any management plan for the work which will be required to existing ditches drains and culverts. This is a major oversight as most of the land affected by the scheme is highly productive agricultural land. Most drainage pathways are not delineated on plans and are merely known by my clients who have occupied the land for many years. Any severance and damage to these drains could have a serious impact on the use of the land and therefore the farming businesses. Drainage can also be a major problem many years post construction and no assurance has been provided to detail how this will be managed.</p> <p>There are numerous dual balancing ponds along the project. These balancing ponds should be rationalised into the least number of ponds necessary thus</p>	<p>The impacts on existing ditches and drains are set out in document 3.4 Environmental Statement Chapter 14 and its appendices including appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221). Detailed designs for the mitigation measures, including drainage ponds, will be developed during the detailed design stage in accordance with current legislation and design standards. This is set out in the road drainage and water environment section of Table 3-2: Register of environmental actions and commitments, within the EMP (Document Reference 2.7, APP-019) REAC Reference D-RDWE-02.</p> <p>Existing land drainage systems impacted by the scheme will be diverted to ensure minimal change in performance (see EMP (Document Reference 2.7, APP-019) REAC</p>

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<p>Thomas Chappelhow, RR-108</p> <p>Nigel Teasdale, RR-113</p> <p>Taylor & Braithwaite Ltd RR-114</p> <p>Barbara Lynn Ivinson, RR-097</p>		<p>reducing access and potential issues with outfall drainage. There is a concern as to how these balancing/attenuation ponds are going to connect into existing drainage networks as no consultation has been undertaken.</p>	<p>Refence D-BD-06). This will be undertaken by land drainage designers and contractors.</p> <p>The current drainage strategy 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 subject to legal discussion and agreements. Design development of the ponds will continue in the detailed design stage which may involve amendments to pond locations and /or shape to better fit the existing landscape/ field patterns, in consultation with the drainage authorities and land interests.</p>
<p>John Steadman Dodd, RR-105</p> <p>Thomas Chappelhow, RR-108</p>	<p>Environment and EMP</p> <p>Consultation and Engagement Process</p>	<p>2. Environmental Mitigation Following the construction period, the land is currently designated as 'EFD' which is a bird mitigation area – Golden Plover. Under the document “2.7 Environmental Management Plan Annex B1 Outline Landscape and Ecological Management Plan”, the management prescriptions state that between the months of January to July, there will be no grazing by livestock. The main farming business is a sheep enterprise which relies upon all year-round grazing.</p>	<p>National Highways acknowledges this request for a commitment to a change to the design in relation to the mitigation area proposed and the impact on the farming business in this scheme.</p> <p>The Application including the Environmental Statement (Document Reference 3.2), DCO and related Project Design Principles (Document Reference 5.11, APP-302) and Environmental Management Plan (Document Reference 2.7, APP-019) are prepared on the basis that detailed design will be progressed and refined and this will result in greater certainty at the final design stage and implementation (should consent be granted).</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
		<p>The compound site is approximately 17 acres which equates to 7% of their total land and therefore this could continue to cause a significant loss of business income moving forward.</p>	<p>Any design details brought forward will be within the terms of any consent granted, order limits and within the extent of assessment. It will also be in conformity with the EMP (Document Reference 2.7, APP-019) and the PDP (Document Reference 5.11, APP-302) but may not be in the same form as shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041).</p> <p>National Highways is continuing the engagement with affected parties to resolve matters such as those relating to farm business in advance of any relevant compulsory acquisition hearings and/or issue specific hearings</p>
<p>John Gordon Slee, RR-089 John Harvey Slack, RR-090 Claire Patterson, RR-093 Richard Mackey, RR-096 Colin Thomas Dent, RR-102 Martyn George</p>	<p>Impact on land</p>	<p>The habitat types and conditions referred to in the environmental mitigation design has been based on the Biodiversity Metric 2.0, the most up to date Biodiversity metric is the Biodiversity Metric 3.1, therefore the most informed and technical data has not been used on this project to identify and mitigate any environmental loss. Without prejudice, the permanent acquisition of land for the environmental mitigation may be unnecessary as my clients may wish to offer rights and enter into restrictive and enforceable positive covenants to manage these areas in an agreed manner. Detailed or draft Habitat Management commitment agreements have not been provided for review to facilitate the environmental mitigation land, as such the future impacts and landowner requirements are not yet known.</p>	<p>Paragraph 3.3 of the National Networks National Policy Statement (NNNPS) states that “in delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government’s planning guidance.</p> <p>The Government’s detailed policy on environmental mitigations for developments is set out in Chapter 5 of the NNNPS.</p> <p>In response to NNNPS policies National Highways LD117 Landscape Design provides a list of eight environmental masterplan codes to summarise and illustrate the environmental mitigation. Four of these are utilised to show the types of land required for environmental mitigation, as shown on the Environmental Mitigation</p>

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Farrell, RR-100 John Steadman Dodd, RR-105 Norman Cowin, RR-107 Taylor & Braithwaite Ltd, RR-114 Christine Margaret Cowin, RR-106 Thomas Chappelhow, RR-108 Christopher Bell, RR-109 Nigel Teasdale, RR-113 Christopher Bell, RR-109,			<p>Maps (Document Reference 2.8, APP-041) and are listed below in no particular order:</p> <ol style="list-style-type: none"> 1. Landscape integration 2. Nature conservation and biodiversity 3. Visual amenity 4. Visual screening <p>Areas of habitat creation and replacement are principally within the third category (nature conservation and biodiversity) shown on the Environmental Mitigation Maps, although some of the landscape and visual mitigation also shown on the maps can also function as habitat (hence has a dual function). The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of the Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2). The size of the areas proposed for environmental mitigation is based upon the land required to effectively mitigate the species impacts, landscape and visual effects and habitat impacts and loss of the Project based on the assessment of the preliminary engineering design (which forms part of the DCO application).</p> <p>Mitigating Habitat Impact and Loss</p> <p>The effective mitigation for habitat impact and loss is complex as it is dependent on the habitat impacted alongside factors such as the rarity and condition of the habitat. In order to demonstrate effective mitigation for habitat impact and loss the project has applied the</p>

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Geoffrey Bell, RR-110 Janet Elizabeth Bell, RR-111			<p>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 ¹ 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> <p>Natural England's BNG Metric sets habitat replacement ratios which are calculated based on type, rarity, condition, and time to functionally mature; as a consequence, habitat replacement ratios to attain No Net Loss vary between habitats. For example, lowland deciduous woodland of good condition takes many years to mature, replacing 1ha of mature lowland woodland with 1ha of young trees is not considered mitigative replacement as these two habitats do not possess the same functionality. In order to offset this functional loss, larger areas of planting are applied under the BNG Metric to achieve no net loss.</p>

¹ IAN CROSHER A, SUSANNAH GOLD B, MAX HEAVER D, MATT HEYDON A, LAUREN MOORE D, STEPHEN PANKS A, SARAH SCOTT C, DAVE STONE A & NICK WHITE A. 2019. The Biodiversity Metric 2.0: auditing and accounting for biodiversity value. User guide (Beta Version, July 2019). Natural England

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			<p>In the instance of lowland deciduous woodland, this roughly equates to a 1:9 replacement required to demonstrate no net loss of the habitat.</p> <p>BNG Metric 2.0</p> <p>Once the mitigation, arising from the Environmental Statement and Habitat Regulations Assessment, for protected species, landscape and visual effects and habitat impact and 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>BNG Metric 3.1</p> <p>Following the publication of BNG 3.1 the team are in the process of recalculating the BNG Metric output.</p> <p>Detailed Design Process</p> <p>The Application including the Environmental Statement (Document Reference 3.2), DCO and related Project Design Principles (Document Reference 5.11, APP-302) and Environmental Management Plan (Document Reference 2.7, APP-019) are prepared on the basis that detailed design will be progressed and refined and this will result in greater certainty at the final design stage and implementation (should consent be granted). Any design details brought forward will be within the terms of any consent granted, order limits and within the extent of assessment.</p>

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			It will also be in conformity with the EMP (Document Reference 2.7, APP-019) and the PDP (Document Reference 5.11, APP-302) but may not be in the same form as shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041).
John Gordon Slee, RR-089 Martyn George Farrell, RR-100 John Steadman Dodd, RR-105 Richard Mackey, RR-096 Norman Cowin, RR-107 Thomas Chappelhow, RR-108 Christopher Bell, RR-109	Design, Engineering and construction	<p>Private Utility connections</p> <p>There has been no consultation on the private utility supplies on the land affected by the scheme. There are several private water mains, electricity and fibre connections which are apparently severed by the design and there has been no consideration as to how these will be mitigated. Most private utility pathways are not delineated on plans and are merely known by my clients who have occupied the land for many years. If these are severed and damaged during construction, this could have serious negative impacts on not only domestic beneficiaries but also agricultural purposes.</p>	<p>With regard to private drainage, if development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p>

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<p>Nigel Teasdale, RR-113</p> <p>Taylor & Braithwaite Ltd, RR-114</p> <p>Janet Elizabeth Bell, RR-111</p>			
<p>John Gordon Slee, RR-089</p> <p>John Harvey Slack, RR-090</p> <p>Claire Patterson, RR-093</p> <p>Martyn George Farrell, RR-100</p> <p>Colin Thomas Dent, RR-102</p> <p>John Steadman Dodd, RR-105</p>	<p>Impacts to Land</p>	<p>Permanent Acquisition and Temporary Land occupation</p> <p>The current red line boundary which National Highways have identified in the design drawings are excessive. Suggestion to refine the red line boundary and reduce the land take. From these plans it is not understood whether the entirety of the red line boundary is to be permanently acquired or rights are to be sought on a temporary basis. If land is to be acquired on temporary basis, what are the agreements and reservations. Further clarity must be provided by National Highways on this point.</p> <p>Without prejudice, the permanent acquisition of land for the environmental mitigation may be unnecessary as my clients may wish to offer rights and enter into restrictive and enforceable positive covenants to manage these areas in an agreed manner.</p>	<p>The land within the Order limits is required for the development of the project, including land for its construction and for environmental mitigation.</p> <p>The size of the areas proposed for environmental mitigation is based upon the land required to effectively mitigate the species impacts, landscape and visual effects and habitat loss of the Project based on the assessment of the preliminary engineering design (which forms part of the DCO application).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout stage three. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan</p>

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		<p>Detailed or draft Habitat Management. Commitment agreements have not been provided for review to facilitate the environmental mitigation land, as such the future impacts and landowner requirements are not yet known.</p>	<p>showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and negotiations are underway with the land agent. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>In order to safeguard the delivery of the Project whilst also ensuring that the most appropriate arrangement can be reached with affected landowners on a case-by-case basis, the draft Development Consent Order (Document Reference 5.1, APP-285) is drafted in terms which allow a flexible approach to the exercise of the compulsory acquisition powers. For example: where land is shaded pink on the Land Plans, denoting that powers of compulsory acquisition are sought to enable the outright acquisition of the land, articles 19, 22 and 29 of the draft DCO also provide for an alternative 'lesser' solution, such that if the necessary environmental mitigation could be achieved through the creation and acquisition of new rights (including the imposition of restrictive covenants), without the need for the land to be acquired outright, this would still be possible notwithstanding the fact that the land is shaded pink on the Land Plans. Similarly, all land shaded pink or blue (in addition to that shaded green) on the Land Plans may be subject to powers of temporary possession (as distinct from powers of compulsory acquisition).</p>

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			<p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises. As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project because the imposition of the mitigation measures would render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project. This approach reflects the use of compulsory acquisition powers as a 'tool of last resort',</p>

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			<p>as advocated in Government Guidance on the Compulsory Purchase Process and the Crichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project in a way that is proportionate and which balances, as far and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p> <p>The Project will need to be delivered within the Order limits (as shown by means of a red line boundary on the Land Plans), but it is possible that as the detailed design is progressed, not all of the land included within the Order limits will be needed. Where that is the case, then, in accordance with section 122 of the Planning Act 2008, National Highways will only acquire, or use, the land which is actually required for the Project, or to facilitate it, or to be incidental to it, or is required as exchange land (to replace special category land). Indeed, there would not be a compelling case in the public interest to acquire any more land than that which is actually needed for the Project.</p> <p>In the context outlined above, as provided for in the draft DCO and accompanying Land Plans, National Highways remains committed to achieving the acquisition or use of land by agreement with landowners wherever possible, such that where the acquisition of rights or the use of temporary possession powers provide a mutually acceptable solution within a reasonable timescale, this will be progressed.</p>

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<p>John Gordon Slee, RR-089</p> <p>John Harvey Slack, RR-090</p> <p>Claire Patterson, RR-093</p> <p>Richard Mackey, RR-096</p> <p>Colin Thomas Dent, RR-102</p> <p>Martyn George Farrell, RR-100</p> <p>Norman Cowin, RR-107</p> <p>John Steadman Dodd, RR-105</p> <p>Christine Margaret</p>	<p>Consultation and Engagement issues and Impact on agriculture</p>	<p>Environmental Mitigation:</p> <p>The amended environmental mitigation requirements have not been published for consultation, nor have the management prescriptions been disclosed until following the DCO application.</p> <p>The proposed Environmental Mitigation land is excessive and does not take into consideration or rationalise any comparison to the future losses to agricultural business. The losses to the agricultural business must outweigh any environmental mitigation consideration and therefore my clients fundamentally object to the proposals. The majority of the designated Environmental Mitigation land is on highly productive agricultural land. If appropriate consultation had occurred, then alternative mitigation areas could have been identified by my clients on the less productive areas.</p>	<p>Consultation on Environmental Mitigation</p> <p>The environmental mitigation was presented in the Preliminary Environmental Information Report (published for Statutory Consultation in September 2021 as reproduced in Annex L of the Consultation Report (Document Reference 4.4, APP-264)). This environmental mitigation was based on the assessment of impacts of the preliminary design of the project, which was also presented at Statutory Consultation. The Map Book, which also formed part of the statutory consultation material, included information on the preliminary design as well as the proposed location and types of environmental mitigation required for the project. The feedback from statutory consultation on the proposed design of the project, its assessment and the proposed mitigation measures and the response to the feedback is set out in the Consultation Report (Document Reference 4.4, APP-252). Each consultation issue raised and the response to each issue is set out in Annex N (Document Reference 4.4, APP-271) and Annex P (Document Reference 4.4, APP-273) of the Consultation Report.</p> <p>The Process for Identifying the land required for Environmental Mitigation</p> <p>In response to NNNPS policies National Highways LD117 Landscape Design provides a list of eight environmental masterplan codes to summarise and illustrate the environmental mitigation.</p>

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Cowin, RR-106 Thomas Chappelhow, RR-108 Christopher Bell, RR-109 Nigel Teasdale, RR-113 Taylor & Braithwaite Ltd, RR-114			<p>Four of these are utilised to show the types of land required for environmental mitigation, as shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041) and are listed below in no particular order:</p> <ol style="list-style-type: none"> 1. Landscape integration 2. Nature conservation and biodiversity 3. Visual amenity 4. Visual screening <p>Areas of habitat creation and replacement are principally within the third category (nature conservation and biodiversity) shown on the Environmental Mitigation Maps, although some of the landscape and visual mitigation also shown on the maps can also function as habitat (hence has a dual function). The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of the Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2). The size of the areas proposed for environmental mitigation is based upon the land required to effectively mitigate the species impacts, landscape and visual effects and habitat impacts and loss of the Project based on the assessment of the preliminary engineering design (which forms part of the DCO application).</p> <p>Calculating the effective mitigation for habitat impact and loss is complex as it is dependent on the habitat impacted alongside factors such as the rarity and condition of the habitat.</p>

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			<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 ²was 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> <p>Natural England's BNG Metric sets habitat replacement ratios which are calculated based on type, rarity, condition, and time to functionally mature; as a consequence, habitat replacement ratios to attain No Net Loss vary between habitats. For example, lowland deciduous woodland of good condition takes many years to mature, replacing 1ha of mature lowland woodland with 1ha of young trees is not considered mitigative replacement as these two habitats do not possess the same functionality. In order to offset this functional loss, larger areas of planting are applied under the BNG Metric to achieve no net loss.</p>

² IAN CROSHER A, SUSANNAH GOLD B, MAX HEAVER D, MATT HEYDON A, LAUREN MOORE D, STEPHEN PANKS A, SARAH SCOTT C, DAVE STONE A & NICK WHITE A. 2019. The Biodiversity Metric 2.0: auditing and accounting for biodiversity value. User guide (Beta Version, July 2019). Natural England

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			<p>In the instance of lowland deciduous woodland, this roughly equates to a 1:9 replacement required to demonstrate no net loss of the habitat.</p> <p>Following statutory consultation, the design was developed further, taking into account consultation responses (as reported in the Consultation Report), and based on the developed design, the environmental mitigation was revised, taking into account further landowner engagement and feedback where possible</p> <p>The assessment on agricultural land and farm holdings is set out in the Chapter 13 (Population and Human Health) of the Environmental Statement (Document Reference 3.2, APP-056). Paragraph 13.4.3 describes that data was gathered on the type, location, scale and number of agricultural holdings affected by the Project through the loss of land/existing access routes and the level of impact upon future viability of each affected holding. It also confirms that information was gathered on the level of existing accessibility and their frequency of use within the study area of agricultural holdings.</p> <p>Paragraph 13.4.3 of the ES describes the focus of the assessment of agricultural land holdings as:</p> <ul style="list-style-type: none"> • the loss of or damage to key characteristics, features or elements of the agricultural holding and potential effect of this change on viability (e.g., removal or substantial amendment to access or acquisition of land).

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			<ul style="list-style-type: none"> the availability of access to and nature of land considered to form the key characteristics, features or elements of an agricultural holding. <p>As part of the assessment process, agricultural landowners were consulted in order to understand how their businesses operated. This has been factored into the assessment of likely significant effects</p>
Patricia Rogers, RR-045	Impacts to Land	"I am concerned about land being taken from my property for farm access with the new revised plan. This was not on the previous plan	<p>Ms Rogers' interest in land is located adjacent to the Order limits.</p> <p>The design and layout of the scheme has developed considerably over the last number of months/years and will continue to develop further as the project moves into the detailed design stage. Many engineering, environmental and geotechnical assessments have taken place which has helped inform the current design in our submitted DCO application.</p> <p>It is proposed that the existing farm access will be retained and will link directly onto the existing A66 (which will be de-trunked as part of the Project proposals).</p>
Patricia Rogers	Noise and Vibration	What screening and noise prevention measures will be put in place during this work.	<p>The Environmental Statement Chapter 12: Noise and Vibration (Document Reference 3.2, APP-055) sets out the potential noise impacts and required mitigation for the Project. Construction related noise and vibration will be controlled by the Environmental Management Plan (Document Reference 2.7, APP-019) and the Environmental Management Plan Annex B5 Noise and</p>

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			Vibration Management Plan (Document Reference 2.7, APP-025).
Patricia Rogers	Design, Engineering and Construction Traffic and Transport	I also will like some assurances about the use of the current highway”	The old A66 will be retained between Warcop and Brough (realigned in part) and de-trunked (so that it no longer forms part of National Highways strategic road network, to provide local connectivity.
Mr Wilson, RR-170	Landowner	The proposals will have a significant impact upon the farming business. The land which will be affected is used to grown crops on and due to its size is heavily relied upon, the loss of this area will have a big impact upon the farming business. The option to reduce livestock numbers is not a real option, the business has built up the livestock numbers to the level they are today after years of breeding. In addition, reducing the cows numbers would automatically see the farming business at a disadvantage, not only would they receive a penalty from there milk buyer but they would be disadvantaged when buying feedstuffs and consumables.	We have met with the Wilsons a number of times during the preliminary design stage, including with the design team and we understand their concerns with the scheme. The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 and 2 of 6 (Document Reference 5.13, APP-307) submitted as part of the DCO application. Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).
Mr Wilson, RR-170	Flooding and Drainage	The council have included a SUDS Pond, we have requested in several meetings that this is relocated as set out on the attached drawings, the pond is on the top of the hill and a more suitable location will be at the bottom of the hill, as shown.	National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the

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		<p>The plans do not show any drainage proposals, there are a number of springs in the field which drain the field but also provide a water supply to the field and these will need looked into further.</p>	<p>drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison</p>

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			Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.
Mr Wilson, RR-170	Design, Engineering and Construction	The access to the field will also be significantly altered with all vehicles having to drive past the end of the field to then come back on themselves this will cause a significant disturbance to the farming business and also cause a significant increase cost to the business.	National Highways acknowledges this request for a commitment to a change to the design in relation to access to farmland. This change, if appropriate and feasible, can most likely be undertaken within the boundaries of the DCO application as there is sufficient flexibility in most cases built into the DCO application to allow for this type of change. If feasible and appropriate the change would be secured through commitments in Statements of Common Ground or Position Statements, or through a legal agreement between National Highways and the relevant Interested Parties or Affected Persons. National Highways is continuing the engagement with affected parties to resolve matters such as those relating to private means of access in advance of any relevant compulsory acquisition hearings and/or issue specific hearings. National Highways will engage with Mr Wilson and discuss this matter and respond further through the course of the examination.
Mr Wilson, RR-170	Environment and EMP	The plans also show the remainder of the field which isn't being taken for the road being taken for Wetland Habitat, this field is a very dry sandy field and we wish to strongly object to this field being created into a wetland habitat there is a lot of other land which will be	While the Project has been designed with care to limit its adverse effects on the environment, it nonetheless gives rise to a need for landscape and environmental mitigation to reduce those adverse effects to an acceptable level.

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		<p>more suitable to be created into this which will not have a large impact upon the farming business..</p> <ul style="list-style-type: none"> • 9 – Use of Compulsory Purchase Powers for Environmental Mitigation National Highways has included large areas of farmland for use as environmental mitigation. There is no reason why the landowners should not be able to retain ownership of such land in such circumstances if the farmer is content to take on the burden of maintenance, subject to reasonable terms being agreed to ensure the mitigation is maintained. 	<p>Areas of habitat creation and replacement are shown in an illustrative manner within Environmental Mitigation Maps (Document Reference 2.8, APP-041). that represent how the relevant mitigation measures could be implemented so as to be effective in terms of mitigating the adverse environmental effects of the Project.</p> <p>While the precise location of the mitigation measures within the Order limits is not fixed, their design will be developed to respond to the detailed design of the Project, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019), in particular commitments D-BD-01 and D-BD-05 which require the development of a Landscape and Ecological Management Plan and an Environmental Mitigation Scheme, and so as to be compatible with the applicable Project Design Principles (Document Reference 5.11, APP-302).</p> <p>The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2, APP-049). The sizes of the areas of land required are commensurate to the adverse environmental effects of the Project, prior to such environmental and landscape mitigation being taken into account, and as such the land is required to deliver the Project.</p>

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			Potential effects of the acquisition of the land required for the Project on agricultural businesses are assessed within Environmental Statement Chapter 13: Population and Human Health (Document Reference 3.2 APP-056), which takes into account the land required for essential mitigation such as for landscaping and habitat creation.
Mr Wilson, RR-170	Air Quality	There will be significant dust issues during the construction phase, which will have a large impact upon the steading and agricultural land and the ability to make good quality silage or have good quality grazing land for the dairy cattle. We would request that it be a condition that Highways England employ an Agricultural Liaison Officer for the duration of the build period to monitor this and have direct contact with the Landowners/Agents/Contractor. In addition, a specific condition should be put in place that a dust management plan should be submitted and adhered to prior to the construction works commencing.	<p>The Environmental Statement Chapter 5: Air Quality (Document Reference 3.2, APP-48) assesses the potential impacts of dust arising from the Project, discussing this in multiple locations throughout the chapter.</p> <p>The Environmental Management Plan (Document Reference 2.7, APP-019) includes the requirement for an Agricultural Liaison Officer(s) for the Project and Environmental Management Plan Annex B4 Air Quality and Dust Management Plan (Document Reference 2.7, APP-024) that will develop through the design process as construction planning continues. National Highways will consult local planning authorities on the Air Quality and Dust Management Plan.</p>
Mr Wilson, RR-170	Geology and Soils	The details submitted to date in respect of soil management is limited and further in-depth details are needed in respect of top soil and sub soil stripping, storage methods and measures but in place to ensure that soil is not mixed between landowners when areas are taken on a temporarily basis are returned.	The Environmental Management Plan (Document Reference 2.7, APP-019) and Environmental Management Plan Annex B9 Soil Management Plan (Document Reference 2.7, APP-29) sets out the approach to be taken to soil management through the Project.

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		<p>These details will need to be submitted prior to the commencement on site and we would request that this is done by way of a condition. We would like the opportunity to review and provide comments on these documents</p>	<p>These documents will be developed through the DCO process alongside the design and will be available through the Examination process. The draft DCO requires that the undertaker must submit a second iteration EMP to the Secretary of State for approval before commencing any part of the authorised development.</p> <p>The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed.</p>
Mr Wilson, RR-170	Materials, Assets and Waste	<p>The details submitted does not cover the bio security issues in depth and we would request that a condition be placed upon the planning decision (if approved) to cover the method statement to prevent this becoming an issue. We would like the opportunity to review and provide comments on these documents.</p>	<p>The Environmental Management Plan (Document Reference 2.7, APP-019) sets out the approach to be taken to soil management through the Project. These documents will be developed through the DCO process alongside the design and will be available through the Examination process. The EMP will be secured by way of a requirement in the DCO</p>
Mr Wilson, RR-170	Impacts to Land	<p>10 – Maintenance of Farmland – Weed Control Measures On other schemes where large areas of land have been taken, via compulsory purchase land has then been left to lie unused for long period of time. What then happens is then weeds are allowed to grow, and the condition of the land deteriorates. National Highways should be made to ensure that all land is maintained correctly.</p>	<p>National Highways has liaised with affected landowners throughout the development of the Project. Meetings with landowners and through other forms of communication (letters, emails, and telephone calls) are a significant area of the engagement activity on the Project and have covered a wide range of issues including impact on business activity and farming.</p>

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		<p>11 – Hedgerows Where fields are severed, by such a long linear scheme it will result in some fields being left awkward shapes. A common element for severance is the cost of removing hedges and fences in order to reshape fields into a sensible layout. Since the introduction of the Hedgerows Regulations 1997, the removal of any hedge which is more than 20 meters in length requires consent of the Local Planning Authority. This adds time, costs and uncertainty to farmers and in some instances planning authorities do not approval the removal of the hedgerows which further impacts the overall farming system of the affected party.</p> <p>The construction and operation of the road will cause significant disturbance to the farming activity not only during the construction phase but during the operational phase of the road. There are serious concerns over the possibility of trespassing and litter problems which will come as a result of the scheme.</p>	<p>Weed control, where required, will be part of the management regime for the habitats set out in the Environmental Management Plan Annex B1 Outline Landscape and Ecology Management Plan (Document Reference 2.7 APP-02]) for the different elements of landscape and ecological mitigation (for example species rich grassland, woodland, native hedgerows etc.). As mitigation is developed alongside the Project design, detailed management plans will be developed and consulted upon before they are implemented in accordance with the Environmental Management Plan (Document Reference 2.7, APP-019).</p> <p>Chapter 13 Population and Human Health within the Environmental Statement (Document Reference 3.2, APP-056) includes an assessment of impacts upon agricultural land holdings. As part of the assessment process agricultural landowners were consulted in order to understand how their businesses operated. This has been factored into the assessment of likely significant effects. The dialogue will continue with land interests throughout the Examination and detailed design stages of the Project in order to minimise and mitigate impacts as far as practicable.</p> <p>While National Highways recognises concerns relating to anti-social behaviour and fly tipping, addressing such issues falls outside of the scope of a highways scheme</p>

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			<p>and is a matter for the local police service and local authority.</p> <p>The new road will be a free flowing dual carriageway with quicker more reliable journey times, enabling people to spend less time on the road, which may lead to reduced litter/fly tipping.</p>
Mr Wilson, RR-170	Road Drainage and the Water Environment	<p>12 – Interruption of Water Supplies The impact on water supplies, should be considered. National Highways should produce a management plan of how they will ensure water supplies are not impacted during the construction and operational phase of the scheme.</p> <p>13 – Land Drainage It is likely that the construction of this scheme will have a big impact upon land drainage. We would ask that it a condition of the approval that a full scheme of drainage is designed by a third party expert and then implemented.”</p>	<p>If development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p>

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			<p>As stated in table 2-2 of the EMP, the Agricultural Liaison Officer will be responsible for “coordinating land drainage surveys land and sharing pre-and post-construction land drainage schemes with owner/occupiers’ land.”</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221 which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019] and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and</p>

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			<p>construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-10 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p>
<p>Trustees of Morbaine Ltd Directors Pension Scheme, RR-135</p>	<p>Design, Engineering and Construction</p> <p>Biodiversity and BNG</p>	<p>“My client has no objection to the scheme in principle, but they are concerned with a small element of the proposed ‘Environmental Mitigation’ which will impact on their current landholding and, more importantly, the future business operation of their tenants. My client currently owns the existing B&M Homestore and former KFC drive-thru unit which are accessed off the Kemplay Bank roundabout and the A6 (Bridge Lane) in Penrith. The location of the former KFC unit (which has recently been re-let to Tim Hortons for a coffee drive thru unit), seeks to take advantage of passing trade using the Kemplay Bank roundabout and Bridge Lane (A6).</p>	<p>We have met with this landowner and their agent throughout the preliminary design stage, and we understand the issues they are raising as part of their representation. The meeting held on 14.06.22 summarised the issues discussions, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 2 of 2 (Document Reference 5.13, APP-304) submitted as part of the DCO application.</p>

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		<p>Whilst the unit's visibility on to Bridge Lane will be largely unaffected by the proposed scheme; it would appear that environmental mitigation measures that are planned on part of my client's land will involve the creation of a small woodland area fronting the roundabout. The planting of additional trees in this location would create a significant screen which would obscure any view of the new Tim Horton's drive-thru unit from the roundabout-- thereby impacting on the ability to attract passing trade. Once the scheme is implemented, there will have already been a major impact created by removing an element of passing trade-- as cars heading east will now go under the Kemplay Bank roundabout rather than going around it. This appears to have been one of the reasons that influenced KFC not to renew their lease at my client's unit in Penrith. Notwithstanding that, my client would not like to see this impact compounded by the fact that the new occupiers of the former KFC (Tim Hortons) would be obscured from the existing junction by the planting of new trees or woodland. We understand the need to provide additional planting to help create a bio-diversity net gain. However, we believe that there are more suitable locations that could be selected for the planting of additional trees which would have less of an impact on new and existing businesses. My client has no issue with their identified land being used for low level planting including grassland and shrubs so</p>	<p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>Chapter 13 Population and Human Health within the Environmental Statement (Document Reference 3.2, APP-056) includes an assessment of impacts on businesses and how they are accessed. Environmental Statement Appendix 13.1 Population and Human Health Non-Significant Effects notes that there are temporary adverse effects to KFC and B&M Stores in construction only. Dialogue with affected land interests will continue throughout the Examination and detailed design stages of the Project in order to minimise and mitigate impacts as far as practicable. There will be a construction traffic management plan in place through the construction phase of the works, a draft of this form is included in the Environmental Management Plan Annex B13 Construction Traffic Management Plan (Document Reference 2.7, APP-033).</p> <p>National Highways acknowledges this request for a commitment to a change to the design in relation to the area identified for tree planting and removal of a bus stop. A change, if appropriate and feasible, can most likely be undertaken within the boundaries of the DCO application as there is sufficient flexibility in most cases built into the DCO application to allow for this type of change.</p>

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		<p>long as there is no impact on the visibility of the Tim Horton's unit. This issue was discussed with National Highways on the 14th of June 2022. From the minutes that were recorded, National Highways agreed to take this up with the Environmental Team dealing with the proposal. As of yet, we have had no feedback from our meeting on the 14th of June. Furthermore, my client is also unclear as to why the bus stop on Bridge Lane is included within the red line (and the proposed compulsory purchase). It is not clear if it is the intention to remove the existing bus stop on Bridge Lane (as part of the scheme) which again would be a major issue impacting on the accessibility of the Home Bargain's unit. This was also raised with National Highways, but we have yet to receive a response."</p>	<p>If feasible and appropriate the change would be secured through commitments in Statements of Common Ground or Position Statements, or through a legal agreement between National Highways and the relevant Interested Parties or Affected Persons. National Highways is continuing the engagement with affected parties to resolve matters such as those relating environmental mitigation and impacts on public transport in advance of any relevant compulsory acquisition hearings and/or issue specific hearings.</p>
Watson Family, RR-166	Design, Engineering and Construction	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to:</p> <ul style="list-style-type: none"> i) The extent and location of land and rights required including public rights of way ii) Accommodation Works iii) Drainage iv) Impact on retained land v) How the Applicant will minimise disturbance vulnerable residents at West Layton Manor both in respect of construction and the final design vi) How the design will mitigate additional risks in respect of security and anti-social behaviour vii) On-going responsibility for accesses– infrastructure and landforms created - The 	<p>National Highways have met with the Watson family during the preliminary design stage and we understand the issues they are raising as part of their representation. Their land sits adjacent, but outside, the order limits.</p> <p>i) The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-304 to APP-311 inclusive). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose</p>

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		<p>extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement.</p> <p>Justification for the permeant acquisition of land or rights over land, and temporary land occupation; and the extent of those needs including in relation to public rights of way -</p>	<p>restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available. National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-342 to APP-349 inclusive) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>ii) The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>iii) National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221 which assesses flood risk to and from the</p>

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			<p>proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project on agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices, and measure D-RDWE-11 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained.</p>

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			<p>In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, whose duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with owners/occupiers in advance of finalisation, for their consideration.</p> <p>iv) See response below on acquisition of land</p> <p>v) disturbance to vulnerable residents at West Layton Manor both in respect of construction and the final design will be minimised through the provision of the Environmental Management Plan. As mitigation is developed alongside the Project design, detailed management plans will be developed and consulted upon before they are implemented in accordance with the Environmental Management Plan (Document Reference 2.7, APP-019), in particular commitments D-NV-01, which require the development to manage and minimise impacts arising from construction noise and operational noise through the development of and implementation of a Noise and Vibration Management Plan.</p> <p>vi) While National Highways recognises concerns relating to anti-social behaviour, litter and fly tipping, addressing such issues falls outside of the scope of a highways scheme and is a matter for the local police service and local authority.</p>

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			<p>The new road will be a free flowing dual carriageway with quicker more reliable journey times, enabling people to spend less time on the road, which may lead to reduced litter/fly tipping.</p> <p>vii) Acquisition of land: Land identified for environmental and landscape mitigation is required in order to mitigate the adverse environmental effects of the Project and as such is essential to its delivery. All of the land in relation to which National Highways seeks authorisation for compulsory acquisition, for the creation and compulsory acquisition of new rights and for the creation and imposition of restrictive covenants, or for temporary possession, is shown on the Land Plans (Document Reference 5.13, APP-304 to APP-311 inclusive) shaded pink (acquisition of land), blue (acquisition of rights over land / imposition of restrictive covenants on land) or green (temporary possession of land).</p> <p>National Highways is committed to working with landowners to avoid the need to exercise compulsory acquisition powers if appropriate agreements can be entered into. Such agreements could include management agreements or agreements under section 253 of the Highways Act 1980 in appropriate circumstances. However, not all types of environmental mitigation are well suited to those types of contractual arrangements given the long duration of the Project and the need to maintain certain categories of mitigation over</p>

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			<p>the long term. As such, while National Highways is committed to exploring such arrangements in appropriate circumstances, it must, nonetheless, retain the ability to acquire such land in order to safeguard the delivery of the Project.</p> <p>In order to safeguard the delivery of the Project whilst also ensuring that the most appropriate arrangement can be reached with affected landowners on a case-by-case basis, the draft Development Consent Order (Document Reference 5.1, APP-285) is drafted in terms which allow a flexible approach to the exercise of the compulsory acquisition powers. For example: where land is shaded pink on the Land Plans, denoting that powers of compulsory acquisition are sought to enable the outright acquisition of the land, articles 19, 22 and 29 of the draft DCO also provide for an alternative 'lesser' solution, such that if the necessary environmental mitigation could be achieved through the creation and acquisition of new rights (including the imposition of restrictive covenants), without the need for the land to be acquired outright, this would still be possible notwithstanding the fact that the land is shaded pink on the Land Plans. Similarly, all land shaded pink or blue (in addition to that shaded green) on the Land Plans may be subject to powers of temporary possession (as distinct from powers of compulsory acquisition).</p>

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			<p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises. As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project because the imposition of the mitigation measures would render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project.</p>

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			<p>This approach reflects the use of compulsory acquisition powers as a 'tool of last resort', as advocated in Government Guidance on the Compulsory Purchase Process and the Crichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project in a way that is proportionate and which balances, as far and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p> <p>The Project will need to be delivered within the Order limits (as shown by means of a red line boundary on the Land Plans), but it is possible that as the detailed design is progressed, not all of the land included within the Order limits will be needed. Where that is the case, then, in accordance with section 122 of the Planning Act 2008, National Highways will only acquire, or use, the land which is actually required for the Project, or to facilitate it, or to be incidental to it, or is required as exchange land (to replace special category land). Indeed, there would not be a compelling case in the public interest to acquire any more land than that which is actually needed for the Project.</p> <p>In the context outlined above, as provided for in the draft DCO and accompanying Land Plans, National Highways remains committed to achieving the acquisition or use of land by agreement with landowners wherever possible, such that where the acquisition of rights or the use of temporary possession powers provide a mutually</p>

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			acceptable solution within a reasonable timescale, this will be progressed.
Watson Family, RR-166	Development of the Project and Alternatives Biodiversity and BNG	The design of the A66 junctions for West Layton <ul style="list-style-type: none"> • The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required • Ecological impact, the adequacy of mitigation measures, and also the suitability of the Applicant's current proposed locations for mitigation measures - 	<p>In relation to the availability of more suitable routes environmental assessments were undertaken to determine the likely significant impacts of each route based on the information that was available at the time. A summary of the environmental assessments undertaken on alternatives that have been considered in the Preliminary Environment Information (PEI) Report presented as part of the Statutory Consultation.</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 (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 (PDOR) (Document Reference 4.1, APP-244).</p> <p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises and the land required to</p>

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			<p>mitigate the significant environmental effects of the Project. The land required for environmental mitigation is that needed to mitigate the significant effects of the Projects based on the findings of the EIA as reported in the Environmental Statement (Document Reference 3.2, APP-044 to APP-059). As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>Mitigation will evolve through the detailed design stage, and we will continue to work closely with landowners as this moves forward. The Order Limits in our DCO Application identify the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process, is set out in the Project Development Overview Report (Document Reference 4.1, APP-244). National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures. National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the project including required mitigation measures.</p>

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			<p>The permanent land required to construct and operate the project is considered to be reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations</p>
Metcalf Family, RR-198	<p>Population and Human Health</p> <p>Design and Engineering</p>	<p>The proposals will have a significant impact upon the farming business. The land which will be affected is used mainly to graze the dairy herd throughout the summer months, this land cannot just be replaced as it must be close to the farm in order for the cows to walk to the grazing so they can return twice a day to be milked. In addition, once grazed the land has an application of slurry to apply nutrients to get it growing again, the loss of the land will not only hit the grazing side of the business but will also result in the need to erect additional slurry storage facilities to increase storage capacity as they won't be able to apply slurry to certain field parcels. The loss of the land will result in a large additional cost to the farming business having to purchase additional feed year-round for the dairy enterprise and the additional cost with managing the slurry on the farm. The current plans show that around 80 acres of owned land and a further 42 acres of land which is held on an agricultural holding act tenancy, this total land take totals 122 acres, this equates to 40% of the total land holding of 300 acres farmed. It is also unsure as the exact areas which will be required during the construction phase which is</p>	<p>We have met with the Metcalf's throughout the preliminary design stage, and we understand their concerns with the scheme. The meeting held on 04.05.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 2, 3 and 4 of 7 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>Since the submission of this relevant representation, we have confirmed with the landowner the accommodation structure will be designed to a standard which is suitable for all vehicles used by the landowner.</p> <p>With regards to ponds, this matter has been discussed directly with the Metcalf's in recent meetings. National Highways has submitted with its application for</p>

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		<p>likely to be much higher and this will have a further impact upon the farming business. As you can imagine this is of great concern to the Metcalfe Family and will destroy the hugely successful dairy business which has been built up over many years. There has been significant investment in the farm stading over recent years including the erection of several sheds, drainage works to fields, the construction of a number of cow tracks and the construction of a lagoon in the centre of the holding. All these will be impacted upon if the scheme goes ahead, and many will not be able to be used to the full potential which will result in these being wasted investments. The option to reduce livestock numbers is not a real option, the business has built up the livestock numbers to the level they are today after years of breeding. In addition, reducing the cows numbers would automatically see the farming business at a disadvantage, not only would they receive a penalty from there milk buyer but they would be disadvantaged when buying feedstuffs and consumables.</p> <p>The council have included an accommodation bridge to access some severed land on the northern side of the proposed road, this bridge is welcomed but we would like confirmation as to the weight limit which will be placed upon it and then allowed to comment further. In addition, this bridge is also proposed to carry the diverted public footpath. The proposed</p>	<p>development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles Document Reference 5.11, APP-302, in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy. We will continue to discuss this matter as the detailed design progresses.</p> <p>We recognise that there is a desire from some landowners to separate WCH routes from replacement private means of access. It is not unusual, particularly in rural areas, for private means of vehicular access to exist over public rights of way in relation to which there is no general public right of vehicular access. Such arrangements tend to have lower environmental impacts and require less land to be taken overall when compared with a segregated solution.</p>

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		<p>diverted footpath running over this area bring significant concerns over the welfare and health and safety of the use of this bridge for walkers and farm traffic/livestock. This land is currently used to graze the dairy herd on with the cows milked and then left to walk to the field to graze and return when they wish. If there is no separation between the public and livestock/vehicles the cows and general public will be using the bridge which will brings serious welfare and safety concerns.</p> <p>We would request that the bridge is extended, and a separate "lane" installed for use by the users of the Public Footpath. The documents submitted also refer to large area pond on the Metcalf land down next to the school. We enclose a plan showing the suggested alternative location for this pond which we wish to be considered, this area is naturally low lying. The plans also show a large construction compound and environmental mitigation area, we have no objection to a temporary construction compound, but we have enclosed a plan showing an alternative location for the environmental mitigation, if its left in this location it will have a significant impact upon the farming business.</p> <p>There will be significant dust issues during the construction phase, which will have a large impact upon the steading and agricultural land and the ability to make good quality silage or have good quality grazing land for the dairy cattle. We would request that</p>	<p>Nonetheless, National Highways is giving further consideration, as part of the detailed design process, as to the extent that it is able to accommodate requests for segregated private means of access and walking, cycling and horse riding provision and the outcome of that consideration will be discussed with the relevant affected persons in due course.</p> <p>Meetings have also been held with the district valuer to determine disruption compensation as well as to facilitate the purchase of the land required by the scheme.</p> <p>The landowner is keen to retain the farm business and National Highways is working closely with him and his agent to facilitate this and minimise impact in the farming operation.</p> <p>Chapter 13 Population and Human Health within the Environmental Statement (Document Reference 3.2, APP-056) includes an assessment of impacts upon agricultural land holdings. As part of the assessment process, agricultural landowners were consulted in order to understand how their businesses operated. This has been factored into the assessment of likely significant effects.</p> <p>The Environmental Management Plan (Document Reference 2.7, APP-019) contains measures that will reduce the adverse effects and minimise the impacts of the Project on agricultural landowners and farm</p>

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		<p>it be a condition that Highways England employ an Agricultural Liaison Officer for the duration of the build period to monitor this and have direct contact with the Landowners/Agents/Contractor</p>	<p>businesses. This includes a commitment (MW-PH-02) for construction mitigation in relation to farm businesses for:</p> <ul style="list-style-type: none"> • the accommodation of harvesting periods in the construction programme where reasonably practicable to account for potential crop loss • Maintenance during the construction of the Project of farm access points where reasonably practicable and reinstating these as soon as possible • Minimising impacts of dust and noise on crops and livestock in accordance with the commitments made in the Air Quality and Noise requirements • Giving farmers advanced warning of works to enable them to plan for potential field rotations • Minimise impacts upon field drainage construction by liaising with farmers, during detailed design and construction planning, to understanding the needs of their agricultural practices.
Adam Metcalfe, RR-062	Design, Engineering and Construction	<p>I am writing on behalf of AWSM Farming Ltd (Adam Metcalfe) to provide his comments on the Stephen Bank to Carkin Moor proposal. AWSM Farming Ltd is a farming, machinery hire, and agricultural contracting service based at (Redacted), Hutton Magna. As part of their business, they undertake agricultural operations on land to the south of the A66, in-between Newsham and Dalton</p>	<p>In feedback provided at the Autumn 2021 consultation, several stakeholders raised concerns regarding the lack of connection of the de-trunked A66 to the proposed new carriageway at the western scheme extent in the vicinity of Browson Bank. As such, in response to the suggestions put forward, the design team have carried out further refinements and have included a new westbound slip road at the western scheme extent to provide access from surrounding villages to the new westbound A66 dual carriageway.</p>
Adam Metcalfe, RR-062	Development of the Project and Alternatives	<p>Due to narrow lanes and bridges, access to these fields with large agricultural machinery is only possible</p>	

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		<p>off the A66 through Browson Bank. The current plans show that access to Browson Bank will only be available from the east.</p> <p>Therefore, in order to access Browson Bank, agricultural machinery from Lanehead Farm will need to travel from the junction at Smallways along the A66 east to the new junction at Mainsgill and then come back along the new service road. This will be a distance of approximately 5.92 miles. In addition, when returning to Lanehead Farm, machinery will need to travel east to Mainsgill then back along the A66 to Smallways.</p> <p>There will be significant additional fuel and time costs associated with this extra travel time. The presence of agricultural machinery on the road will also cause congestion issues for the new road</p> <p>Mr Metcalfe's preference is for a new additional access road to be created to connect the Browson Bank service road to the A66 junction at Smallways to the west. This will allow all traffic from the Browson Bank service road to travel west and join the A66 at Smallways and mean that all agricultural machinery does not need to go on the A66. By linking the Browson Bank service road with the Smallways junction, it would benefit the residential properties at Browson Bank as well as any traffic heading west from Dick Scot Lane, Old Duns Bank, Waitlands Lane and</p>	<p>The impacted farm access to Browson Bank has also been redesigned to suit this new arrangement, resulting in reduced journey times for those accessing the A66 in this area. This proposal avoids local detours to Moor Lane Junction for access to the A66 and prevents the de-trunked road becoming a dead-end with the potential to be misused, for example, for fly-tipping or overnight stays.</p> <p>Traffic travelling from the west along the A66 wanting to access Browson Bank will still need to travel to the Mains Gill Junction and back along the de-trunked A66. However, this additional journey time will be offset against the current waiting times to turn right and the safety benefits with the new junction. This would comply with the respondent's alternative suggestion</p> <p>The option as suggested by the respondent of providing a new service road from Browson Bank to Smallways would require an additional 1km of new road, affecting new landowners not previously impacted and increasing the impact on currently impacted landowners.</p> <p>With regard the point made about agricultural vehicles on the new road causing congestion, the dualling of the route and provision of the additional lane should allow for slower moving vehicles to use the dual carriageway without impacting on faster moving traffic.</p>

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		<p>West Layton. This is because, traffic from all these areas would not need to travel east back to Mainsgill in order to travel westwards. An alternative option would be to create a new slip road at Browson Bank onto the A66 to allow traffic to travel to the west. This will at least cut the return journey to (Redacted) by not requiring travel back to Mainsgill. It would also benefit the residential properties as outlined above.”</p>	<p>A parallel road from Smallways to Browson Bank may have the unintended consequences of attracting more vehicles to the at grade Smallways junction to turn right for Browson Bank and surrounding communities, increasing the level of turning traffic that would face oncoming westbound traffic to cross the road. The preferred option is for traffic to continue to the new grade separated Mains Gill junction for access to Browson Bank where the risk to turning traffic is reduced.</p>
<p>Mr Keith Steadman, RR-204</p>	<p>Impacts to Land</p>	<p>Detailed information is needed on whether the land is to be taken permanently or temporarily and whether it is to be affected by any management prescriptions in the future. Concerns over potential flooding of the property due to the road scheme have been raised but no definitive designs on how flooding is to be avoided have been put forward. Concerns over access to the property from the public highway during and after construction have been raised but no definitive answers have been given. To summarise, lack of information is our clients main concern currently. If more information is forthcoming he may be able to withdraw any objection</p>	<p>We have met with The Steadmans during the preliminary design stage, and we understand their concerns with the scheme. The meeting held on 07.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 6 of 6 (Document Reference 5.13, APP-307) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout stage three. A letter inviting the respondent to negotiate with National Highways was issued on 28</p>

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			<p>March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-307). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p>

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			<p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p>
Richardson family, RR-197	Impacts to Land	<p>Inappropriate use of Compulsory Purchase Powers As the full detailed design has not been carried out yet and the design keeps changing, the DCO includes large areas of additional land required which may be temporary and may be permanent, some of which it is clear that it is not required for the scheme. We ask that this is looked into</p>	<p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 of 6 (Document Reference 5.13, APP-307) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-307). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink</p>

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			land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.
Holly Martin, RR-173	Impacts to Land	Under the current plans their house will now be entirely surrounded by roads, hard standing and ponds, and their views will be removed by the planting in the fields. It means my daughter will not grow up to cherish such a precious example of countryside life and our family home and garden that now goes back five generations will be ruined. I feel increasingly alarmed and concerned that the future generations are not being considered in these plans.	<p>National Highways have met with The Thompsons and their family throughout the preliminary design stage, and we understand their concerns with the scheme. The meeting held on 21.04.22 summarises the issues, including matters resolved and those outstanding. We have also had further meetings in September 2022.</p> <p>The Environmental Statement (Document Reference 3.2, APP-044 to APP-059) and Mitigation Schedule (Document Reference 3.1, APP-42) report the likely effects of the Project and proposed mitigation to reduce or avoid these effects. These mitigation measures are then secured in the DCO Application through the Environmental Management Plan (Document Reference 2.7, APP-019) and Project Design Principles (Document Reference 5.11, APP-302) which will become certified documents under the DCO.</p> <p>National Highways acknowledges this request for a commitment to a change to the design in relation to the access arrangements at Langrigg. This change, if appropriate and feasible, can most likely be undertaken within the boundaries of the DCO application as there is</p>

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			<p>sufficient flexibility in most cases built into the DCO application to allow for this type of change. If feasible and appropriate the change would be secured through commitments in Statements of Common Ground or Position Statements, or through a legal agreement between National Highways and the relevant Interested Parties or Affected Persons. National Highways is continuing the engagement with affected parties to resolve matters such as those relating to an access in advance of any relevant compulsory acquisition hearings and/or issue specific hearings.</p> <p>With a view to finding a mutually acceptable access solution, National Highways will continue its dialogue with Ms Irving as the Project is progressed through the Examination and detailed design stages.</p>
McSkimming Family, RR-163	Environment and EMP	The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required Ecological impact, the adequacy of mitigation measures, and also the suitability of the Applicant's current proposed locations for mitigation measures.	<p>In relation to the availability of more suitable routes environmental assessments were undertaken to determine the likely significant impacts of each route based on the information that was available at the time. A summary of the environmental assessments undertaken on alternatives that have been considered in the Preliminary Environment Information (PEI) Report presented as part of the Statutory Consultation.</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 (Document Reference 3.2, APP-046).</p>

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			<p>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 (PDOR) (Document Reference 4.1, APP-244).</p> <p>National Highways is aware of the concerns of the McSkimming family and the issue with the recent construction of a garage within the order limits.</p> <p>Paragraph 3.3 of the National Networks National Policy Statement (NNNPS) states that “in delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government’s planning guidance.</p> <p>The Government’s detailed policy on environmental mitigations for developments is set out in Chapter 5 of the NNNPS.</p> <p>In response to NNNPS policies, National Highways LD117 Landscape Design provides a list of eight environmental masterplan codes to summarise and illustrate the environmental mitigation. Four of these are utilised to show the types of land required for environmental mitigation, as shown on the illustrative Environmental Mitigation Maps (Document Reference 2.8) and are listed below in no particular order:</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>1. Landscape integration 2. Nature conservation and biodiversity 3. Visual amenity 4. Visual screening</p> <p>Areas of habitat creation and replacement are principally within the second category (nature conservation and biodiversity) shown on the Environmental Mitigation Maps, although some of the landscape and visual mitigation shown on the maps can also function as habitat (hence has a dual function). The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of the Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2, APP-049)). The size of the areas proposed for environmental mitigation is based upon the land required to effectively mitigate the species impacts, landscape and visual effects and habitat impacts and loss of the Project based on the assessment of the preliminary engineering design (which forms part of the DCO application). As such, it is not considered excessive.</p> <p>The Application including the Environmental Statement (Document Reference 3.2), DCO and related Project Design Principles (Document Reference 5.11, APP-302) and Environmental Management Plan (Document Reference 2.7, APP-019) are prepared on the basis that detailed design will be progressed and refined and this will result in greater certainty at the final design stage and</p>

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			<p>implementation (should consent be granted). Any design details brought forward will be within the terms of any consent granted, order limits and within the extent of assessment. It will also be in conformity with the EMP (Document Reference 2.7, APP-019) and the PDP (Document Reference 5.11, APP-302) but may not be in the same form as shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041).</p>
<p>McSkimming Family, RR-163</p>	<p>Landowner</p>	<p>The extent of any negotiations or attempts by the Applicant to acquire land and rights by agreement The requirement and suitability and land taken which does not appear to be required for the scheme.</p> <p>Justification for the permeant acquisition of land or rights over land, and temporary land occupation; and the extent of those needs including in relation to public rights of way</p>	<p>We have met with The McSkimming family throughout the preliminary design stage, and we understand their specific concerns with the scheme. They have had a number of meetings with the wider project team. The meeting held on 06.05.22, summarises the issues, including matters resolved and those outstanding. Further discussions have been held since.</p> <p>We are aware of the concerns of the McSkimmings and are working with the delivery partners to explore opportunities to mitigate these impacts.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout stage three. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.9, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National</p>

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			<p>Highways has identified as being required for the Project. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-309). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p>

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McSkimming Family, RR-163	Design, Engineering and Construction Road Drainage and the Water Environment	The adequacy of information provided by the Applicant, including but not limited to information relating to: The extent and location of land and rights required including public rights of way Accommodation Works Drainage Impact on retained land How the design will mitigate additional risks in respect of security and anti-social behaviour.	<p>Reference to extent of land is covered elsewhere in the response to the McSkimmings. National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-349) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>The impacts on existing ditches and drains are set out in document 3.4 Environmental Statement Chapter 14 and its appendices including appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy. Detailed designs for the mitigation measures, including drainage ponds, will be developed during the detailed design stage in accordance with current legislation and design standards. This is set out in the road drainage and water environment section of Table 3-2: Register of environmental actions and commitments, within the EMP (Document Reference 2.7, APP-019) REAC Reference D-RDWE-02.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A</p>

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			<p>of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-19) and the Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>The Environmental Management Plan also contains other measures that will reduce the adverse effects of the Project to agricultural landowners, in particular measure MW-PH-02 where National Highways commits to minimise impacts upon field drainage during construction by liaising with farmers, during detailed design and construction planning, to understand the needs of their agricultural practices and measure D-RDWE-10 in which National Highways commits that any works that disturb drainage features, including land drainage, shall include necessary mitigation or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. In addition, through the Environmental Management Plan, National Highways has committed to appointing an Agricultural Liaison Officer, who's duties include coordinating land drainage surveys and sharing pre- and post-construction land drainage schemes with</p>

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			<p>owner/occupiers in advance of finalisation, for their consideration.</p> <p>National Highways acknowledge the landowner concerns regarding security and anti-social behaviour. The dialogue will continue with land interests throughout the Examination and detailed design stages of the Project to agree the required accommodation works and mitigation in relation to security and anti-social behaviour.</p>
Elaine Waddington, RR-002	Noise and Vibration	Our home is adjacent to the A66 and will be affected by the proposed road improvement both during the carrying out of the work and also afterwards. I am worried that some of the land being used for this project will take our property nearer to the road.	<p>The property described is to the west of Kemplay Bank roundabout. The Waddingtons are adjacent to the order limits, but the project does not require land take from them.</p> <p>We have met with the Waddingtons during the preliminary design stage, and we understand their concerns with the scheme. The meeting held on 11.02.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The Environmental Statement (Document Reference 3.2) Chapter 12: Noise and Vibration sets out the potential effects of changing noise as a result of the A66, Environmental Statement Chapter 10: Landscape and Visual sets out the potential visual effects of the Project.</p>
Elaine Waddington, RR-002	Cultural Heritage	Our property is Grade 2 listed and we understand dates from the 16th century.	Duly noted. The Environmental Statement Chapter 8: Cultural Heritage (Document Reference 3.2, APP-051) sets out the assessment of likely significant effects on heritage assets across the Project.

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			For National Highways to confirm whether the property in question falls within the scope of the assessment, further information is required on the building's location.
Raymond Waddington, RR-003	Environment and EMP	I am concerned about the construction work to upgrade Kemplay roundabout and underpass and how it may affect us in the construction. I am led to believe that the construction period is 4 years, and this is going to be a major inconvenience as we live in the [Redacted] adjacent to the roundabout	<p>We will look to mitigate disruption to landowners and their businesses during construction as far as reasonably practicable through the development of thorough local traffic management and access plans.</p> <p>Annex B13 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) 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. A CTMP will be consulted upon with certain stakeholders and be subject to Secretary of State approval (as part of a 2nd iteration EMP) prior to the start of works, as secured by the EMP and, in turn, article 53 of the dDCO (Document Reference 5.1, APP-285) A CTMP will be consulted upon with certain stakeholders and be subject to Secretary of State approval (as part of a 2nd iteration EMP) prior to the start of works, as secured by the EMP and, in turn, article 53 of the draft DCO (Document Reference 5.1, APP-285)</p> <p>The CTMP will be developed to ensure that the following key objectives are considered and addressed:</p>

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			<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>As the project design is developed, detailed plot specific management plans will be developed.</p>
Michael Blacklidge, RR-129	Design Engineering and Construction	Keen to ensure that Moor Lane remains fully open to all traffic. Despite some criticism the underpass north of Dick Scott Lane is vital to our and other farms north of the A66 and must be retained, as should the west bound slip road onto the new dual carriageway.	<p>The proposed design layout is for Moor Lane to connect into the proposed Mains Gill Junction, thereby maintaining connectivity for East Layton to and from the A66 dual carriageway and the detrunked A66.</p> <p>The proposed accommodation underpass north of Dick Scott is included in the proposed design and shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-348)</p>

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			<p>The design includes a new westbound slip road at the western scheme extents to provide access from surrounding villages to the new westbound A66 dual carriageway. The impacted farm access to Browson Bank has also been redesigned to suit this new arrangement, providing reducing journey times for those accessing the A66 in this area, including West Layton. This proposal avoids local detours to Mains Gill Junction for access to the A66 and prevents the de-trunked road from becoming a dead-end with the potential to be misused, for example, for fly-tipping or overnight stays.</p> <p>Traffic travelling from the west along the A66 wanting to access Browson Bank will still need to travel to the Mains Gill Junction and back along the de-trunked A66.</p>
Michael Blacklidge RR-129	Road Drainage and Water Environment	Would like to see the drainage issues on Collier Lane outside West Layton Manor fully investigated and upgraded to tie in with the new overbridge on Collier Lane.	<p>Current flooding problems have been highlighted by landowners on the A66 at Carkin Moor, on the A66 at Waitlands Lane and also on Collier Lane. An allowance has been made within the Order Limits for the scheme to facilitate any amendments to the drainage design in these areas if found to be required. Further consideration of the existing drainage infrastructure at the proposed tie ins will be undertaken at detailed design stage. Dialogue over existing drainage concerns will continue with the affected party in the detailed design stages of the Project.</p> <p>The Environmental Management Plan (Document Reference 2.7, APP-019) includes REAC D-RDWE-10 which secures the requirement for any affect to land</p>

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			drainage will be mitigated or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained.
Iain Waite, RR-032	Impacts to Land	The proposed route of the new dual carriageway will pass about 300 metres from our cottage.	We have recently met with Iain Waite to discuss his concerns (16 September). National Highways will continue to engage with Iain Waite.
Iain Waite, RR-032	Noise and Vibration	There will be parts in cut and parts on embankment in our vicinity so we are concerned about the impact of noise and light pollution, also vibration may become an issue. We would like to be reassured that all methods to minimise noise and light pollution will be employed during construction viz special noise reducing road surfacing and screens to blank out the vehicle lights. I understand street lighting will not be an issue.”	<p>The Environmental Statement assess the likelihood of significant effects (Document Reference 3.2) and is underpinned by detailed assessments within separate appendices for each chapter. Any mitigation requirements are outlined within each chapter and includes measures to manage construction related impacts such as noise and light pollution.</p> <p>Mitigation requirements are secured through the Environmental Management Plan (Document Reference 3.2, APP-019) and the DCO application and will be implemented on the Project. Requirements for mitigation are also outlined in the Project Design Principles (Document Reference 5.11, APP-302).</p> <p>As reported in Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055) Low noise road surfacing and landscaped earthworks to mitigate visual impact and reduce noise, have been considered within the design as embedded mitigation.</p>

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			Section 10.10.76 and 10.10.77 of the Landscape and Visual Chapter (Document Reference 3.2, APP-053) report that there will be no significant effects from lighting during construction or operation of the Project.
Dr. Antony Richard Leeming, RR-033	Impact on land	<p>Dr Anthony Leeming and Lady Elizabeth Leeming (“the Representors”) are the registered proprietors under title No.CU33471, and are the owners of other unregistered land, at [Redacted] and the surrounding Park, small parts of which are proposed to be acquired under a draft development consent order (“the DCO”) being sought for the National Highways A66 Northern Trans-Pennine Project (“the Project”).</p> <p>Further, it is unnecessary to acquire the whole width of the wider part of plot no.0102-01-07 at its north-western end, and if it is proposed for planting, this is unacceptable as it will be inconsistent with the parkland concept described above.</p> <p>Third, to the extent that any part of the land in Area 1 is required for visual screening or access, it is unnecessary to permanently acquire such land as the Representors can give rights in the form of restrictive and positive covenants to achieve the same.</p> <p>First, the Representors are prepared to offer other areas of equivalent size within their ownership in the surrounding area for the purpose of biodiversity and</p>	<p>We have met with Dr Leeming during the preliminary design stage, and we understand his concerns with the scheme. The meeting held on 04.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 of 2 (Document Reference 5.13, APP-304) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>Illustrative Environmental Mitigation Maps (Document Reference 2.8, APP-041) sets out the currently proposed mitigation in this location is intended to ensure replacement of any vegetation lost in the construction of the pond.</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout stage three.</p>

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		<p>mitigation plantings, and accordingly the compulsory acquisition of Area 3 is unnecessary.</p> <p>Second, any planting in Area 3 would seriously harm the parkland concept as described above, especially as an alternative area has been offered. 18. Third, any planting in Area should not be restricted to native species only as such a limitation is wholly inconsistent with the parkland concept mentioned above.</p> <p>Compulsory acquisition restraints: In support of the points made above against the use of permanent acquisition, the Representors will rely on the guidance in Compulsory purchase process and the Crichel Down Rules (updated July 2019), particularly at paras 12 (there must be a compelling case in the public interest) and 13. In relation to the offers made above by the Representors to enter into rights for the benefit of National Highways, and to provide other land for mitigation plantings, and otherwise, there cannot be a compelling case in the public interest to acquire land in such circumstances. 21. In the cases mentioned above where rights can be granted in place of permanent acquisition, there are powers in the Planning Act 2008 for National Highways to seek rights, in place of permanent acquisitions, which do not appear to have been considered.</p>	<p>A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>Proposed mitigation, including that located in Area 3, is based on the identified effects and losses across the Project. Mitigation is based on a number of factors which takes into account ecological function, connectivity, proximity to habitat lost, as well as landscape impacts. The mitigation is designed in collaboration with ecology, landscape, and cultural heritage so as to ensure the proposals do not create any additional potential effects on other receptors. Planting in this location has been done to minimise alteration of the existing parkland. Mitigation as shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041) is not fixed within the Order Limits and final mitigation plans will be based on the final detailed design.</p>

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			<p>Land identified for environmental and landscape mitigation is required in order to mitigate the adverse environmental effects of the Project and as such is essential to its delivery. All of the land in relation to which National Highways seeks authorisation for compulsory acquisition, for the creation and compulsory acquisition of new rights and for the creation and imposition of restrictive covenants, or for temporary possession, is shown on the Land Plans (Document Reference 5.13, APP-304 to APP-311 inclusive) shaded pink (acquisition of land), blue (acquisition of rights over land / imposition of restrictive covenants on land) or green (temporary possession of land).</p> <p>National Highways is committed to working with landowners to avoid the need to exercise compulsory acquisition powers if appropriate agreements can be entered into. Such agreements could include management agreements or agreements under section 253 of the Highways Act 1980 in appropriate circumstances. However, not all types of environmental mitigation are well suited to those types of contractual arrangements given the long duration of the Project and the need to maintain certain categories of mitigation over the long term. As such, while National Highways is committed to exploring such arrangements in appropriate circumstances, it must, nonetheless, retain the ability to acquire such land in order to safeguard the delivery of the Project.</p>

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			<p>In order to safeguard the delivery of the Project whilst also ensuring that the most appropriate arrangement can be reached with affected landowners on a case-by-case basis, the draft Development Consent Order (Document Reference 5.1, APP-285) is drafted in terms which allow a flexible approach to the exercise of the compulsory acquisition powers. For example: where land is shaded pink on the Land Plans, denoting that powers of compulsory acquisition are sought to enable the outright acquisition of the land, articles 19, 22 and 29 of the draft DCO also provide for an alternative 'lesser' solution, such that if the necessary environmental mitigation could be achieved through the creation and acquisition of new rights (including the imposition of restrictive covenants), without the need for the land to be acquired outright, this would still be possible notwithstanding the fact that the land is shaded pink on the Land Plans. Similarly, all land shaded pink or blue (in addition to that shaded green) on the Land Plans may be subject to powers of temporary possession (as distinct from powers of compulsory acquisition).</p> <p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises. As the detailed design of the Project is progressed over the coming months, more</p>

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			<p>accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project because the imposition of the mitigation measures would render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project. This approach reflects the use of compulsory acquisition powers as a 'tool of last resort', as advocated in Government Guidance on the Compulsory Purchase Process and the Crichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project in a way that is proportionate and which balances, as far and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>The Project will need to be delivered within the Order limits (as shown by means of a red line boundary on the Land Plans), but it is possible that as the detailed design is progressed, not all of the land included within the Order limits will be needed. Where that is the case, then, in accordance with section 122 of the Planning Act 2008, National Highways will only acquire, or use, the land which is actually required for the Project, or to facilitate it, or to be incidental to it, or is required as exchange land (to replace special category land). Indeed, there would not be a compelling case in the public interest to acquire any more land than that which is actually needed for the Project.</p> <p>In the context outlined above, as provided for in the draft DCO and accompanying Land Plans, National Highways remains committed to achieving the acquisition or use of land by agreement with landowners wherever possible, such that where the acquisition of rights or the use of temporary possession powers provide a mutually acceptable solution within a reasonable timescale, this will be progressed.</p> <p>It is acknowledged that there are non-native tree species that contribute to the parkland landscape. There can be a consideration of non-native species planting in areas where the mitigation planting is not intended to contribute to habitat replacement that requires specific native species.</p>

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			National Highways will consider this matter in regard to the Project Design Principles (Document Reference 5.11, APP-302).
Dr. Antony Richard Leeming, RR-033	Landscape and Visual	<p>Plots nos.0102-01-06, 1020-01-07 and 0102-01-50 for the purposes of visual screening, landscape integration.</p> <p>Area 2: Whilst the Representors do not object to the taking of such part of the plots in this area to the extent that such part is required for highway works, they do object to the taking of additional land for visual screening (tree and shrub planting) for the following reasons.</p> <p>For the most part the existing and proposed improved planting adjoining highway is at a level below that of the Representors' parkland and as the only purpose of any proposed visual screen planting can only be for the principal benefit of their property, and the attenuation of noise, it is wholly unnecessary to permanently acquire land for that purpose or to limit plantings to native species only when the Representors are prepared to enter into restrictive and positive covenants to achieve any necessary plantings, and especially as existing plantings are said to be retained.</p>	<p>National Highways are aware of Dr Leeming's concerns regarding proposed locations for environmental mitigation on their land.</p> <p>Following feedback during a meeting with Dr Leeming's agent during the statutory consultation period, National Highways have explored placing all the woodland at the south end of Skirsgill park rather than along the edge of his land as proposed in the plans presented at statutory consultation. This design change was carried out and features in updated land plans as submitted with the DCO application. National Highways intend to confirm this change to the design, which is within the parameters of the DCO application, through the examination.</p> <p>Impacts to landscape have been set out in the Environmental Statement Chapter Landscape and Visual Amenity (Document Reference 3.2, APP-053). Where significant effects have been identified mitigation to reduce the potential effects have been described within the relevant section of the chapter and have informed the development of the Environmental Management Plan (Document Reference 2.7, APP-019) and associated Annexes, including an outline landscape management plan. These documents will develop alongside the design of the Project.</p>

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			<p>The locations of the planting that is required specifically to mitigate potential landscape and visual effects cannot be relocated as its function is to reduce the effects on a particular local receptor.</p> <p>In relation to the extent and nature of the interest in land that National Highways require, and for an explanation of the flexible mechanisms available within the draft DCO for securing such land on a proportionate basis, please see the response above.</p>
<p>Dr. Antony Richard Leeming, RR-033</p>	<p>Flooding and Drainage</p>	<p>There does not appear to have been any consideration given to the proposed drain crossing a Registered County Wildlife Site and a SAC/SSSI riverbank, which is inconsistent with those classifications</p>	<p>Consideration has been given to the proposed drain crossing a Registered County Wildlife Site and a SAC/SSSI riverbank. The proposed drain is required for the outfall from the pond and has been reduced in length to minimise the impact on the sensitive land.</p> <p>The outfall from the proposed pond to the river Eamont has been included and assessed in the Habitat Regulations Assessment Stage 1 Likely Significant Effects Report (Document Reference 3.5, APP-234) & 3.6 Habitat Regulations Assessment (HRA) Stage 2 Statement to Information Appropriate Assessment (Document Reference 3.6, APP-235) for further details.</p> <p>Extract from document 3.6 HRA paragraph 1.5.69:</p> <p><i>In addition to the impacts described for the Trout Beck crossing, there will be localised alteration of the riparian zone as a result of the attenuation basin discharges to the river Eamont (M6 Junction 40 to Kemplay Bank) and</i></p>

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			<p><i>Trout Beck (Temple Sowerby to Appleby) that will enter these SAC watercourses through the riparian zone. 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, in order 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</i></p> <p>A nominal amount of woodland could be lost within the SAC boundary. However, the loss of habitat was not identified to be qualifying woodland habitat type and the area was so small it was not deemed that this would have any likely significant effect on any qualifying features. The alignment of the ditch will be refined during the detailed design stage to meander and minimise the loss of trees as far as practical.</p> <p>A water quality assessment was undertaken for all proposed ponds which confirmed the outfall is compliant with National Highways standards. This assessment also considers the watercourse the pond drains into, including its sensitivity status (SAC/SSSI etc.).</p>
Dr. Antony Richard Leeming, RR-033	Design, Engineering and Construction	By reference to the Book of Reference vol 1, the Land Plans at 5.13, and Environmental Statement 2.8 mitigation map 1, the following plot numbers are being sought to be acquired permanently. Plots nos.0102-01-06, 1020-01-07 and 0102-01-50 for the purposes of	The existing pipe is to be used to connect the discharge from the proposed pond to the river Eamont. Refer to Annex A of DCO document 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline

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		<p>visual screening, landscape integration and an attenuation pond and drainage therefrom (“Area 1”). Plots nos.0102-01-14, 0102-01-17 and 0102-01-22 for highway works and landscape integration (“Area 2”)</p> <p>First, the Representors point out that the existing and adjoining highway is drained through this Area and the adjoining parkland to the river to the south through a 24” pipe authorised by an easement for the benefit of the Highway Authority. The Representors say that this 24” pipe should be used to drain the proposed improved highway to the river Eamont alternatively it should be used to drain the proposed attenuation pond. This would avoid any need to acquire plot no. 0102-01-06, and certainly plot nos.0102-01-07 and 0102-01-50 10. Second, if an attenuation pond is necessary, it is wholly unnecessary to acquire land in plot nos.0102-01-07 and 0102-01-55. Any requirement for rights to lay and drain through these plots can be granted by easement rights and permanent acquisition is unnecessary.</p>	<p>Drainage Strategy for the outline drainage proposal. (Document Reference 3.4, APP-244).</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-304). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can ‘become’ blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner’s preferred approach, once more information about the detailed design requirements of the Project become available.</p>
<p>Dr. Antony Richard Leeming, RR-033</p>	<p>Biodiversity and BNG</p>	<p>First, [Redacted] House (Grade II listed) and the surrounding grounds and parkland were developed as a single concept from the 18th century, and extensive tree and shrub planting in the 20th century has created a very special area of parkland containing many</p>	<p>While the Project has been designed with care to limit its adverse effects on the environment, it nonetheless gives rise to a need for landscape and environmental mitigation to reduce those adverse effects to an acceptable level.</p>

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		<p>unusual arboretum species providing texture, colour and dendrological interest which will be seriously affected by the proposed land acquisitions.</p> <p>First, the Representors are prepared to offer other areas of equivalent size within their ownership in the surrounding area for the purpose of biodiversity and mitigation plantings, and accordingly the compulsory acquisition of Area 3 is unnecessary.</p> <p>Second, any planting in Area 3 would seriously harm the parkland concept as described above, especially as an alternative area has been offered. 18. Third, any planting in Area 3 should not be restricted to native species only as such a limitation is wholly inconsistent with the parkland concept mentioned above.</p>	<p>Areas of habitat creation and replacement are shown in an illustrative manner within Environmental Mitigation Maps (Document Reference 2.8, APP-041). that represent how the relevant mitigation measures could be implemented so as to be effective in terms of mitigating the adverse environmental effects of the Project.</p> <p>While the precise location of the mitigation measures within the Order limits is not fixed, their design will be developed to respond to the detailed design of the Project, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019), in particular commitments D-BD-01 and D-BD-05 which require the development of a Landscape and Ecological Management Plan and an Environmental Mitigation Scheme, and so as to be compatible with the applicable Project Design Principles (Document Reference 5.11, APP-302).</p> <p>The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2 APP-049). The sizes of the areas of land required are commensurate to the adverse environmental effects of the Project, prior to such environmental and landscape mitigation being taken into account, and as such the land is required to deliver the Project. Potential effects of the acquisition of the land required for the Project on agricultural businesses are assessed within Environmental Statement Chapter 13:</p>

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			<p>Population and Human Health (Document Reference 3.2 APP-056), which takes into account the land required for essential mitigation such as for landscaping and habitat creation.</p> <p>In regard to the impacts on the Park as a heritage asset please see response to RR-033.</p>
Dr. Antony Richard Leeming, RR-033	Cultural Heritage	The Project and the associated planting and other proposals do not appear to recognise the parkland landscape of the Skirsgill House and Park and do not appear to have had the benefit of any cultural or landscape expertise.	<p>Chapter 8 Cultural Heritage of the Environmental Statement (Document Reference 3.2, APP-051) assesses the impacts upon Cultural Heritage with Appendix 8.10 Impact Assessment Table specifically providing an impact statement in respect of Skirsgill House and Park, which states that:</p> <p>The building is located outside the Zone of Visual Impact. Temporary construction activities would occur within the vicinity of the resource, including moving plant, lighting and noise. However, there is existing screening of the house, and works are proposed to the rear and sides of the property, not to the view from the front, which will serve to reduce impacts. No significant effects are reported upon the receptor.</p>
Dr. Antony Richard Leeming, RR-033	Impact on land	Compulsory acquisition restraints: In support of the points made above against the use of permanent acquisition, the Representors will rely on the guidance in Compulsory purchase process and the Crichel Down Rules (updated July 2019), particularly at paras 12 (there must be a compelling case in the public interest) and 13. In relation to the offers made above	Land identified for environmental and landscape mitigation is required in order to mitigate the adverse environmental effects of the Project and as such is essential to its delivery. All of the land in relation to which National Highways seeks authorisation for compulsory acquisition, for the creation and compulsory acquisition of new rights and for the creation and imposition of

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		<p>by the Representors to enter into rights for the benefit of National Highways, and to provide other land for mitigation plantings, and otherwise, there cannot be a compelling case in the public interest to acquire land in such circumstances. 21. In the cases mentioned above where rights can be granted in place of permanent acquisition, there are powers in the Planning Act 2008 for National Highways to seek rights, in place of permanent acquisitions, which do not appear to have been considered.</p>	<p>restrictive covenants, or for temporary possession, is shown on the Land Plans (Document Reference 5.13, APP-304 to APP-311 inclusive) shaded pink (acquisition of land), blue (acquisition of rights over land / imposition of restrictive covenants on land) or green (temporary possession of land).</p> <p>National Highways is committed to working with landowners to avoid the need to exercise compulsory acquisition powers if appropriate agreements can be entered into. Such agreements could include management agreements or agreements under section 253 of the Highways Act 1980 in appropriate circumstances. However, not all types of environmental mitigation are well suited to those types of contractual arrangements given the long duration of the Project and the need to maintain certain categories of mitigation over the long term. As such, while National Highways is committed to exploring such arrangements in appropriate circumstances, it must, nonetheless, retain the ability to acquire such land in order to safeguard the delivery of the Project.</p> <p>In order to safeguard the delivery of the Project whilst also ensuring that the most appropriate arrangement can be reached with affected landowners on a case-by-case basis, the draft Development Consent Order (Document Reference 5.1, APP-285) is drafted in terms which allow</p>

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			<p>a flexible approach to the exercise of the compulsory acquisition powers.</p> <p>For example: where land is shaded pink on the Land Plans, denoting that powers of compulsory acquisition are sought to enable the outright acquisition of the land, articles 19, 22 and 29 of the draft DCO also provide for an alternative 'lesser' solution, such that if the necessary environmental mitigation could be achieved through the creation and acquisition of new rights (including the imposition of restrictive covenants), without the need for the land to be acquired outright, this would still be possible notwithstanding the fact that the land is shaded pink on the Land Plans. Similarly, all land shaded pink or blue (in addition to that shaded green) on the Land Plans may be subject to powers of temporary possession (as distinct from powers of compulsory acquisition).</p> <p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises and the land required to mitigate the significant environmental effects of the Project. The land required for environmental mitigation is that needed to mitigate the significant effects of the Projects based on the findings of the EIA as reported in</p>

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			<p>the Environmental Statement (Document Reference 3.2, APP-044 to APP-059).</p> <p>As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project because the imposition of the mitigation measures would render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project. This approach reflects the use of compulsory acquisition powers as a 'tool of last resort', as advocated in Government Guidance on the Compulsory Purchase Process and the Cichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project</p>

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			<p>in a way that is proportionate and which balances, as far and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p> <p>The Project will need to be delivered within the Order limits (as shown by means of a red line boundary on the Land Plans), but it is possible that as the detailed design is progressed, not all of the land included within the Order limits will be needed. Where that is the case, then, in accordance with section 122 of the Planning Act 2008, National Highways will only acquire, or use, the land, which is actually required for the Project, or to facilitate it, or to be incidental to it, or is required as exchange land (to replace special category land). Indeed, there would not be a compelling case in the public interest to acquire any more land than that which needed for the Project.</p> <p>In the context outlined above, as provided for in the draft DCO and accompanying Land Plans, National Highways remains committed to achieving the acquisition or use of land by agreement with landowners wherever possible, such that where the acquisition of rights or the use of temporary possession powers provide a mutually acceptable solution within a reasonable timescale, this will be progressed.</p>
Mrs J Astwood, RR-061	Development of the Project and Alternatives	I am writing on behalf of Judith Astwood to provide her comments on the Stephen Bank to Carkin Moor proposal. Mrs Astwood owns (Redacted) which is currently rented out. The bungalow currently has direct	National Highways have met with Mrs Astwood during the preliminary design stage, and we understand the issues they are raising as part of their representation.

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	Design, Engineering and Construction	<p>access on to the A66 which will be significantly changed if the proposed works proceed. The current plans show that the new access route to Browson Bank will be from the east.</p> <p>To access the new A66, Mrs Astwood will need to travel east to the new junction at Mainsgill. This will be a distance of approximately 2.24 miles. Therefore, when travelling westwards she will have to travel approximately 4.5 miles further than she does currently. There will be additional fuel and time costs associated with this extra travel time</p> <p>Mrs Astwood's preference is for a new additional access road to be created onto the A66 from Browson Bank to travel west. From her perspective, there would be two options to facilitate this. The first of these, which is her preference, would be for a slip road to be created after the entrance to Browson Bank which allows traffic to access the A66 to travel west. Alternatively, a route could be made to join the access road to Browson Bank with the road at Smallways to the west so that that junction could be used.</p> <p>This new access onto the A66 would benefit Browson Bank Bungalow as well as any traffic heading west from the other properties at Browson Bank, Dick Scot Lane, Old Duns Bank, Waitlands Lane and West Layton. This is because, traffic from all these areas would not need to travel east back to Mainsgill in order</p>	<p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 of 4 (Document Reference 5.13, APP-310) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>Following feedback at the autumn 2021 consultation, several stakeholders raised concerns regarding the lack of connection of the de-trunked A66 to the proposed new carriageway at the western scheme extent in the vicinity of Browson Bank. As such, in response to the suggestions put forward, the design team have carried out further refinements and have included a new westbound slip road at the western scheme extents to provide access from surrounding villages to the new westbound A66 dual carriageway.</p> <p>The current scheme proposals are illustrated on the DCO General Arrangement drawings Sheet 1 of 4 (Document Reference 2.5, APP-017).</p> <p>The impacted farm access to Browson Bank has also been redesigned to suit this new arrangement, providing reducing journey times for those accessing the A66 in this area. This proposal avoids local detours to Moor Lane Junction for access to the A66 and prevents the de-</p>

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		<p>to travel westwards. The responsibility for ownership and therefore maintenance of the access road</p> <p>There would need to be a suitable area for HGV's to be able to turn around should they take a wrong turn 4. It may attract traffic trying to travel through Browson Bank southwards through the farm track. Which does happen when the A66 has delays</p>	<p>trunked road from becoming a dead-end with the potential to be misused, for example, for fly-tipping or overnight stays.</p> <p>Traffic travelling from the west along the A66 wanting to access Browson Bank will still need to travel to the Mains Gill Junction and back along the de-trunked A66.</p> <p>However, this additional journey time will be offset against the current waiting times to turn right and the safety benefits with the new junction.</p> <p>The alternative option as suggested by the respondent of providing a new service road from Browson Bank to Small ways would require an additional 1km of new road, affecting new landowners not previously impacted and increasing the impact on currently impacted landowners.</p> <p>The access to Browson Bank Farm is shared in part with access to the drainage pond. The junction of the farm access and the track to the pond will provide an opportunity for an errant vehicle to turn back, including HGV's. The layout will be developed in the detailed design stage.</p> <p>The responsibility for the ongoing maintenance of infrastructure provided as part of the project, such as accommodation tracks, will be discussed with each landowner on a case-by case-basis and where applicable will be subject to management agreements and third party access rights where required.</p>

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			<p>Article 9 (3) 'Construction and maintenance of new, altered or diverted streets and other structures' of the draft DCO states:</p> <p><i>where a footpath, bridleway or byway open to all traffic is altered or diverted under this Order along a vehicular private means of access, the altered or diverted part of the highway must, when completed to the reasonable satisfaction of the highway authority and unless otherwise agreed in writing, be maintained (including any culverts or other structures laid under that part of the highway) by and at the expense of the person or persons with the benefit of the vehicular private means of access.</i></p>
Susan Ward, RR-078	<p>Noise and Vibration</p> <p>Landscape and Visual</p> <p>Impacts to Land</p>	<p>The proposed works to the A66 will have a significant visual, noise and vibration impact due to the increase in height and width and increased usage and speeds on the A66.</p> <p>The scheme will impact the future plans for the farming business and the planning permission that has been granted for a new poultry shed. The loss of land to the scheme and the land being severed by the bridleway underpass will jeopardise this due to the area of land that is required to support the poultry shed.</p> <p>As discussed at various site meetings with Highways England the Ward family and their Tenants have learned to live with the A66 over the years and accept an upgrade is required from an infrastructure and safety perspective. However, the impacts listed above</p>	<p>This relates to the eastern part of the Stephen Bank to Carkin Moor part of the project, to the northwest of the Warrener Lane junction.</p> <p>National Highways proposes the permanent acquisition of the following plots of land: (a) 09-04-21, 09-04-23, 09-04-24, 09-04-33, 09-04-37, 09-04-43. This land is required for the following.</p> <ul style="list-style-type: none"> • Required to facilitate the construction of new carriageways of the A66 and the construction of new eastbound carriageway of the A66 and the construction of a new bridleway passing under the new A66 and works to effect the stopping up of a length of the existing Bridleway 20.30/8/1 and the provision of landscaping and reprofiling, construction of surface water drainage infrastructure.

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		<p>will have a significant impact on both their views, quality of life, future for the businesses and the value of their properties</p>	<ul style="list-style-type: none"> • Required to facilitate the construction of a new bridleway passing under the new A66 and works to effect the stopping up of a length of the existing Bridleway and the provision of non-motorised user facilities, landscaping and reprofiling. <p>The Environmental Statement assesses the likelihood of significant effects and is underpinned by detailed assessments within separate appendices for each chapter. Visual impacts are covered in Chapter 10 Landscape and Visual (Document Reference 3.2, APP-053), and noise and vibration impacts are covered in Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055).</p> <p>Mitigation requirements are outlined within each chapter.</p> <p>The Applicant issued an offer of negotiations letter on the 28th March 2022, inviting Susan Gloria Ward to complete and return a form expressing their willingness to discuss the acquisition by National Highways of the interests it requires for the Project by agreement.</p>
			<p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout stage three. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301).</p>

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			<p>The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p>
Susan Ward, RR-078	<p>Development of the Project and Alternatives,</p> <p>Cultural Heritage</p>	<p>There also safety concerns of a lifted section of road due to high winds and adverse weather conditions to an exposed section of the A66. It is understood that part of the reasoning behind the road being lifted, rather than going into a cutting, is due to the Scheduled Monument. Discussions have been had on site in respect of at what stage does preserving a monument that cannot be seen outweigh the significant impact on the present design as listed above for the future.</p> <p>The proposed new bridleway underpass to the north of Warrener Lane will have a visual impact on the surroundings and the cost of this is significant. It would be preferable to divert the existing route to tie in with other bridleways serving the area.</p> <p>Due to the increase in size, this underpass becomes more of a road than a bridleway, we therefore have concerns and feel the revised design is excessive. The proposal will cause a security issue from the southern</p>	<p>The design in this location has been influenced by a number of factors:</p> <ul style="list-style-type: none"> • Reducing the amount of new additional excavation through the section of road corridor that passes through the Scheduled Monument • the height of new retaining walls required to minimise the cross section and reduce impact on the scheduled monument. • Minimising the number of drainage ponds to reduce the impact on the setting of the Scheduled Monument. • Adjusting the vertical level of the proposed dual carriageway so that rainfall runoff from the road can drain by gravity to the ponds at Mains Gill junction; and • Accommodating the bridleway alignment to provide a safer crossing of the A66 for horse-riders. <p>There is no evidence in the STATS19 accident data to indicate any issues with high winds at this location.</p>

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		<p>and northern access points, security measures would need to be implemented, e.g., locked gates, which are suitable for horse access to prevent cars and motorbikes from using this route.</p>	<p>However, the design will continue to be developed during the detailed design stage and mitigation considered where appropriate.</p> <p>The design has included shallow embankment slopes to the dual carriageway in the vicinity of the underpass in order to soften the appearance of the embankment, Refer to the Environmental Assessment Chapter 10 Landscape and Visual (Document Reference 3.2, APP-053).</p> <p>The suggested option of a bridleway diversion to link west to the bridleway at Moor Lane would require the path to traverse through the Carkin Moor Scheduled Monument which would likely contravene National Policy of directly impacting a nationally designated site, which is to be avoided unless exception circumstances apply.</p> <p>The project team acknowledges the concerns about security and engagement will continue with the affected persons on the types of restricted access measures that may be implemented e.g., bridle gates.</p> <p>The alternative to raising the road and proposing excavations within the Scheduled Monument would contravene National Policy. Excavations within Scheduled Monuments have been avoided wherever possible as these would constitute direct impacts on a nationally designated site. Any direct impact such as this would have to have clear and convincing justification.</p>

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			As stated in National Policy Statement for National Networks paragraph 5.131 “substantial harm to or loss of designated heritage assets of the highest significance, including...Schedule Monuments, ...should be wholly by exception.”
Susan Ward, RR-078	Consultation and Engagement Process	We had been told that the underpass is now 5m wide and 3.7m high and considerably wider and higher than the previous design. We question the dimensions of the underpass and are disappointed that no meeting has been held with my client, or with us as agents to discuss this in detail when it has such an effect on my client's property.	The underpass dimensions are in line with the guidance given in the Design Manual for Roads and Bridges CD 143. These design dimensions were included in the 2021 statutory consultation information which included typical section dimensions for a bridleway underpass. The design presented at statutory consultation was updated to respond to landowner feedback regarding the alignment of the underpass.
Tess Coleman, RR-079	Noise and Vibration	(REDACTED) looks directly south across the A66. The proposed works to the A66 will have a significant visual, noise and vibration impact due to the increase in height and width and increased usage and speeds on the A66. The proposed new bridleway underpass to the north of Warrener Lane will have a visual impact on the surroundings and the cost of this is significant.	This relates to the eastern part of the Stephen Bank to Carkin Moor part of the project, to the northwest of the Warrener Lane junction. The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 4 of 4 (Document Reference 5.13, APP-310) submitted as part of the DCO application. The Environmental Statement assess the likelihood of significant effects and is underpinned by detailed assessments within separate appendices for each chapter. Any mitigation requirements are outlined within each chapter.

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			<p>Visual impacts are covered in Chapter 10 Landscape and Visual (Document Reference 3.2, APP-053).</p> <p>The impacts of the bridleway in question at Warrener Lane has been assessed and is covered within Section 10.10.286 and 10.10.287 (Document Reference 3.2, APP-053). During construction the impacts are significant from VP 9.8 and VP9.8A which are located in the Warrener Lane area. The details of which are discussed in Table 10.11. During operation the year 1 impacts for 9.8A are significant (see Table 10.12) but with time these impacts are reduced to not significant by year 15 once planting is established.</p>
Tess Coleman, RR-079	Development of the Project and Alternatives Cultural Heritage	It would be preferable to divert the existing route to tie in with other bridleways serving the area. There also safety concerns of a lifted-up section of road due to high winds and adverse weather conditions to an exposed section of the A66. It is understood that part of the reasoning behind the road being lifted, rather than going into a cutting, is due to the Scheduled Monument. Discussions have been had on site in respect of at what stage does preserving a monument that cannot be seen outweigh the significant impact on present design as listed above for the future. It is understood that further archaeological work is required to fully understand the exact location and extent of the monument and what it consists of in order to make a	<p>The design in this location has been influenced by a number of factors:</p> <ul style="list-style-type: none"> • Reducing the amount of new additional excavation through the section of road corridor that passes through the Scheduled Monument • the height of new retaining walls required to minimise the cross section and reduce impact on the scheduled monument. • Minimising the number of drainage ponds to reduce the impact on the setting of the Scheduled Monument. • Adjusting the vertical level of the proposed dual carriageway so that rainfall runoff from the road can drain by gravity to the ponds at Mains Gill junction; and

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		<p>fully informed decision as to the design for this section of the scheme</p>	<ul style="list-style-type: none"> • Accommodating the bridleway alignment to provide a safer crossing of the A66 for horse-riders. <p>There is no evidence in the STATS19 accident data to indicate any issues with high winds at this location. However, the design will continue to be developed during the detailed design stage and mitigation considered where appropriate</p> <p>The design has included shallow embankment slopes to the dual carriageway in the vicinity of the underpass in order to soften the appearance of the embankment, Refer to Environmental Assessment Chapter 10 Landscape and Visual (Document Reference 3.2, APP-053).</p> <p>The suggested option of a bridleway diversion to link west to the bridleway at Moor Lane would require the path to traverse through the Carkin Moor Scheduled Monument which would likely contravene National Policy of directly impacting a nationally designated site, which is to be avoided unless exception circumstances apply.</p> <p>The project team acknowledges the concerns about security and engagement will continue with the affected persons on the types of restricted access measures that may be implemented e.g., bridle gates.</p> <p>Excavations within Scheduled Monuments have been avoided wherever possible as these would constitute direct impacts on a nationally designated site. Any direct</p>

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			<p>impact such as this would have to have clear and convincing justification.</p> <p>As stated in National Policy Statement for National Networks paragraph 5.131 “substantial harm to or loss of designated heritage assets of the highest significance, including...Schedule Monuments, ...should be wholly by exception.”</p>
Jane Irving, RR-075	Design, engineering and construction	<p>Our client owns land lying to the north and south of the A66, immediately adjacent to Kemplay roundabout. Despite requests from ourselves we have yet to receive detailed Land Interest Plans giving full details of how much land will be taken either on a permanent or temporary basis, or what future management restrictions may be attached to the land.</p> <p>The land is suitable for future development but will be landlocked by the scheme. We need to have a new access provided but so far we have not had this confirmed. As a consequence, we wish to object to the scheme until such time that an acceptable solution is put forward and agreed.</p>	<p>National Highways met Ms Irving during the preliminary design stage, and we understand the concerns with the scheme. The meeting held on 04.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The dialogue will continue with land interests throughout the Examination and detailed design stages of the Project. We are aware of this request and detail of accommodation works will be finalised during detailed design with delivery partners.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 2 of 2 (Document Reference 5.13, APP-304) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p>

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			<p>All land required to construct the scheme is within the DCO Order Limits, so any access arrangements and mitigation measures will be limited to the area inside the red line.</p> <p>National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures. The permanent land required to construct and operate the scheme is considered to be reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations..</p> <p>Outline management requirements for habitats are set out in the Environmental Management Plan Annex B1 Outline Landscape and Ecology Management Plan (Document Reference 2.7, APP-019). As mitigation is developed alongside the Project design, detailed plot specific management plans will be developed. These must be adhered to by whomever continues to manage that land for the management plan's duration.</p>
Jane Irving, RR-075	Design, engineering and construction	The land is suitable for future development but will be landlocked by the scheme. We need to have a new access provided but so far we have not had this confirmed. As a consequence, we wish to object to the scheme until such time that an acceptable solution is put forward and agreed.	<p>National Highways are aware of this matter, and this has been discussed with Ms Irving.</p> <p>National Highways acknowledges this request for a commitment to a change to the design in relation to re-provision of an access. This change, if appropriate and feasible, can most likely be undertaken within the boundaries of the DCO application as there is sufficient</p>

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			<p>flexibility in most cases built into the DCO application to allow for this type of change. If feasible and appropriate the change would be secured through commitments in Statements of Common Ground or Position Statements, or through a legal agreement between National Highways and the relevant Interested Parties or Affected Persons. National Highways is continuing the engagement with affected parties to resolve matters such as those relating to an access in advance of any relevant compulsory acquisition hearings and/or issue specific hearings.</p> <p>With a view to finding a mutually acceptable access solution, National Highways will continue its dialogue with Ms Irving as the Project is progressed through the Examination and detailed design stages.</p>
John Arthur Heath, RR-076	Impacts to Land	<p>By reference to the Book of Reference Volume 1, The Land plans at 5.13, and the Environmental Statement 2.8 mitigations. The following plot numbers are being sought to be acquired permanently. Plot No. 0102-02-24 Plot No. 0102-02-25 Stated to be for highway works and landscape integration.</p> <p>By reference 2.4 General Arrangements, Sheet 2, S0102-DR-CH-100001 the plot numbers 0102-02-24 and 0102-02-25 are required for the purposes of a "site compound". It is assumed, therefore, that once construction of the road is complete, this land will not need to be permanently retained by National Highways.</p>	<p>We have met with Mr Heath's agent during the preliminary design stage, and we understand his concerns with the scheme. The meeting held on 08.11.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 2 of 2 (Document Reference 5.13, APP-304) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application</p>

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		<p>If permanent acquisition of Plots 0102-02-24 and 0102-02-25 would not therefore be required, a temporary licence only should be taken with the land returned to the owners following completion of the project works.</p>	<p>for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>The DCO application seeks to permanently acquire the plots of land identified to facilitate the construction of additional carriageway and improvements to sections of the existing A66 and the improvement of the existing Kemplay Bank Roundabout, to comprise a new grade-separated Junction (“the new Kemplay Bank Junction”), and the construction of additional carriageway and improvements to sections of the existing A6 and the provision of environmental mitigation, landscaping and reprofiling.</p> <p>National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures. The permanent land required to construct and operate the scheme is considered to be reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations. However, where proposed land take can be amended from permanent acquisition to temporary possession it will be, and land returned to the owners accordingly.</p> <p>Plots 0102-02-24 and 0102-02-25 are required for mitigation of the adverse effects of Scheme 0102 in particular for the purposes of landscape integration, nature conservation and biodiversity.</p>

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			<p>Land identified for environmental and landscape mitigation is required in order to mitigate the adverse environmental effects of the Project and as such is essential to its delivery. All of the land in relation to which National Highways seeks authorisation for compulsory acquisition, for the creation and compulsory acquisition of new rights and for the creation and imposition of restrictive covenants, or for temporary possession, is shown on the Land Plans (Document Reference 5.13, APP-304 to APP-311 inclusive) shaded pink (acquisition of land), blue (acquisition of rights over land / imposition of restrictive covenants on land) or green (temporary possession of land).</p> <p>National Highways is committed to working with landowners to avoid the need to exercise compulsory acquisition powers if appropriate agreements can be entered into. Such agreements could include management agreements or agreements under section 253 of the Highways Act 1980 in appropriate circumstances. However, not all types of environmental mitigation are well suited to those types of contractual arrangements given the long duration of the Project and the need to maintain certain categories of mitigation over the long term. As such, while National Highways is committed to exploring such arrangements in appropriate circumstances, it must, nonetheless, retain the ability to acquire such land in order to safeguard the delivery of the Project.</p>

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			<p>In order to safeguard the delivery of the Project whilst also ensuring that the most appropriate arrangement can be reached with affected landowners on a case-by-case basis, the draft Development Consent Order (Document Reference 5.1, APP-285) is drafted in terms which allow a flexible approach to the exercise of the compulsory acquisition powers. For example: where land is shaded pink on the Land Plans, denoting that powers of compulsory acquisition are sought to enable the outright acquisition of the land, articles 19, 22 and 29 of the draft DCO also provide for an alternative 'lesser' solution, such that if the necessary environmental mitigation could be achieved through the creation and acquisition of new rights (including the imposition of restrictive covenants), without the need for the land to be acquired outright, this would still be possible notwithstanding the fact that the land is shaded pink on the Land Plans. Similarly, all land shaded pink or blue (in addition to that shaded green) on the Land Plans may be subject to powers of temporary possession (as distinct from powers of compulsory acquisition).</p> <p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises.</p>

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			<p>As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project because the imposition of the mitigation measures would render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project. This approach reflects the use of compulsory acquisition powers as a 'tool of last resort', as advocated in Government Guidance on the Compulsory Purchase Process and the Crichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project in a way that is proportionate and which balances, as far</p>

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			<p>and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p> <p>The Project will need to be delivered within the Order limits (as shown by means of a red line boundary on the Land Plans), but it is possible that as the detailed design is progressed, not all of the land included within the Order limits will be needed. Where that is the case, then, in accordance with section 122 of the Planning Act 2008, National Highways will only acquire, or use, the land which is actually required for the Project, or to facilitate it, or to be incidental to it, or is required as exchange land (to replace special category land). Indeed, there would not be a compelling case in the public interest to acquire any more land than that which is actually needed for the Project.</p> <p>In the context outlined above, as provided for in the draft DCO and accompanying Land Plans, National Highways remains committed to achieving the acquisition or use of land by agreement with landowners wherever possible, such that where the acquisition of rights or the use of temporary possession powers provide a mutually acceptable solution within a reasonable timescale, this will be progressed.</p>
John Arthur Heath	Consultation and Engagement Process	The Representors say that there have been wholly inadequate application consultations having regard to the planning history and the nature of the property described below.	Public consultation and engagement have been a critical part of the preparation of the DCO application and has been underpinned by the document 'Government's Consultation Principles'.

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		<p>The acquisition site together with adjoining land has previously had the benefit of outline planning permission No. 11/0446 (Eden District Council) for 22 affordable dwellings. The consent has lapsed but the land is to be subject to a further application and is currently subject to consultation with the Local Planning Authority (Eden District Council).</p>	<p>A large number of consultation events and engagement activities over a number of years have been undertaken to fully understand the concerns of the local communities and the wider public and where possible resolve their issues. The approach taken and how it accords with the legal requirements and government guidance is set out in the Consultation Report (Document Reference 4.4, APP-252).</p> <p>National Highways are aware of the proposals for a housing development in the location and the design of the Project has sought to avoid impacting on the potential for this development has far as practicable.</p>
<p>Mr J P Bainbridge, RR-077</p>	<p>Development of the Project and Alternatives</p> <p>Flooding and Drainage</p>	<p>Mr and Mrs Bainbridge reside in (REDACTED) and manage the property as a commercial farm, as well as let residential properties and a holiday lettings business. Plus let the buildings at the property for business use. Mr and Mrs Bainbridge had concerns about the proposed new access route to Browson Bank to the east which would have resulted in extended travel times when they were travelling west. We understand the proposed plans have now changed and a slip road will be created onto the A66 from Browson Bank to travel west, this is the preferable option</p> <p>In relation to the balance ponds, we propose that these are not located on Mr Bainbridge's land but on the</p>	<p>We have met with Mr Bainbridge during the preliminary design stage, and we understand their concerns with the scheme. The meeting held on 27.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 of 2 (Document Reference 5.13, APP-310) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p>

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		<p>northern side of the road so that the water drains to the Tees rather than the Swale which is prone to flooding.</p> <p>If the ponds must be located on the southern side of the road, it is our preference that they should be located on the more southerly proposed point to prevent using commercial arable farmland, visually impacting Browson Farmhouse, and cottages and to limit the ground works required.</p> <p>If the balancing ponds were at the more southerly point, there will also need to be arrangements made regarding the access route. The proposal suggests the track will be raised up above the ground level but, in our opinion, it does not need to be and can follow the current gradient of the land, reducing construction costs and the visual impact.</p>	<p>The respondent understanding is correct in that a new slip road onto the proposed A66 is proposed and included in the DCO application. Following feedback at the autumn 2021 consultation, several stakeholders raised concerns regarding the lack of connection of the de-trunked A66 to the proposed new carriageway at the western scheme extent in the vicinity of Browson Bank. As such, in response to the suggestions put forward, the design team have carried out further refinements and have included a new westbound slip road at the western scheme extents to provide access from surrounding villages to the new westbound A66 dual carriageway. The impacted farm access to Browson Bank has also been redesigned to suit this new arrangement, providing reducing journey times for those accessing the A66 in this area. This proposal avoids local detours to Moor Lane Junction for access to the A66 and prevents the de-trunked road from becoming a dead-end with the potential to be misused, for example, for fly-tipping.</p> <p>Traffic travelling from the west along the A66 wanting to access Browson Bank will still need to travel to the Mains Gill Junction and back along the de-trunked A66.</p> <p>The design team have considered locating ponds to the north of the alignment; however, the Tees/Swale catchment boundary is some way north of the alignment, and there isn't a tributary of the Tees local to the alignment that we could outfall to.</p>

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			<p>Early iterations of the drainage design located the ponds immediately south of the A66 alignment. These were moved to the current location prior to statutory consultation due to the visual impact of the embankments that would be required for the ponds, and comments from the landowner suggesting they are located within the former plantation. Refer to DCO drawings 2.5 General Arrangement Drawings Scheme 09 Stephen Bank to Carkin Moor for details of the current proposed location.(Document Reference 2.5, APP-017)</p> <p>The environmental mitigation in this area has been updated since the Statutory Consultation. Refer to DCO drawings 2.8 Environmental Mitigation Maps for the current proposals (Document Reference 2.8, APP-041). This includes a smaller footprint, removal of the wetland area and proposed woodland planting around the proposed ponds.</p>
Mr J P Bainbridge, RR-081	Design, Engineering and Construction	There must also be a retained right of access to Mr Bainbridge's retained land to the west.	The scope of reasonable accommodation works to be provided for affected landowners is being progressed through ongoing engagement and design work, to the extent that is appropriate to do so in light of the information available of the emerging detailed design.
	Biodiversity and BNG	The plans show there is a wetland habitat planned to be created around the location of the drainage ponds. The majority is to be located in the Black Woodland Plantation, with a proportion extending out of this to the southeast. Our opinion is that this should not go	The environmental mitigation in this area has been updated since the Statutory Consultation. Refer to DCO drawings 2.8 Environmental Mitigation Maps for the current proposals (Document Reference 2.8, APP-041).

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		<p>ahead. Most of the land is planned to be restocked as woodland and is obligated to be replanted under a Forestry Commission grant scheme.</p>	<p>This includes a smaller footprint, removal of the wetland area and proposed woodland planting around the proposed ponds.</p> <p>While the Project has been designed with care to limit its adverse effects on the environment, it nonetheless gives rise to a need for landscape and environmental mitigation to reduce those adverse effects to an acceptable level. Areas of habitat creation and replacement are shown in an illustrative manner within Environmental Mitigation Maps (Document Reference 2.8, (APP-041). that represent how the relevant mitigation measures could be implemented so as to be effective in terms of mitigating the adverse environmental effects of the Project.</p> <p>While the precise location of the mitigation measures within the Order limits is not fixed, their design will be developed to respond to the detailed design of the Project, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019), in particular commitments D-BD-01 and D-BD-05 which require the development of a Landscape and Ecological Management Plan and an Environmental Mitigation Scheme, and so as to be compatible with the applicable Project Design Principles</p>
Carole Le Duc, RR-080	Noise and vibration	(REDACTED) looks directly south across the A66. The proposed works to the A66 will have a significant visual, noise and vibration impact due to the increase	It is understood that the concerns raised relate to proposals located towards the eastern end of Stephen Bank to Carkin Moor element of the project, to the west of Warrener Lane.

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		in height and width and increased usage and speeds on the A66.	The Environmental Statement (Document Reference 3.2, APP-055) Chapter 12: Noise and Vibration sets out the potential effects of changing noise as a result of the A66, Environmental Statement Chapter 10: Landscape and Visual sets out the potential visual effects of the Project (Document Reference 3.2, APP-053).
Carole Le Duc	Development of the Project and Alternatives	It would be preferable to divert the existing route to tie in with other bridleways serving the area. There are also safety concerns of a lifted-up section of road due to high winds and adverse weather conditions to an exposed section of the A66.	<p>The design in this location has been influenced by a number of factors:</p> <ul style="list-style-type: none"> • Reducing the amount of new additional excavation through the section of road corridor that passes through the Scheduled Monument. • The height of new retaining walls required to minimise the cross section and reduce impact on the scheduled monument. • Minimising the number of drainage ponds to reduce the impact on the setting of the Scheduled Monument. • Adjusting the vertical level of the proposed dual carriageway so that rainfall runoff from the road can drain by gravity to the ponds at Mains Gill junction; and • Accommodating the bridleway alignment to provide a safer crossing of the A66 for horse-riders. <p>There is no evidence in the STATS19 accident data to indicate any issues with high winds at this location. However, the design will continue to be developed during the detailed design stage and mitigation considered where appropriate.</p>

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			<p>The suggested option of a bridleway diversion to link west to the bridleway at Moor Lane would require the path to traverse through the Carkin Moor Scheduled Monument which would contravene National Policy of directly impacting a nationally designated site only if exceptional circumstances exist.</p>
Carole Le Duc	Cultural Heritage	<p>Discussions have been had on site in respect of at what stage does preserving a monument that cannot be seen outweigh the significant impact on the present design as listed above for the future. It is understood that further archaeological work is required to fully understand the exact location and extent of the monument and what it consists of in order to make a fully informed decision as to the design for this section of the scheme.</p>	<p>The alternative to raising the road and proposing excavations within the Scheduled Monument would contravene national policy. Excavations within Scheduled Monuments have been avoided wherever possible as these would constitute direct impacts on a nationally designated site. Any direct impact such as this would have to have clear and convincing justification. As stated in National Policy Statement for National Networks paragraph 5.131 “<i>substantial harm to or loss of designated heritage assets of the highest significance, including...Schedule Monuments, ...should be wholly by exception.</i>” The design has also been informed by likely impacts on other receptors including residential areas, as is reported in the Environmental Statement. This is outlined in Chapter 8 of Document 3.2 Environmental Statement, (Document Reference 3.2, APP-051).</p>
	Design, Engineering and Construction	<p>With this access, it is important to consider that any access route to Browson Banks will need to be at least 4 metres wide to accommodate large farm machinery and HGV's</p>	<p>The access track to Browson Bank is currently designed as a 4m carriageway and 1m verges either side. It's proposed location is shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-348).</p>

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			The access track will be subject to further development during detailed design process on aspects such as curve widening, turning head size and location, passing bays (where required) and swept path of larger agricultural and commercial vehicles.
Mr S Bainbridge, RR-081 Mr J P Bainbridge, RR-077	Landscape and Visual Noise and Vibration Design, engineering and construction	Generally, the proposals will have significant landscape and visual impacts on the local area which will need to be considered. The woodland planting area located to the west of the Browson Bank access road is agreed to in principle as it will minimise the visual and noise impact from the road. However, careful planning is needed to allow access through the plantation to retained land to the west and how it is used to protect views to the north due to the steep incline.	The agreement in principle is noted. Environmental Statement (ES) Chapter 10: Landscape and Visual (Document Reference 3.2, APP-053) sets out the landscape and visual effects of the Project, and ES Chapter 12: Noise and Vibration (Document Reference 3.2, APP-055) set out the potential noise effects across the Project. Access provisions are shown on the Rights of Way and Access Plans Scheme 09 Stephen Bank to Carkin Moor (Document Reference 5.19, APP-348). Access provisions have been considered across the Project and National Highways will continue to engage with the landowner concerning these matters.
Alan Moore Bowe – Trustee of the Winderwath 1989 Settlement, RR-088	Impact on land	John Richard Lane, James Hare, Alan Moore Bowe and Sarah Crane are the Trustees of the Winderwath 1989 Settlement Trust (“the Representors”) and the owners of land extending to some 2,750 acres of agricultural and woodland in the Eden Valley on either side of the A66 located between Penrith and Temple Sowerby and are the registered proprietors under title No CU205235 and unregistered owners, approximately 146 acres of which are proposed to be	National Highways have engaged directly with the owners of the land concerned and will continue to seek to address issues raised through the examination of the DCO application. The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 2, 3

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		<p>acquired under a draft development consent order (“the DCO”) being sought for the National Highways A66 Northern Trans-Pennine Project (“the Project”). 2. By reference to the Book of Reference vol 2, the Land Plans 2, 3 and 4 at 5.13, and Environmental Statement 2.8 mitigation maps, the plot numbers listed at Annex 1 hereto are being sought to be acquired permanently. Further, the Representors have the benefit of sporting rights over the category 2 plot numbers also listed in Annex 1. 3. The parts of the Estate to be permanently acquired include agricultural land, and a residential property known as High Barns and an associate range of buildings.</p>	<p>and 4 of 4 (Document Reference 5.13, APP-305) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p>
<p>Alan Moore Bowe - Trustee of the Winderwath 1989 Settlement, RR-088</p>	<p>Consultation and Engagement Process</p>	<p>Lack of proper pre-application consultation: The Representors say that the pre-application consultations resulted in little progress as National Highways provided very little detailed information. In particular, no progress was made in the November 2021 and March 2022 statutory consultations. The actual contractors and detailed designers were only appointed on the 1 July 2022. This means that to date the Representors have had no details to consider on design and the specifics on which they have been making enquiries consistently regarding issues such as boundary treatments, junction designs, drainage, services etc.</p>	<p>Public consultation and engagement have been a critical part of the preparation of the DCO application and has been underpinned by the Government’s Consultation Principles. A large number of consultation events and engagement activities over a number of years have been undertaken to fully understand the concerns of the local communities and the wider public and where possible resolve their issues. The approach taken and how it accords with the legal requirements and government guidance is set out in the Consultation Report (Document Reference 4.4, APP-252).</p> <p>As well as statutory consultation for the full project supplementary consultation was also undertaken with respect of proposed design changes in specific parts of</p>

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		<p>This is in addition to a lack of fundamental responses from National Highways on core principles, being the matters set out herein.</p> <p>19. Landform: The Representors believe that the level of the road particularly around the Centre Parcs Junction could be better engineered to lower the levels of the road in this area and to consequently produce a less obvious structure in the landscape, whilst also reducing the amount of land and reforming of adjacent agricultural land as a consequence: see Consultation Response 2.</p> <p>The lay-bys could be located in more secluded and less obvious locations along the route. National Highways response to this representation to date has been that this would be a matter for detail designers. This is not acceptable: see Consultation Responses 1 and 2.</p> <p>Land acquisition: The Representors have maintained that the extent of the red line boundary and the areas over which National Highways seek to take permanently and by temporary occupation is excessive. Despite asking on numerous occasions, the DCO documentation still shows the majority of land being permanently acquired but the Representors now know that some areas are only required for temporary purposes</p>	<p>the route as set out in Table 7.1 of the Consultation Report. The supplementary consultation targeted those parties affected by the design changes to ensure statutory consultees and local communities had the opportunity to provide feedback on the changes. The supplementary consultations were also conducted in line with the principles of pre-application statutory consultation as set out in the Planning Act 2008 and principles and methods in the Project's Statement of Community Consultation to the extent they were relevant for these supplementary consultations.</p> <p>The feedback on the proposed design of the project, its assessment and the proposed mitigation measures (as presented at statutory consultation and as part of the supplementary consultation) has informed the design for the DCO application. The process of how the consultation feedback has informed the design is set out in the Consultation Report (Document Reference 4.4, APP-252) with details on our response to each consultation issue set out in Annex N and P of the Consultation Report.</p> <p>The Planning Inspectorate (by letter dated 19th July 2022) has accepted the DCO application and in doing so has confirmed that the consultation undertaken accords with the requirements of the Planning Act (PA 2008) as set out in Chapter 2, Part 5 of PA 2008.</p>

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Alan Moore Bowe - Trustee of the Winderwath 1989 Settlement, RR-088	Environment and EMP	<p>Land proposed to be acquired is excessive in area and should not be taken from the Estate for environmental mitigation as the land so identified is grade 2/3 agricultural land and being highly productive its loss for the production of agricultural products and livestock is an extremely relevant consideration that must outweigh any environmental mitigation consideration.</p> <p>This is particularly (but not exclusively) the case concerning plots 03-02-01, 03-02-18, 03-03-06, 03-03-32, 03-03-33, 03-04-03, 03-04-04, 03-04-12 and 03-04-14. It is also considered that land taken for environmental mitigation areas should be proportional to the land area being acquired from any particular landowner rather than some landowners having larger areas of mitigation and some having relatively little.</p>	<p>Paragraph 3.3 of the National Networks National Policy Statement (NNNPS) states that “in delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government’s planning guidance.</p> <p>The Government’s detailed policy on environmental mitigations for developments is set out in Chapter 5 of the NNNPS.</p> <p>In response to NNNPS policies National Highways LD117 Landscape Design provides a list of eight environmental masterplan codes to summarise and illustrate the environmental mitigation. Four of these are utilised to show the types of land required for environmental mitigation, as shown on the illustrative Environmental Mitigation Maps (Document Reference 2.8) and are listed below in no particular order:</p> <ol style="list-style-type: none"> 1. Landscape integration 2. Nature conservation and biodiversity 3. Visual amenity 4. Visual screening <p>Areas of habitat creation and replacement are principally within the second category (nature conservation and biodiversity) shown on the Environmental Mitigation Maps, although some of the landscape and visual mitigation shown on the maps can also function as</p>

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			<p>habitat (hence has a dual function). The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of the Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2, APP-049). The size of the areas proposed for environmental mitigation is based upon the land required to effectively mitigate the species impacts, landscape and visual effects and habitat impacts and loss of the Project based on the assessment of the preliminary engineering design (which forms part of the DCO application). As such, it is not considered excessive and it is not always possible to be proportional to landowner impact for mitigation.</p> <p>The Application including the Environmental Statement (Document Reference 3.2), DCO and related Project Design Principles (Document Reference 5.11, APP-302) and Environmental Management Plan (Document Reference 2.7, APP-019) are prepared on the basis that detailed design will be progressed and refined and this will result in greater certainty at the final design stage and implementation (should consent be granted). Any design details brought forward will be within the terms of any consent granted, order limits and within the extent of assessment. It will also be in conformity with the EMP (Document Reference 2.7, APP-019) and the PDP (Document Reference 5.11, APP-302) but may not be in the same form as shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041).</p>

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			<p>The EIA included as assessment of impacts on agricultural land, which informed the proposed design (Chapter 13, Document 3.2, APP-056). While the precise location of the mitigation measures within the Order limits is not fixed, their design will be developed to respond to the detailed design of the Project, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019), in particular commitments D-BD-01 and D-BD-05 which require the development of a Landscape and Ecological Management Plan and an Environmental Mitigation Scheme, and so as to be compatible with the applicable Project Design Principles (Document Reference 5.11, APP-302).</p>
<p>Alan Moore Bowe - Trustee of the Winderwath 1989 Settlement, RR-088</p>	<p>Biodiversity and BNG</p>	<p>The Representors understand that the biodiversity net gain calculations ignore the newly planted woodland which under more recent biodiversity net gain matrix (3.1) should be accounted for.</p> <p>The Representors maintain that the most up to date matrix should be used and National Highways should not rely on an older version. The Representors understand that changes in the biodiversity net gain calculation matrix would now allow for the newly planted woodland to be considered.</p> <p>Further, the Representors are able to demonstrate that the Estate planted the new woodland in order to directly mitigate against the impact of the Scheme</p>	<p>The effective mitigation for habitat loss is complex as it is dependent on the habitat impacted alongside factors such as the rarity and condition of the habitat. 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 in Appendix 1.1 of the</p>

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		<p>albeit not necessarily directly for biodiversity net gain purposes, but more particularly for screening but the wood was planted in direct anticipation of the scheme and the Representors can provide evidence to show this.</p>	<p>Environmental Statement (Document Reference 3.4, APP-146).</p> <p>Natural England's BNG Metric sets habitat replacement ratios which are calculated based on type, rarity, condition, and time to functionally mature; as a consequence, habitat replacement ratios to attain No Net Loss vary between habitats. For example, lowland deciduous woodland of good condition takes many years to mature, replacing 1ha of mature lowland woodland with 1ha of young trees is not considered mitigative replacement as these two habitats do not possess the same functionality. In order to offset this functional loss, larger areas of planting are applied under the BNG Metric to achieve no net loss. In the instance of lowland deciduous woodland, this roughly equates to a 1:9 replacement required to demonstrate no net loss of the habitat.</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 or recalculating the BNG Metric output.</p> <p>As the detailed design progresses it may be the case that the layout or location of the environmental mitigation within the DCO boundary, as currently shown on the</p>

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			<p>Environmental Mitigation Maps (Document Reference 2.8, RR-041), will need to be altered based on further developed design. Importantly, this could only be done insofar as the layout complies with the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302)</p>
<p>Alan Moore Bowe - Trustee of the Winderwath 1989 Settlement, RR-088</p>	<p>Impacts to Land</p>	<p>The Representors require detail on the third-party rights of access that will be granted along the access tracks, so that it is clear in respect of Estate land which third parties (e.g. National Highways, Utilities, local councils, neighbours etc) are to be granted rights of access over their land and in respect of neighbouring land, where the Estate will be granted rights of access to reach either public highways or other land in their ownership. To date National Highways has provided no detail on this.</p> <p>The Representors also have issues in regard to clarification on future maintenance of both private and public access particularly if they are mixed and also the issues on public liability insurance and liability on the Estate for any public accidents if tracks and access are shared. The Representors maintain that if additional public access is required that segregation of private and public use is an absolute necessity.</p>	<p>The location of proposed private means of access and public rights of way are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-342 to APP-349 inclusive) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p> <p>We recognise that there is a desire from some landowners to separate WCH routes from replacement private means of access. It is not unusual, particularly in rural areas, for private means of vehicular access to exist over public rights of way in relation to which there is no general public right of vehicular access. Such arrangements tend to have lower environmental impacts and require less land to be taken overall when compared with a segregated solution.</p> <p>Nonetheless, National Highways is giving further consideration, as part of the detailed design process, as to the extent that it is able to accommodate requests for segregated private means of access and walking, cycling and horse riding provision and the outcome of that</p>

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			consideration will be discussed with the relevant affected person in due course.
Alan Moore Bowe - Trustee of the Winderwath 1989 Settlement, RR-088	Flooding and Drainage	<p>Third, the Representors also object to the route of the proposed private and public access tracks which are routed around balancing ponds (with 90-degree bends) rather than logically adjacent to the highway, to avoid the acquisition of valuable agricultural land and make daily use of tracks easier with large agricultural machinery.</p> <p>Balancing and/or attenuation ponds: First, there are numerous numbers of balancing ponds shown on the Project plans (plots pt 03-02-06, pt 03-02-24, pt 03-03-06, pt 03-03-08pt 03-04-11) located on the Estate. The Representors believe that these balancing ponds should be rationalised into the least number of ponds necessary thus reducing access and potential issues with outfall drainage.</p> <p>A number of the locations show two ponds, which is not acceptable and does not mitigate land take. The size of ponds has also been questioned but as yet without any satisfactory response: see Consultations Reponses 1 and 2.</p> <p>Second, there is extensive car parking shown for each of the balancing ponds which is deemed unnecessary and will take up valuable agricultural land.</p>	<p>The current drainage strategy 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 ponds, but this will be subject to legal discussion and agreements.</p> <p>Tracks and turning areas have been provided for all ponds to ensure they can be accessed by suitable equipment to undertake periodic maintenance.</p> <p>Design development of the ponds and associated access for maintenance will continue in the detailed design stage which may involve amendments to pond locations and /or shape to better fit the existing landscape/ field patterns, in consultation with the drainage authorities.</p> <p>Management of the ponds and highway drainage ditches will be the responsibility of the proposed drainage system owner (National Highways or Local Highway Authority) and will developed further at the detailed design stage. Land drainage ditches will generally be the responsibility of the landowner, further details of these and any modification to existing ditches will be developed further in the detailed design stage. Also refer to Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk</p>

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		<p>Third, there is no apparent management plan for these ponds and the associated ditches. In particular work to existing ditches, drains and culverts would appear necessary, but is not detailed or agreed.</p> <p>Fifth, in relation to the proposed ponds on the plots firstly at nos. pt 03-02-01, and secondly, nos. pt 03-02-26, 27, 28, 29, 30, 31, 30 34 and 35, the ponds appear to drain to the river via corridors of land to be permanently acquired. There is no compelling case for the permanent acquisition of these corridors as the acquisition of rights only for the purpose will suffice.</p> <p>Second, no detail has been provided on drainage schemes and the impact of additional drainage on the Representors' and neighbouring land. This is a crucial aspect as inadequate drainage arrangements can seriously affect the use and viability of agricultural land.</p>	<p>Assessment and Outline Drainage Strategy and its annexes for details of the proposed drainage principles and systems (Document Reference 3.4, APP-221).</p> <p>Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy and its annexes for more information on the proposed drainage design and principles. Further details will be developed at the detailed design stage (Document Reference 3.4, APP-221).</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-305). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred</p>

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			approach, once more information about the detailed design requirements of the Project become available.
Alan Moore Bowe - Trustee of the Winderwath 1989 Settlement	Design, Engineering and Construction	<p>Lack of proper pre-application consultation: The Representors say that the pre-application consultations resulted in little progress as National Highways provided very little detailed information. In particular, no progress was made in the November 2021 and March 2022 statutory consultations. The actual contractors and detailed designers were only appointed on the 1 July 2022. This means that to date the Representors have had no details to consider on design and the specifics on which they have been making enquiries consistently regarding issues such as boundary treatments, junction designs, drainage, services etc.</p> <p>Further, tracks should be at least 4m wide and have adequate passing places.</p> <p>Landform: The Representors believe that the level of the road particularly around the Centre Parcs Junction could be better engineered to lower the levels of the road in this area and to consequently produce a less obvious structure in the landscape, whilst also reducing the amount of land and reforming of adjacent agricultural land as a consequence: see Consultation Response 2.</p> <p>A number of the locations show two ponds, which is not acceptable and does not mitigate land take. The</p>	<p>National Highways has liaised with affected landowners throughout the development of the Project. Meetings with landowners and through other forms of communication (letters, emails, and telephone calls) are a significant area of the engagement activity on the Project and have covered a wide range of issues including accommodation works, junction/access design, drainage and services. It has not always been possible as part of this engagement to discuss all the detailed considerations relating to how the Project affects land. The dialogue will continue with land interests throughout the Examination and detailed design stages of the Project.</p> <p>Tracks are currently proposed to be 4m wide (plus verges) and turning areas have been provided for all ponds to ensure they can be accessed by suitable equipment to undertake periodic maintenance. The detailed design of access and maintenance tracks will be developed further during the detailed design process to ensure they are safe and fit for purpose. We will work with all landowners to develop appropriate solutions.</p> <p>The current drainage strategy is to provide separate drainage ponds for trunk road land 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.</p>

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		<p>size of ponds has also been questioned but as yet without any satisfactory response: see Consultations Reponses 1 and 2.</p> <p>Second, there is extensive car parking shown for each of the balancing ponds which is deemed unnecessary and will take up valuable agricultural land.</p> <p>Miscellaneous design and related matters: first, there is no agreement on the following features: boundary treatment, specification and location of proposed walls, fences, hedges, gates, cattle grids, surface treatment of access tracks and service supplies. These are important matters to mitigate damage to the Representors' land, and management plans for years 1 to 15 must be agreed.</p>	<p>This strategy is illustrated on the General Arrangement drawings (Document Reference 2.5, APP-011 to APP-018). National Highways and the Local authorities recognise there may be efficiencies in combining the ponds, but this will be subject to legal discussion and agreements. Design development of the ponds will continue in the detailed design stage which may involve amendments to pond locations and /or shape to better fit the existing landscape/ field patterns, in consultation with the drainage authorities.</p> <p>Management of the ponds and highway drainage ditches will be the responsibility of the proposed drainage system owner (National Highways or Local Highway Authority) and will be developed further at the detailed design stage. Land drainage ditches will generally be the responsibility of the landowner, further details of these and any modification to existing ditches will be developed further in the detailed design stage. Also refer to Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy and its annexes for details of the proposed drainage principles and systems (Document Reference 3.4, APP-221).</p> <p>Refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy and its annexes for more information on the proposed drainage design and principles.</p>

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			<p>Further details will be developed at the detailed design stage (Document Reference 3.4, APP-221).</p> <p>The proposed alignment of the mainline A66 within this section of the scheme (adjacent to the junction at Center Parcs) fully complies with the appropriate design standards (DMRB). Amending the alignment through this section is likely to adversely impact standards compliance and therefore safety as well as connectivity for adjacent access arrangements.</p>
<p>Alan Moore Bowe - Trustee of the Winderwath 1989 Settlement, RR-088</p>	<p>Walking, cycling and horse riding (WCH)</p>	<p>if PROWs are to be imposed the Representors are particularly against the joint use of private farm/estate access tracks where the public are walking or cycling.</p> <p>The combining of private and public access has an inherent risk, and the Trustees maintain that segregation of public and private access should take place.</p> <p>Sixth, the Representors object to any proposal to create any bridleways across their retained land. Although the plans now available are unclear on this point, seeking powers to impose public bridleway rights over their land where no rights either exist or will be interfered with under the Project cannot satisfy the requirement of a compelling case to take rights compulsorily.</p> <p>23. Fourth, the private means of access numbered 18, 22, 27 and 33 on sheets 2, 3 and 4 of document 5.19</p>	<p>We recognise that there is a desire from some landowners to separate WCH routes from replacement private means of access. It is not unusual, particularly in rural areas, for private means of vehicular access to exist over public rights of way in relation to which there is no general public right of vehicular access. Such arrangements tend to have lower environmental impacts and require less land to be taken overall when compared with a segregated solution.</p> <p>Nonetheless, National Highways is giving further consideration, as part of the detailed design process, as to the extent that it is able to accommodate requests for segregated private means of access and walking, cycling and horse riding provision and the outcome of that consideration will be discussed with the relevant affected persons in due course.</p>

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		Rights of Way and Access Plans are neither understood nor seen as necessary, and valuable agricultural land should not be permanently acquired for the purpose.	National Highways have a legal obligation to try and replace any severed Bridleways.
Alan Moore Bowe - Trustee of the Winderwath 1989 Settlement, RR-088	Impact on land	<p>The Representors object to the extent of the proposed permanent acquisition and maintains that permanent land acquisition should be reduced to a minimum. Details need to be provided by National Highways.</p> <p>If required only temporarily, they should not be acquired permanently. 31. Compulsory acquisition restraints: In support of the points made above against the use of permanent acquisition, the Representors will rely on the guidance in Compulsory purchase process and the Crichel Down Rules (updated July 2019), particularly at paras 12 (there must be a compelling case in the public interest) and 13.</p> <p>Without prejudice to that general point, there is no compelling case for the permanent acquisition of the access route to the said mitigation area as the acquisition of rights only for the purpose will suffice.</p> <p>In relation to the offers made above by the Representors to enter into rights for the benefit of National Highways, and to provide other land for mitigation plantings, and otherwise, there cannot be a compelling case in the public interest to acquire land in such circumstances. 32.</p>	<p>Land identified for environmental and landscape mitigation is required in order to mitigate the adverse environmental effects of the Project and as such is essential to its delivery. All of the land in relation to which National Highways seeks authorisation for compulsory acquisition, for the creation and compulsory acquisition of new rights and for the creation and imposition of restrictive covenants, or for temporary possession, is shown on the Land Plans (Document Reference 5.13, APP-304 to APP-311 inclusive) shaded pink (acquisition of land), blue (acquisition of rights over land / imposition of restrictive covenants on land) or green (temporary possession of land).</p> <p>National Highways is committed to working with landowners to avoid the need to exercise compulsory acquisition powers if appropriate agreements can be entered into. Such agreements could include management agreements or agreements under section 253 of the Highways Act 1980 in appropriate circumstances. However, not all types of environmental mitigation are well suited to those types of contractual arrangements given the long duration of the Project and the need to maintain certain categories of mitigation over</p>

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		<p>In the cases mentioned above where rights can be granted in place of permanent acquisition, there are powers in the Planning Act 2008 for National Highways to seek rights, in place of permanent acquisitions, which power does not appear to have been considered.</p> <p>Land acquisition: The Representors have maintained that the extent of the red line boundary and the areas over which National Highways seek to take permanently and by temporary occupation is excessive. Despite asking on numerous occasions, the DCO documentation still shows the majority of land being permanently acquired but the Representors now know that some areas are only required for temporary purposes.</p> <p>Fourth, the land required for contractors' compounds is excessive and should be reduced.</p> <p>In relation to the offers made above by the Representors to enter into rights for the benefit of National Highways, and to provide other land for mitigation plantings, and otherwise, there cannot be a compelling case in the public interest to acquire land in such circumstances. 32.</p>	<p>the long term. As such, while National Highways is committed to exploring such arrangements in appropriate circumstances, it must, nonetheless, retain the ability to acquire such land in order to safeguard the delivery of the Project.</p> <p>In order to safeguard the delivery of the Project whilst also ensuring that the most appropriate arrangement can be reached with affected landowners on a case-by-case basis, the draft Development Consent Order (Document Reference 5.1, APP-285) is drafted in terms which allow a flexible approach to the exercise of the compulsory acquisition powers. For example: where land is shaded pink on the Land Plans, denoting that powers of compulsory acquisition are sought to enable the outright acquisition of the land, articles 19, 22 and 29 of the draft DCO also provide for an alternative 'lesser' solution, such that if the necessary environmental mitigation could be achieved through the creation and acquisition of new rights (including the imposition of restrictive covenants), without the need for the land to be acquired outright, this would still be possible notwithstanding the fact that the land is shaded pink on the Land Plans. Similarly, all land shaded pink or blue (in addition to that shaded green) on the Land Plans may be subject to powers of temporary possession (as distinct from powers of compulsory acquisition).</p>

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		<p>In the cases mentioned above where rights can be granted in place of permanent acquisition, there are powers in the Planning Act 2008 for National Highways to seek rights, in place of permanent acquisitions, which power does not appear to have been considered.</p>	<p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises and the land required to mitigate the significant environmental effects of the Project. The land required for environmental mitigation is that needed to mitigate the significant effects of the Projects based on the findings of the EIA as reported in the Environmental Statement (Document Reference 3.2, APP-044 to APP-059). As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project because the imposition of the mitigation measures would</p>

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			<p>render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project. This approach reflects the use of compulsory acquisition powers as a 'tool of last resort', as advocated in Government Guidance on the Compulsory Purchase Process and the Crichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project in a way that is proportionate and which balances, as far and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p> <p>The Project will need to be delivered within the Order limits (as shown by means of a red line boundary on the Land Plans), but it is possible that as the detailed design is progressed, not all of the land included within the Order limits will be needed. Where that is the case, then, in accordance with section 122 of the Planning Act 2008, National Highways will only acquire, or use, the land, which is actually required for the Project, or to facilitate it, or to be incidental to it, or is required as exchange land (to replace special category land). Indeed, there would not be a compelling case in the public interest to acquire any more land than that which is actually needed for the Project.</p>

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			<p>In the context outlined above, as provided for in the draft DCO and accompanying Land Plans, National Highways remains committed to achieving the acquisition or use of land by agreement with landowners wherever possible, such that where the acquisition of rights or the use of temporary possession powers provide a mutually acceptable solution within a reasonable timescale, this will be progressed.</p>
<p>Alan Moore Bowe - Trustee of the Winderwath 1989 Settlement</p>	<p>Engineering, design and construction</p>	<p>Layby locations: The Representors object to the proposed location of laybys being inappropriately located relative to nearby Estate residential property potentially causing nuisance and excessive injurious affection.</p>	<p>Where new layby provision is proposed to replace an existing facility, the new provision has been located as close as possible to the existing layby location, taking into account junction spacing and visibility requirements. It is not proposed that these laybys are lit. Ensuring that laybys remain suitable for use and are clear of litter will be the responsibility of the highway authority concerned, which, in relation to the A66 will be National Highways.</p>
<p>Alison Elaine Noble, RR-094</p>	<p>Impacts to Land</p>	<p>Interested Party and Affected Landowner No individual land plans have been provided to show the schedule and areas of land to be acquired. The affected property is the residential property and equestrian facility at (REDACTED). The parties do not object to the A66 NTP Project in principle however we make the following representations: A Blight Notice was submitted on the advice of National Highways 16/03/22.</p>	<p>We have met with Alison Noble during the preliminary design stage, and we understand their concerns with the scheme. The meeting held on 07.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 and 2 of 2 (Document Reference 5.13, APP-304) submitted as part of the DCO application.</p>

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		<p>The blight notice was refused by National Highways on the 12/05/22. Following rejection of the Blight Notice, National Highways then advised us to submit a Discretionary Purchase application to purchase all of the land and property known as The Coach House, Skirsgill Lane, Eamont Bridge, Penrith, CA10 2BQ which was done on the 03/08/2022.</p> <p>For background, the at present, the facilities on offer at Happy Hooves are very unique with a state-of-the-art horse simulator, open stable block, classroom, vaulting barrels and fully equipped arena. Happy Hooves is also a fully certified British Horse Society (BHS) centre and Riding for the Disabled Association (RDA) approved facility.</p> <p>The facility has also recently been approved by the Cumbria County Council as an alternative provision for Cumbria Schools. The other businesses which run from the property which belong to the parties are Alison Noble Dog grooming services (A long established business based at site for over 30yrs with a loyal customer base) and Eamont Competition horses (A business offering livery, equine breaking and schooling services). Another business which runs from the property is Molly Finney Hairdressing (currently Molly operates out of Coach House with a fully equipped salon in which Alison was instrumental in its feasibility as moly is part of her family).</p>	<p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>The land required from Alison Noble is primarily for provision of a drainage (retention) pond and maintenance access provision. In addition, a portion of the land is required temporarily for excavation and deposition of material associated with the construction of the proposed underpass. This area has been marked as Proposed Landscape Reprofilling and it is intended that this area will be reprofiled and if agreed, will be returned to the landowner. The pond and associated maintenance tracks should be used infrequently by the maintaining authority upon completion of the scheme. The most common need to access the area will be for landscape maintenance and visual inspections. The activities likely to cause the most disturbance is de-silting of the pond (which is typically done once every 10 years subject to silt build up) or to remove contaminants from the pond in the event of a spillage on the carriageway (which the pond is designed to collect).</p> <p>National Highways are aware of the concerns raised in regard to the sensitivities of the Happy Hooves facility. We are engaging with and will continue to liaise closely with Alison Noble as the project moves forward.</p>

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		<p>The riding/horsemanship sessions generally take place around the stable block, arena and fields directly adjacent to the existing A66. The proposed A66 improvements have identified the fields directly above the arena and stable block as a construction compound which will be used for storage of materials, spoil & gravels with heavy machinery operating daily. It is proposed that the construction phase will be up to 5 years and with disruption expected for the full duration.</p> <p>The ongoing use of the compound sites and access road to the proposed permanent balancing pond will create disturbance in perpetuity through the use of the works, long after the construction phase. The horses are very used to the constant background noise of the existing road, however they are not equipped for new or increased stimuli</p> <p>Horses are a flight animal and with the location immediately adjacent to the large construction compounds and access to a permanent balancing pond, this will result in large machinery and heavy equipment creating extensive stimuli such as noise, visual, vibrations, smells and dust. Therefore, it is our opinion that due to the impending A66 project that the property will be unable to function as an equestrian facility on animal welfare grounds and safety grounds for 3rd parties who are attending the sessions on offer at The Coach House.</p>	

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Alison Elaine Noble, RR-094	Impacts to Land	<p>The facility currently has a very wide customer profile with clients coming from different organisations and schools as well as private individuals. All of the programmes and sessions are tailored to the individual needs of the clients with the frequency of visits varying from 2-3 days per week, weekly, fortnightly or for a one-off block of time. The associates who benefit from these programmes are vast, however they include members of the Riding for the Disabled Association, Multiple Sclerosis Society, Mencap, Eden Carers, West Cumbria Learning centre, Carleton House and several youth groups and schools. Over many years my client has worked hard to develop a team of trained horses with all the qualities required for a wide range of activities. They have also trained and up-skilled staff as well as gained certificates and qualifications to provide so much more than just somewhere to ride a horse. The programmes offered at Happy Hooves provide stimulation and wellbeing for disadvantaged or disabled members of society. For some, the services provided at happy hooves are life changing and if they were no longer available at The Coach House, there is no other facility like this in the local area resulting in serious adverse effects.</p> <p>My client is unable to retire and does not wish to retire, they want to continue running their successful businesses going forward. We feel that the project threatens my client with significant financial hardship</p>	<p>National Highways has had a number of meetings and discussions with Ms Noble regarding the operations and facilities provided by Happy Hooves. The response above explains why the land is needed in order to deliver the project, and we will continue to work closely with Ms Noble and her agent moving forward.</p> <p>National Highways has had regard to its public sector equality duty under the Equality Act 2010 and the potential for disproportionate adverse impacts to the young and to disabled persons are recognised in the Equalities Impact Assessment (Document Reference 3.10, APP-243). That document notes in Table 11, as mitigating action, ongoing discussion with the owner around potential impacts on activities at the stables, mitigation of the potential adverse effects of construction and operation through the measures contained in the Environmental Management Plan and National Highways' facilitation of relocation to an appropriate extent should the business be minded to do so.</p>

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		<p>on several fronts as the road scheme will force them to cease the business operations. For the reasons detailed, we request that National Highways purchases the property and land which will enable my client to relocate the business to an alternative property in the local area</p>	
Alison Elaine Noble, RR-094	Design, Engineering and construction	<p>Construction on the project is expected to start in January 2024 and due to the Coach House' location at one of the main junctions of the scheme (Kemplay Bank Roundabout), disruption and continuous disturbance is likely to affect the property for the whole construction period and in perpetuity through the use of the proposed works.</p> <p>That my client is unable to continue with the operating of several businesses from this location, they will therefore be put into serious hardship as they will no longer be able to generate an income for them and their family.</p>	<p>National Highways will look to mitigate disruption to landowners and their businesses during construction through the development of thorough local traffic management and access plans. These will be developed with the landowners and agreed before start of works.</p> <p>National Highways is in dialogue with Alison Noble and her agent and will continue these discussions going forward.</p>
	Impacts to Land	<p>The whole process is causing my client to be quite unwell; we require to be updated on the Discretionary Purchase application and urge National Highways for a swift acceptance and confirmation. For more details, please refer to the Discretionary Purchase Application.”</p>	<p>National Highways note the concerns raised and will continue to engage with the landowner and her agent as required. National Highways has confirmed a date by which the discretionary purchase application will be decided. This has been communicated to both the agent and landowner.</p>

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Barbara Lynn Ivinson, RR-097	Impacts to Land	<p>Interested Party and Affected Landowner and Farmer</p> <p>We set out below our representations, objections and observations in regard to the freehold land to be acquired as part of the development consent order (“the DCO”) being sought for the National Highways A66 Northern Trans-Pennine Project (“the Project”).</p> <p>No individual land plans have been provided to show the schedule and areas of land to be acquired.</p> <p>The affected land is agricultural land to the East of Powis House and Roman Vale. The parties do not object to the A66 NTP Project in principle however we make the following representations: Permanent Acquisition and Temporary Land occupation The current red line boundary which National Highways have identified in the design drawings are excessive. Suggestion to refine the red line boundary and reduce the land take. From these plans it is not understood whether the entirety of the red line boundary is to be permanently acquired or rights are to be sought on a temporary basis</p>	<p>We have met with Barbara and Peter Ivinson during the preliminary design stage, and we understand their concerns with the scheme. The meeting held on 06-04-22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 5 of 7 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout stage three. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent’s land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss.</p>

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			<p>National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>Land identified for environmental and landscape mitigation is required in order to mitigate the adverse environmental effects of the Project and as such is essential to its delivery. All of the land in relation to which National Highways seeks authorisation for compulsory acquisition, for the creation and compulsory acquisition of new rights and for the creation and imposition of restrictive covenants, or for temporary possession, is shown on the Land Plans (Document Reference 5.13, APP-304 to APP-311 inclusive) shaded pink (acquisition of land), blue (acquisition of rights over land / imposition of restrictive covenants on land) or green (temporary possession of land).</p> <p>National Highways is committed to working with landowners to avoid the need to exercise compulsory acquisition powers if appropriate agreements can be entered into. Such agreements could include management agreements or agreements under section 253 of the Highways Act 1980 in appropriate circumstances. However, not all types of environmental mitigation are well suited to those types of contractual arrangements given the long duration of the Project and the need to maintain certain categories of mitigation over the long term.</p>

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			<p>As such, while National Highways is committed to exploring such arrangements in appropriate circumstances, it must, nonetheless, retain the ability to acquire such land in order to safeguard the delivery of the Project.</p> <p>In order to safeguard the delivery of the Project whilst also ensuring that the most appropriate arrangement can be reached with affected landowners on a case-by-case basis, the draft Development Consent Order (Document Reference 5.1, APP-285) is drafted in terms which allow a flexible approach to the exercise of the compulsory acquisition powers. For example: where land is shaded pink on the Land Plans, denoting that powers of compulsory acquisition are sought to enable the outright acquisition of the land, articles 19, 22 and 29 of the draft DCO also provide for an alternative 'lesser' solution, such that if the necessary environmental mitigation could be achieved through the creation and acquisition of new rights (including the imposition of restrictive covenants), without the need for the land to be acquired outright, this would still be possible notwithstanding the fact that the land is shaded pink on the Land Plans. Similarly, all land shaded pink or blue (in addition to that shaded green) on the Land Plans may be subject to powers of temporary possession (as distinct from powers of compulsory acquisition).</p>

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			<p>The draft DCO also includes flexibility insofar as the land included within the Order limits represents the full extent of land which, at the time of preparing the DCO application, is understood to be needed for the delivery of the Project, based on the preliminary design of each of the Schemes it comprises. As the detailed design of the Project is progressed over the coming months, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project.</p> <p>The pink shading on the Land Plans therefore provides for a range of 'worst case' scenarios, not only in terms of the Project design, but also in terms of achieving agreed solutions with landowners. For example, the exercise of compulsory acquisition powers may be necessary where agreement with a landowner cannot be reached within the timescales necessary for bringing the Project forward, or where a landowner is unwilling to retain land used by National Highways to mitigate the effects of the Project because the imposition of the mitigation measures would render the land incapable of continued or future beneficial use by its owner. In such 'worst case' scenarios, National Highways would need to exercise compulsory acquisition powers to acquire the land outright in order to safeguard the delivery of the Project. This approach reflects the use of compulsory acquisition powers as a 'tool of last resort',</p>

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			<p>as advocated in Government Guidance on the Compulsory Purchase Process and the Crichel Down Rules (July 2019). It also supports National Highways' aim of acquiring, or using, the land needed for the Project in a way that is proportionate and which balances, as far and as fairly as possible, the needs of the Project with the preferences of landowners affected by it.</p> <p>The Project will need to be delivered within the Order limits (as shown by means of a red line boundary on the Land Plans), but it is possible that as the detailed design is progressed, not all of the land included within the Order limits will be needed. Where that is the case, then, in accordance with section 122 of the Planning Act 2008, National Highways will only acquire, or use, the land, which is actually required for the Project, or to facilitate it, or to be incidental to it, or is required as exchange land (to replace special category land). Indeed, there would not be a compelling case in the public interest to acquire any more land than that which is actually needed for the Project.</p> <p>In the context outlined above, as provided for in the draft DCO and accompanying Land Plans, National Highways remains committed to achieving the acquisition or use of land by agreement with landowners wherever possible, such that where the acquisition of rights or the use of temporary possession powers provide a mutually</p>

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			acceptable solution within a reasonable timescale, this will be progressed.
Barbara Lynn Ivinson, RR-097	Biodiversity and BNG Environment and EMP	<p>The amended environmental mitigation requirements have not been published for consultation, nor have the management prescriptions been disclosed until following the DCO application. The proposed Environmental Mitigation land is excessive and does not take into consideration or rationalise any comparison to the future losses to agricultural business. The losses to the agricultural business must outweigh any environmental mitigation consideration and therefore my clients fundamentally object to the proposals.</p> <p>The majority of the designated Environmental Mitigation land is on highly productive agricultural land. If appropriate consultation had occurred, then alternative mitigation areas could have been identified by my clients on the less productive areas. The habitat types and conditions referred to in the environmental mitigation design has been based on the Biodiversity Metric 2.0, the most up to date Biodiversity metric is the Biodiversity Metric 3.1, therefore the most informed and technical data has not been used on this project to identify and mitigate any environmental loss.</p>	<p>The preliminary proposals for the environmental mitigation were presented in the Preliminary Environmental Information Report (published for Statutory Consultation in September 2021 as reproduced in Annex L of the Consultation Report (Document Reference 4.4, APP-264). The Report included a summary of the agricultural land impact assessment approach. This environmental mitigation was based on the assessment of impacts of the preliminary design of the project available at that, which time, that was also presented at Statutory Consultation. The Map Book, which also formed part of the statutory consultation material, included information on the preliminary design as well as the proposed location and types of environmental mitigation required for the project. The feedback from statutory consultation on the proposed design of the project, its assessment and the proposed mitigation measures and the response to the feedback is set out in the Consultation Report (Document Reference 4.4, APP-252). Each consultation issue raised and the response to each issue is set out in Annex N (Document Reference 4.4, APP-271) and Annex P (Document Reference 4.4, APP-273) of the Consultation Report.</p>

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			<p>Following statutory consultation, the design was developed further, taking into account consultation responses (as reported in the Consultation Report), and based on this more developed design, the environmental mitigation was revised, taking into account further landowner engagement and feedback.</p> <p>The effective mitigation for habitat impact and loss is complex as it is dependent on the habitat impacted alongside factors such as the rarity and condition of the habitat. 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 ³was 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 (Document Reference 3.4, APP-146).</p> <p>Natural England's BNG Metric sets habitat replacement ratios which are calculated based on type, rarity, condition, and time to functionally mature; as a consequence, habitat replacement ratios to attain No Net Loss vary between habitats.</p>

³ IAN CROSHER A, SUSANNAH GOLD B, MAX HEAVER D, MATT HEYDON A, LAUREN MOORE D, STEPHEN PANKS A, SARAH SCOTT C, DAVE STONE A & NICK WHITE A. 2019. The Biodiversity Metric 2.0: auditing and accounting for biodiversity value. User guide (Beta Version, July 2019). Natural England

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			<p>For example, lowland deciduous woodland of good condition takes many years to mature, replacing 1ha of mature lowland woodland with 1ha of young trees is not considered mitigative replacement as these two habitats do not possess the same functionality. In order to offset this functional loss, larger areas of planting are applied under the BNG Metric to achieve no net loss. In the instance of lowland deciduous woodland, this roughly equates to a 1:9 replacement required to demonstrate no net loss of the habitat.</p> <p>Once the mitigation, arising from the Environmental Statement and Habitat Regulations Assessment, for protected species, landscape and visual effects and habitat impact and 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 or recalculating the BNG Metric output.</p> <p>While the precise location of the mitigation measures within the Order limits is not fixed, their design will be developed to respond to the detailed design of the Project, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019], in particular commitments D-BD-01 and D-BD-05 which require the development of a Landscape and Ecological Management Plan and an Environmental Mitigation Scheme, and so as to be compatible with the</p>

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			applicable Project Design Principles (Document Reference 5.11, APP-302).
Barbara Lynn Ivinson, RR-097	Flooding and Drainage	Drainage can also be a major problem many years post construction and no assurance has been provided to detail how this will be managed. There is also a concern as to how any balancing/attenuation ponds are going to connect into existing drainage networks and outfall drainage into the river Eden as no consultation has been undertaken.	<p>Ponds and drainage systems have been designed to store the additional run-off produced by the scheme and restrict the peak flow rate to no greater than the existing green field run off rates. Exceedance flow paths have been considered in the design to ensure properties are not at risk of flooding in the event of drainage blockages or storm events in excess of the designed capacity. No part of the Project can start until the detailed operational drainage design for that part of the Project (to the extent applicable to that part) has been designed in accordance with DMRB LA 113 and compatible with the outline drainage strategy.</p> <p>Please refer to 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy and its annexes for more information. Further details will be developed in the detailed design stage. (Document Reference 3.4, APP-221) In addition the Environmental Management Plan (Document Reference 2.7, APP-019) submitted as part of the DCO includes the drainage design compliance commitments as follows:</p> <ul style="list-style-type: none"> • Flow volume and water quality control measures shall be incorporated into the scheme design to provide a sustainable drainage system (SuDS). • The carriageway drainage shall consist of a multi-stage treatment network to remove and retain soluble and

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			<p>suspended pollutants to ensure discharges to groundwater or local watercourses are at acceptable levels.</p> <ul style="list-style-type: none"> • Detailed design shall incorporate the findings of project specific hydraulic modelling undertaken at DCO design, including any mitigation measures associated with the proposed design to manage fluvial flood risk. Any changes to the current design that have the potential to impact flood risk will be subjected to additional modelling. • Where the scheme passes over surface water flood flow paths, culverts shall be designed to accommodate flow to manage pluvial flood risk. The hydrology for the catchment draining to this point will be estimated using industry standard methods and used in the design of a suitable cross drainage structure to pass this water beneath the scheme and reduce the potential for ponding or increased upstream flood risk. • The drainage design shall include aspects of groundwater flood risk management such as managing inflows so that the intercepted groundwater flows will remain within the catchment (not between) of the respective receiving water, unless otherwise agreed with Environment Agency or Natural England. • Attenuation/infiltration basins shall be designed to ensure that groundwater levels would not impede their performance. Drainage blankets will be designed beneath embankments that are to be constructed above

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			<p>key groundwater/surface water interactions (springs) to maintain the existing flow regime.</p> <ul style="list-style-type: none"> • Where ponds are designed for highway run-off attenuation (as retention ponds), they must have sufficient capacity to retain run-off from all events with an annual exceedance probability of greater than 1%, plus allowance for climate change in line with DMRB CG 501 and Environment Agency guidance. Such highway run-off attenuation ponds must be located outside Flood Zone 3. • Design of drainage within cuttings shall allow groundwater to be collected separately from the highway drainage and allow recharge to the underlying aquifers, maintaining the existing recharge mechanisms. Where underlying geology prevents infiltration, collected groundwater shall be discharged into the nearest surface watercourse, which in baseline conditions shall be recharged by that groundwater and thus maintaining the overall water balance within the catchments. • The drainage design shall be informed by further geotechnical investigation data (where obtained), baseline hydrological data and physical surveys of existing buried drainage features. • Highway runoff will not be allowed to discharge freely, instead attenuation basins and swales shall be incorporated into the drainage design to manage this.

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			<ul style="list-style-type: none"> • The design of the road drainage network shall consider necessary measures and treatment to provide appropriate protection to aquifers from potential water quality deterioration. Where there is potential interaction with groundwater levels than these are appropriately assessed based upon the groundwater monitoring network. • Design of underground structures will require drainage provisions to relieve hydrostatic pressure
Barbara Lynn Ivinson, RR-097	Walking, cycling and horse riding (WCH)	Further access points are required off the proposed new Long Marton Road, these are at points NY 65968 23936 and NY 66058 23919. These accesses are required to allow for the normal running of the farming business. If PROWs are to be imposed on the land alongside any private access tracks then there must be a segregated design whereby any joint use is kept separate with appropriate fences and hedges. The combining of private and public access could have serious consequences and poses a significant risk to the safety of both users.	<p>National Highways will look to mitigate disruption to landowners and their businesses during construction through the development of thorough local traffic management and access plans.</p> <p>We recognise that there is a desire from some landowners to separate WCH routes from replacement private means of access. It is not unusual, particularly in rural areas, for private means of vehicular access to exist over public rights of way in relation to which there is no general public right of vehicular access. Such arrangements tend to have lower environmental impacts and require less land to be taken overall when compared with a segregated solution.</p> <p>Nonetheless, National Highways is giving further consideration, as part of the detailed design process, as to the extent that it is able to accommodate requests for segregated private means of access and walking, cycling and horse riding provision and the outcome of that</p>

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			consideration will be discussed with the relevant affected persons in due course.
Colin Thomas Dent, RR-102	Impacts to Land	<p>We set out below our representations, objections and observations in regard to the freehold land to be acquired as part of the development consent order ("the DCO") being sought for the National Highways A66 Northern Trans-Pennine Project ("the Project"). No individual land plans have been provided to show the schedule and areas of land to be acquired. The affected land is agricultural land near to Kirkby Thore and land close to Powis House. The parties do not object to the A66 NTP Project in principle.</p>	<p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the DCO application process. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, valuer has been instructed and met with their Agent, discussions currently on-going. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 4 of 4 (Document Reference 5.13, APP-305) and Land Plans Regulation 5 (2)(i) Sheet 2, 3, 4 and 5 of 6 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p>

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			Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).
Colin Thomas Dent	Design, Engineering and Construction	<p>Private Utility connections</p> <p>There has been no consultation on the private utility supplies on the land affected by the scheme. There are several private water mains, electricity and fibre connections which are apparently severed by the design and there has been no consideration as to how these will be mitigated. Most private utility pathways are not delineated on plans and are merely known by my clients who have occupied the land for many years. If these are severed and damaged during construction, this could have serious negative impacts on not only domestic beneficiaries but also agricultural purposes</p>	<p>If development consent is granted for the Project, National Highways wishes to carry out its construction in a way that limits disruption to affected persons. In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p>
John Gordon Slee, RR-089	Impacts to Land	<p>Objections and observations in regard to the freehold land to be acquired as part of the development consent order ("the DCO") being sought for the National Highways A66 Northern Trans-Pennine Project ("the Project"). No individual land plans have</p>	<p>National Highways have met with Mr Slee during the preliminary design stage and we understand the issues they are raising as part of their representation. The meeting held on 07.04.22 summarised the issues, including matters resolved and those outstanding.</p>

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		<p>been provided to show the schedule and areas of land to be acquired.</p> <p>The affected land is agricultural land on the North and South side of the proposed A66 between Temple Sowerby and Kirkby Thore. The parties do not object to the A66 NTP Project in principle.</p>	<p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 1 of 4 (Document Reference 5.13, APP-305) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the pre-application stage and since the acceptance of the DCO application. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.1, APP-301). The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and negotiations are underway with the land agent. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p>

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<p>Penrith Properties Ltd. c/o Finsbury Trust and Corp Services, RR-125</p>	<p>Impacts to Land</p>	<p>Penrith Properties Limited (PPL) are the freeholder of land to the northeast of junction 40 of the M6 at its junction with the A66 (CU138344), identified as plot 0102-01-20. The relevant papers were not received by PPL.</p> <p>There is no information in 5.17 Engineering Section Drawings (Plan and Profile) demonstrating the proposed changes to levels demonstrating why Plot 0102-01-20 needs to be acquired.</p> <p>There is no information in 5.18 Engineering Section Drawings (Cross Section) showing the cross section through the relevant land demonstrating why Plot 0102-01-20 needs to be acquired. if works are proposed there is no reason for the permanent acquisition of the identified in Plot 0102-01-20</p>	<p>If by relevant papers, PPL is referring to the Section 56 notices, which were issued to notify stakeholders of the accepted DCO application, National Highways can confirm that these were delivered and signed for 28/07/2022.</p> <p>With regards to queries around Plot 0102-01-20, according to our records, PPL do not own this parcel of land. We will continue to liaise with PPL to understand and respond to their concerns and in relation to which parcel.</p> <p>As set out in the Compulsory Acquisition and Temporary Possession Schedule the plot of land referred to (0102-01-20) is proposed for permanent acquisition for: <i>The improvement of the existing M6 southbound diverge slip road to the M6 Junction 40 roundabout and the construction of an additional auxiliary lane at the M6 Junction 40 and the improvement of the existing A592 and the improvement of the existing A66 circulatory carriageway at M6 Junction 40 and the provision of non-motorised user facilities, landscaping and reprofiling.</i></p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question, 01/02 M6 Junction 40 to Kemplay Bank (Document Reference 5.13, APP-304). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National</p>

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			<p>Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p>
<p>Mr P White, RR-131 Mr C Tipping, RR-132 Mr J Manners, RR-136 Mr A Hobson, RR-137 Mr F Hayllar, RR-138 Brogden Family, RR-140</p>	<p>Environment and EMP</p>	<p>Ecological impact, the adequacy of mitigation measures, and also the suitability of the Applicant's current proposed locations for mitigation measures.</p>	<p>While the Project has been designed with care to limit its adverse effects on the environment, it nonetheless gives rise to a need for landscape and environmental mitigation to reduce those adverse effects to an acceptable level. Areas of habitat creation and replacement are shown in an illustrative manner within Environmental Mitigation Maps (Document Reference 2.8, APP-041) that represent how the relevant mitigation measures could be implemented so as to be effective in terms of mitigating the adverse environmental effects of the Project.</p> <p>While the precise location of the mitigation measures within the Order limits is not fixed, their design will be developed to respond to the detailed design of the Project, in accordance with the provisions of the</p>

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Moss Family, RR-141 Mr S W Harrison, RR-142 Hammond Family, RR-143 Mr G S Harrison, RR-145 Mr M Carruthers, RR-146 Mrs M Heron, RR-149 Mrs D Heron, RR-150 Mrs C Heron, RR-151 Mr S Heron, RR-152 Mr J Heron, RR-154			Environmental Management Plan (Document Reference 2.7, APP-01), in particular commitments D-BD-01 and D-BD-05 which require the development of a Landscape and Ecological Management Plan and an Environmental Mitigation Scheme, and so as to be compatible with the applicable Project Design Principles (Document Reference 5.11, APP-302).

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Mr I Heron, RR-156 Mr D Heron, RR-157 Mr J Richmond, RR-167, Mr J Richardson, RR-168			
United Utilities, RR-120	Legal	<p>The discussions as part of the examination should include:</p> <ul style="list-style-type: none"> • Statement of Common Ground. • Protective Provisions; and • Any formal Side Agreement (if required) to protect United Utilities assets. <p>United Utilities seeks to support the delivery of the scheme, but we are also keen to ensure that our customers are not detrimentally impacted by the development. The services that we provide to our customers and the water quality and environmental standards that we have to achieve must be considered as part of any continuing discussions with National Highways and any associated stakeholders.</p>	<p>Article 48 - protective provisions introduces Part 1 of Schedule 9 to the draft DCO (Document Reference 5.1, APP-285) includes protective provisions for the benefit of water and sewerage undertakers, which includes United Utilities. The protective provisions ensure that United Utilities' assets are adequately protected, and no serious detriment is caused to its undertaking as a result of the Scheme. Discussions are ongoing between the Applicant and United Utilities regarding a separate side agreement. The Applicant is confident that the side agreement will be completed prior to the close of the Examination.</p>

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		We trust the above comments are useful in explaining United Utilities' current position in relation to the scheme to date.	
Joy Thompson, RR-190	Development of the Project and Alternatives	The enlarged A66 should be built to the NORTH of the present road in the area opposite the lane to Great Musgrave. There is plenty of land available there for a large dual carriageway, and the road could leave the army premises untouched. Such a road would avoid disrupting present houses and roads and would be a simple way to avoid spoiling the good growing areas to the south of the present A66. A northern route would be very attractive to visitors driving along it, given its views of the lovely fells; at present this land is unavailable and wasted. It would also mean that access to Great Musgrave would remain unaffected and the fields on that side could continue their harvests, grazing, etc – so valuable to local people.	<p>National Highways have met with The Thompsons and their family throughout the preliminary design stage, and we understand their concerns with the scheme. The meeting held on 21.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>National Highways need to promote a route that minimises the impact of and potential damage to the North Pennines Area of Outstanding Natural Beauty (AONB), which is protected as a nationally designated site by legislation and policy. One of the key considerations in the design development work for Appleby to Brough Scheme has been to ensure that the design of the route alignment minimises the impact of and potential damage to the AONB. There are two key sets of policy tests to be addressed for such developments that need an incursion into the AONB; notably those applicable to developments within the boundary of such an area, and those applicable to developments outside such areas but that have an impact on them. As the preliminary design of the scheme developed it was found that elements of the Project could not be constructed, following the alignment of the Preferred Route, without some limited construction within the AONB.</p>

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			<p>Alignments were then identified which would be in conformity with policy tests for the AONB and that would be suitable with respect to minimising or satisfactorily mitigating environmental impacts and meet the project objectives. The northern route being put forward would not conform with the key policy tests so was not considered.</p> <p>With regard to the alternatives taken forward, National Highways carried out a sifting exercise to compare the route options for the Appleby to Brough scheme. The details of the assessment can be found within the PDOR (Document Reference 4.1, APP-244) section 5.5 'Appleby to Brough'. The comparison assessed the options on a range of criteria including environmental and landscape effects, safety, land take, demolition, geomorphology, impact on local businesses including farms and the economy, impact on communities and users, engineering, buildability and cost, carbon and conformity with the National Networks National Policy Statement including key policy tests and impacts on nationally designated areas including AONBs and cultural heritage.</p> <p>Conformity with the policy set out the National Networks National Policy Statement (NNNPS) is necessary when considering development outside the boundary of the AONB as they highlight that there is a need to have regard to the purpose of AONBs and avoid compromising this purpose when designing schemes which are outside of the designation, but which could lead to adverse</p>

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			<p>effects within them. National Highways are therefore promoting a route with a minimal incursion into the AONB and MoD land to the north of the existing A66.</p> <p>We will continue to liaise with the Thompsons as the project progresses.</p>
Atkinson Family, RR-200	Impacts to Land	<p>Our clients have been issued with land take plans but no details on whether this is temporary or permanent have been given. The area of land being taken includes the only access to their property from the public highway and will also create some land that will be severed from their remaining property. Detailed land interest plans have been requested but none have been made available. In addition, the amount of land to be taken seems excessive. Our clients may be able to withdraw their objection if more detailed plans were issued to them. Additional information and more details on how new accesses will be created, why the land is to be taken and what it is to be used for are needed.</p>	<p>National Highways have met with the Atkinson family throughout the preliminary design stage, and we understand their concerns with the scheme. This has included meetings with the design team. The meeting held on 07.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 3 of 6 and associated inset (Document Reference 5.13, APP-307) submitted as part of the DCO application.</p> <p>As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or</p>

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			<p>green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p> <p>In relation to the provision of replacement private means of access, these are shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-345) and are more particularly described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p>
Tyson Family, RR-202	Impact on land	<p>Our clients own (REDACTED) which is a small holding. A flyover to access West View farm is to be constructed. Plans showing land to be taken in general terms have been issued but detailed Land Interest Plans showing precise land take and what the land is to be used for having not been issued. The amount of land being taken by the scheme appears excessive and is more than 50% of the current land holding. The flyover will overshadow the property due to its proximity. We object to the scheme because the amount of land being taken is excessive, the flyover is too close to the residential property and no detailed plans showing either permanent or temporary land take have been issued. If the amount of land take was reduced and the flyover moved further away our clients would be minded supporting the scheme.</p>	<p>National Highways have met with the Tyson family throughout the preliminary design stage, including a number of meetings with the design team. We understand the family's concerns with the scheme. The meeting held on 21.04.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 5 and 6 of 6 (Document Reference 5.13, APP-307) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p>

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			<p>National Highways acknowledges this request for a commitment to a change to the design in relation to the flyover to access West View farm and its proximity to a residential property. A change in this area if appropriate and feasible or the incorporation of additional mitigation can most likely be undertaken within the boundaries of the DCO application as there is sufficient flexibility in most cases built into the DCO application to allow for this type of change. If feasible and appropriate the change could be secured through a written commitment, or through a legal agreement between National Highways and the Tyson family. National Highways is continuing the engagement with affected parties to resolve matters such as those relating to impacts on residential properties in advance of any relevant compulsory acquisition hearings and issue specific hearings.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-307 06 Appleby to Brough) As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily.</p>

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			<p>However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available</p>
Metcalf Family, RR-198	Environment and EMP	<p>A specific condition should be put in place that a dust management plan should be submitted and adhered to prior to the construction works commencing.</p> <p>The details submitted to date in respect of soil management is limited and further in-depth details are needed in respect of topsoil and sub soil stripping, storage methods and measures but in place to ensure that soil is not mixed between landowners when areas are taken on a temporarily basis are returned. These details will need to be submitted prior to the commencement on site and we would request that this is done by way of a condition. We would like the opportunity to review and provide comments on these documents.</p> <p>The details submitted does not cover the bio security issues in depth and we would request that a condition be placed upon the planning decision (if approved) to cover the method statement to prevent this becoming</p>	<p>The Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) submitted as part of the DCO includes Annex B4 Air Quality and Dust Management Plan (Document Reference 2.7, APP-024) which will be developed and implemented in the construction phase of the Project. The EMP document also includes the requirement for biosecurity protocols (reference D-BD-07). Annex B9 Soil Management Plan (Document Reference 2.7, APP-029) of the EMP provides an essay plan, which will be developed in full by the Principal Contractor and will describe how soil resources will be managed in compliance with best practice requirements. This developed document will be the subject of consultation with specified stakeholders as well as Secretary of State approval prior to the start of works, as secured in the EMP and, in turn, the draft DCO (article 53) (Document Reference 5.1, APP-285).</p>

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		<p>an issue. We would like the opportunity to review and provide comments on these documents.</p> <p>The construction and operation of the road will cause significant disturbance to the farming activity not only during the construction phase but during the operational phase of the road. There are serious concerns over the possibility of trespassing and litter problems which will come as a result of the scheme.</p>	<p>Annex B9, table 1 sets out the roles and responsibilities for the SMP including the PC Agricultural Liaison Officer, whom will be required to coordinate detailed pre-construction soil surveys with landowners and ensure the specifications of the SMP and any location specific construction method statements are implemented. These documents will be developed through the Examination.</p> <p>Table 3-2, D-GEN-19: Register of Environmental Actions and Commitments, of the EMP (Document Reference 2.7, APP-019) confirms that <i>“the second iteration EMP shall define the proposed approach to worksite security and trespass risk at each site and implement appropriate control measures in accordance with the approved EMP.”</i> A second iteration EMP is subject to Secretary of State approval prior to the start of works.</p>
	Road Drainage and the Water Environment	<p>The documents submitted makes no reference to the farm's borehole water supply, the Metcalf Family are very concerned that due to the amount of deep cuttings which will be created nearby that this borehole supply could be impacted upon, in the event it is it will have a huge impact upon the farming business as they rely upon this supply to provide water to all the farm stading. The borehole was installed a number of years ago in an attempt to reduce costs on the farm</p>	<p>In relation to private utility infrastructure, National Highways will continue to liaise with affected persons and would welcome receipt of plans or other records that identify the location of such private utility infrastructure so that it can be taken into account as the detailed design of the Project progresses. The Environmental Management Plan (Document Reference 2.7, APP-019) includes REAC D-RDWE-09 which secures the commitment for further monitoring and additional surveying to be undertaken in detailed design, and a protection plan to be developed for any impacted well or source or provide a replacement well or alternative water supply.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
			<p>National Highways anticipates that works to protect, divert or provide an alternative supply would be discussed and agreed in the context of ongoing discussions regarding accommodation works and agreed as part of a position statement. The Agricultural Liaison Officer, whose appointment and duties are summarised in the Environmental Management Plan (Document Reference 2.7, APP-019) would be responsible for keeping the affected person informed as to the timing of any works that would affect private utilities.</p> <p>The EMP referenced above also includes REAC D-RDWE-10 which secures the requirement for any affect to land drainage will be mitigated or reinstatement to ensure the features fulfil their original function and the baseline drainage conditions are maintained. No part of the Project can start until a Ground and Surface Water Management Plan (GSWMP) is developed in detail. An outline of this has been as part of the DCO Application, Annex B7 Ground and Surface Water Management Plan (Document Reference 2.7, APP-27).</p> <p>The purpose of the GSWMP is to:</p> <ul style="list-style-type: none"> • Identify surface watercourses and groundwater bodies that could be affected by the Project • Summarise the existing flood risk and set out specific actions to be taken in the event of intense rainstorms • Define the requirements for regulatory consent and set out any conditions that must be applied

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			<ul style="list-style-type: none"> • Control abstraction from/discharge to Controlled Waters and abstraction from public water supply, including measures for minimising water use • Control any connections for sewage effluent • Set out proposals for and management of dewatering excavations and underground ducts and chambers, voids treatment and management of water aspects related to underground structures • Set out pollution prevention measures, controls on in-channel working and any additional mitigation for sensitive surface and ground water receptors and specify requirements for relevant method statements • Set out monitoring requirements and actions to be implemented in an emergency <p>In addition, the design of the road drainage network shall consider necessary measures and treatment to provide appropriate protection to aquifers from potential water quality deterioration. Where there is potential interaction with groundwater levels than these are appropriately assessed based upon the groundwater monitoring network.</p>
	Design, Engineering and Construction	The plans as proposed will see the current high pressure underground slurry pipe severed which led to the slurry lagoon, this will need to be diverted over the bridge to ensure the lagoon can be filled up in the same way as before.	We have met with the landowners as the design has progressed and discussed the impact of the new engineering work on drainage (such as balancing ponds and local flooding issues).

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	Impacts to Land	There are a number of public footpaths to be diverted we would ask that these are diverted within the highway boundary on not onto land being retained by the Metcalf family.	<p>Where information or concerns have been raised with regards to potential impact on private utilities, these have been recorded in meeting minutes.</p> <p>Further information on private utilities will be gathered in consultation with utility asset owners, suppliers and landowners which may include on site surveys. The dialogue will continue with affected persons throughout the detailed design stages of the Project. National Highways recognises that the Project may require certain utility infrastructure to be diverted, where it has not been possible to incorporate existing services as part of the design. Where this is the case, it will work with the relevant owners of the land affected and the utility companies to seek to minimise disruption, with a view to ensuring any new diversions are in place prior to existing infrastructure being moved/switched off.</p> <p>National Highways' proposals in relation to public rights of way are summarised in the Walking, Cycling and Horse-ridings Proposals document (Document Reference 2.2, APP-010), are shown on the Rights of Way and Access Plans (Document Reference 5.19 APP-342 to APP-349 inclusive) and are described in Schedule 2 to the draft DCO (Document Reference 5.1, APP-285).</p>
Burgess Salmon LLP on behalf of Ministry of	Impact on land	We represent the Ministry of Defence, owners of 9,700ha hectares of land to the north and south of the A66 in Cumbria, forming part of the Warcop training area. It is a site that is in regular, active use and forms	These comments are noted by the Applicant. National Highways is fully cognisant of the requirement under section 135 of the Planning Act 2008 to obtain Crown authority consent to the inclusion in the draft DCO

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
Defence (MOD), RR-237		<p>an important part of the defence training estate being extensively used for infantry training and for other regular and territorial army units. National Highways is pursuing various land requirements in its DCO where it seeks powers of compulsory acquisition over parcels of land owned and occupied by MOD. Discussions over the use of Crown land for these purposes have taken place pre-submission of the DCO but did not result in terms being agreed. MOD has made clear to National Highways the difference between the tactical land to the north of the existing A66, of greatest concern, where present and future use of land containing facilities such as training areas, stores, accommodation and roadways would be affected, as distinct from non-tactical land to the south of the present A66, which is of far lesser concern. MOD is aware of Section 135 Planning Act 2008 and the restrictions it imposes on seeking powers of compulsory acquisition over Crown land in a DCO. In submitting this relevant representation MOD is in no way waiving the effect of that provision. MOD does however believe that its engagement with the examination process should be beneficial to all parties. Without intending this as a definitive list at this point, MOD has continuing concerns over.</p> <ul style="list-style-type: none"> • the justification for the powers being sought over its land, 	<p>(Document Reference 5.1, APP-285) of provisions authorising the compulsory acquisition of a non-Crown interest in Crown land; and of the need for any Crown interests to be acquired by agreement, given the protection from compulsory acquisition which is afforded to Crown land by section 135 of the Planning Act 2008; and this is discussed in paragraphs 7.1 to 7.1.7 of the Statement of Reasons (Document Reference 5.8, APP-299). The Applicant is eager to continue discussions with the Ministry of Defence (MoD), particularly in relation to the provision of replacement facilities and maintaining infantry training land in areas for those which would be directly affected by the Project, with a view to obtaining the necessary Crown authority consent. Indeed, National Highways continues to engage in regular and positive discussions with MoD and understands and supports the need to preserve the nationally important tactical and operational requirements of MoD in land to the north of the existing A66. Accordingly, National Highways is open to discussion about the means by which Crown authority consent can be secured, and by which transfer of the land needed for the Project can be agreed.</p>

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		<ul style="list-style-type: none"> • the ability of the land to meet the required purpose described in the DCO, • the potentially adverse effect on MOD's ongoing use of its estate for the nationally important purposes described above and • the tenure by which National Highways seeks to acquire interests in MOD land. MOD's position at the point of submitting this relevant representation is that it has concerns over the acquisition of its land as detailed in the DCO provisions on compulsory acquisition but remains willing to engage in dialogue with National Highways to seek agreement, if possible, on terms by which its consent can be given to this proposal. 	
Defence Infrastructure Organisation, Safeguarding Department, RR-237	Impact on land	Explosive Safeguarding Zone The consultation zone occupies a part of the explosives safeguarding zone known as the Vulnerable Building Distance (VBD), shown as a purple line on the statutory safeguarding plan. Within this zone all buildings should be designed to be 'non vulnerable' that is of robust design and construction so that should an explosion occur at the MOD storage facility, buildings nearby will not collapse or sustain damage that could cause critical injury to the occupants. The section of the route Grid References E377429, N515242 and E375972, N515387 pass through the safeguarding zone.	These comments are noted by the Applicant. National Highways confirms its understanding of the Explosive Safeguarding Zone and requirements for buildings within to be 'non-vulnerable.' Furthermore, National Highways acknowledges MOD's confirmation that the Project's location, relative to the aforementioned Explosive Safeguarding Zone, does not give MOD cause for concern. National Highways also acknowledges that MOD's lands interests are the subject of a separate Relevant Representation (which is responded to in the row above) made by DIO Land Management Services (LMS) department.

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		<p>I have reviewed the documents within this consultation and can confirm that the MOD has no concerns with the proposed development. This response only relates to the Safeguarding elements of this development. The DIO Safeguarding team are aware that our colleagues in the DIO Land Management Services (LMS) department will be submitting representations independently. This response is to be read in conjunction with, and does not replace, the response provided by Burges Salmon solicitors on behalf of MOD DIO LMS. The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed above and in the documentation email in support of the application named National Highways A66 NTP project – Section 56 notice dated 27/07/2022. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.</p>	

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Center Parcs, RR-046		<p>As an organisation Center Parcs fully support this project as it will benefit our staff of 1450 from a travel perspective, our guests of approximately 10,000 per week and it will most definitely save lives. As a business the dualing of the A66 will also prevent a significant number of serious traffic jams for all users, which in turn reduces accidents. From a Cumbria perspective this project can only improve connectivity for all business and visitors</p>	<p>National Highways has had a number of discussions with Center Parcs during the preliminary design stage. National Highways acknowledges the support for the project and will continue to engage with Center Parcs as the project moves forward.</p>
Northern Powergrid Yorkshire PLC, RR-158	Legal	<p>Northern Powergrid is in principle supportive of the above project but has concerns regarding the impacts the proposed project will have on existing assets and their pending improvement works.</p> <p>Areas shown within the proposed development boundary have a direct impact on Northern Powergrid's existing critical national infrastructure which serve significant numbers of customers in the local and wider area, and the rights for these assets are essential in maintaining an uninterrupted power supply to the customers which Northern Powergrid serves.</p> <p>The proposed development seeks to interfere with Northern Powergrid's existing 132kV primary substation, pylons, overhead cables, underground cables and access and servicing rights. Each of these are vital for Northern Powergrid's existing operations.</p>	<p>The land that National Highways requires for the Project is shown on the Land Plans for the Schemes in question (Document Reference 5.13, APP-304 to APP-311). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project is available.</p>

Affected Person and Examination Library Reference	Topic	Matters Raised in Relevant Representation (Verbatim)	National Highways Response
		<p>The accompanying compulsory purchase order for the development seeks to acquire land and interests which, if acquired, would adversely affect Northern Powergrid's ability to use, access and maintain its substation.</p> <p>Inappropriate use of Compulsory Purchase Powers As the full detailed design has not been carried out yet and the design keeps changing , the DCO includes large areas of additional land required which may be temporary and may be permanent, some of which it is clear that it is not required for the scheme. We ask that this is looked into.</p>	<p>Protective provisions for the protection of Northern Powergrid's apparatus and interests (as an Electricity Act 1989 licence holder) have been included in Part 1 of Schedule 9 to the draft Development Consent Order (Document Reference 5.1, APP-285). The protective provisions ensure that Northern Powergrid's interests and apparatus are adequately protected and there will be no serious detriment to Northern Powergrid's undertaking.</p>
Northern Powergrid Yorkshire PLC	Legal	<p>It is not necessary to acquire these interests where an agreement between the parties would be more appropriate. In addition to the technical impacts of the proposed development, Northern Powergrid has concerns over the proposed protective provisions contained within the draft Development Consent Order ('DCO') as they do not take into account site specific issues and do not accord with Northern Powergrid's standard protective provision requirements.</p> <p>Northern Powergrid is keen to engage with the applicant's legal representative to agree appropriate amendments to the protective provisions currently contained in the draft DCO."</p>	<p>National Highways is liaising with Northern Powergrid in relation to bespoke protective provisions and a related side agreement. The protective provisions and side agreement will cover all of the matters that Northern Powergrid has raised in its representation including Northern Powergrid's ability to use, access and maintain is apparatus and substation and use of compulsory acquisition powers. The Applicant is confident that agreement with Northern Powergrid will be reached prior to the close of the Examination.</p>

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Cumbria Constabulary RR-133	Impacts to Land	<p>We object to your proposal around the development consent order (DCO) and compulsory purchase order (CPO) effecting the police headquarters site at Carleton Hall, Penrith, Cumbria, CA10 2AU. We are opposed to both extent of the DCO and any compulsory purchase of the Police and Crime Commissioner's land to the east of the headquarters complex. We object on the grounds that the proposal will impact on operational policing undertaken from the site. The subject land is held for future development, recognising the site's strategic importance within the police estate. Given the importance of the site and inevitable growth we are strongly opposed to losing this area and believe it could have a significant impact on how we effectively deliver our services to the people of Cumbria.</p>	<p>National Highways are actively liaising directly with the Cumbria Constabulary in order to seek to address their concerns.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 2 of 2 (Document Reference 5.13 Updated Land Plans Scheme 0102 M6 junction 40 to Kemplay Bank, AS-013) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>The proposed layout at Kemplay Bank (including compound and storage areas) will be developed and refined during the detailed design stage including a site review of the area. Any land required will be considered further if changes are made to the layout. National Highways will continue to engage with the Cumbria Constabulary on these matters.</p>
Cumbria Constabulary RR-133	Design, Engineering and Construction	<p>Throughout the design stage we have actively engaged with members of the NTP design team and provided you with an overview of the functions provided from this site. We do not consider the current proposals adequately address the concerns we have raised.</p>	<p>National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures.</p>

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		<p>The latest proposal has the potential to close the door to any growth of the headquarters site and limit our ability to adapt to meet future operational needs. In the wider context it has the potential to impact on the viability of the current site. There remains a lack of clarity around the impact and buildability of the road. We have repeatedly asked for detail so we can assess the impact of this on our site.</p> <p>We remain committed to work with the design team to find solutions for all parties. Our response should be read in conjunction with that of our partners at Cumbria County Council and Cumbria Fire and Rescue Service.</p>	<p>The permanent land required to construct and operate the scheme is considered to be reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-304 M6 Junction 40 to Kemplay Bank) As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project</p> <p>The proposed layout at Kemplay Bank (including compound and storage areas) will be developed and refined during the detailed design stage including a site</p>

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			<p>review of the area. The land east of the existing Cumbria Constabulary site has been identified for proposed material storage and use as a site compound during the construction phase. It is hoped that this land can be returned to the landowner following the construction stage. In this context, we will continue to engage with Cumbria Constabulary during the detailed design stage with the aim of ensuring that our proposals and methods of working are compatible with their aspirations for this land.</p>
Cumbria Constabulary RR-133	Design, Engineering and Construction	We have had little to no detail on the construction phase including the buildability, the impact to our day-to-day operations, maintenance of critical services and how traffic flows will be maintained	<p>The Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) confirms that no part of the project can start until a Construction Traffic Management Plan (CTMP) (Document Reference 2.7, APP-033) is developed (post any decision to grant the DCO) which will include (amongst other requirements) the following:</p> <ul style="list-style-type: none"> • Details of proposed traffic management measures, including phasing plans, route restrictions and speed limits • Details of planned carriageway and local road closures, including proposed stakeholder and community engagement protocols in advance of closures. • Details of proposed diversion routes, durations of use and proposals for encouraging compliance with designated diversion routes (with consideration for potential noise impacts).

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			<ul style="list-style-type: none"> • Diversion routes to be discussed with the Local Highway Authority in advanced of required closures. <p>Specific mitigation measures to be developed for diversion routes in relation to noise and vibration, such as monitoring of usage of diversion routes, use of multiple diversion routes for different closures to reduce exposure of individual receptors.</p>
Mr P White, RR-131 Mr C Tipping, RR-132 Mr J Manners, RR-126 Mr A Hobson, RR-137 McSkimming Family, RR-163 Mrs M Heron, RR-149, Mrs D Heron, RR-150, Mrs C Heron, RR-151,	Funding and Delivery	Demonstration of the availability of necessary funding	<p>The Funding Statement (Document Reference 5.6, APP-289) demonstrates that: "...the Project will be adequately funded through the Road Investment Strategy ("RIS"), using the change control processes set out in Part 6 of National Highways' Licence (see Appendix A of this Statement) if required, and therefore [that] funding is no impediment to the delivery of the Project or the payment of compensation to persons who would be affected by compulsory acquisition, temporary possession, or a blight claim if the DCO was made by the Secretary of State for Transport" (Paragraph 1.12). Please refer to that document for more details.</p>

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Mr S Heron, RR-152, Mr J Heron, RR-154 Mr I Heron, RR-156, Mr J Richardson, RR-168, Henshaw Family, RR-164, Mr P Tavener, RR-161, Maple Bridge Corporation Ltd, RR-169 Moss Family, RR-141 Taylor Family, RR-134 Stead Family, RR-148			

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Taylor Family, RR-134	Impacts to Land	<p>Concern regarding the adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required including public rights of way ii) Accommodation Works iii) Drainage iv) Impact on retained land - The validity and effectiveness of consultations carried out to date - The extent of any negotiations, or attempts by the Applicant to acquire land and rights by agreement - The location of the proposed junction with Long Marton Road - The requirement for and location of site compounds - The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required - Ecological impact, the adequacy of mitigation measures, and also the suitability of the Applicant's current proposed locations for mitigation measures - Justification for the permeant acquisition of land or rights over land, and temporary land occupation; and the extent of those needs including in relation to public rights of way - We have not had sight of Position Statements prepared by the Applicant or any subsequent reply from the Planning Inspectorate, and reserve the right to raise further points relating to these if necessary.</p>	<p>National Highways have met with the Taylor family during the preliminary design stage and we understand the issues they are raising as part of their representation. The meeting held on 06.05.22 summarised the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question. Please refer to Land Plans Regulation 5 (2)(i) Sheet 5 and 6 of 7 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>Rights of way (and private means of access) are shown on the Rights of Way and Access Plans Sheet 5 and 6 of 7 (Document Reference 5.19, APP-344) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for an explanation of the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>National Highways is committed to negotiating the purchase of the land and interests over land it requires to deliver the Project. Engagement has been ongoing throughout the preliminary design stage. A letter inviting the respondent to negotiate with National Highways was issued on 28 March 2022, as is recorded in the Schedule of Negotiations (Document Reference 5.10, APP-301).</p>

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			<p>The invitation to negotiate was accompanied by a plan showing the extent of the respondent's land that National Highways has identified as being required for the Project. Since then, the valuer has been instructed and the latest option plans have been sent to them with a view to scheduling meetings to discuss. National Highways will continue to negotiate with the respondent to acquire land or uses of the land that it requires to deliver the Project.</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan</p>

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			<p>(Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>National Highways looks forward to discussing further the respondents concerns on the impact on retained land as the design work progresses.</p> <p>Following the statutory consultation process and ongoing engagement with stakeholders, proposed design changes were identified to the layout of several schemes (such as the amendments to the junction and access arrangements at Long Marton and Appleby) as well as changes to walking, cycling and horse-riding provisions, the location of construction compounds and landforms. These changes were subject to a targeted consultation with information provided as part of the consultation that compared the environmental effects of the proposed changes with those presented in the original PEI Report.</p> <p>The feedback on the proposed design of the project, its assessment and the proposed mitigation measures (as presented at statutory consultation and as part of the supplementary consultation) has informed the alignment of the route and its design for the DCO application. The process of how the consultation feedback has informed the design is set out in the Consultation Report (Document Reference 4.4, APP-252) with details on our response to each consultation issue set out in Annex N</p>

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			<p>(Document Reference 4.4, APP-271) and P (Document Reference 4.4, APP-273) of the Consultation Report.</p> <p>In addition, there has been extensive engagement with affected persons. This has included meetings with affected persons and other forms of communication (letters, emails, and telephone calls. These meetings and communications have covered a wide range of issues, such as exploring different alignments and designs to address impact on business activities.</p> <p>The Planning Inspectorate (by letter dated 19 July 2022) has accepted the DCO application and in doing so has confirmed that the consultation undertaken accords with the requirements of the Planning Act (PA 2008) as set out in Chapter 2, Part 5 of PA 2008.</p> <p>While the Project has been designed with care to limit its adverse effects on the environment, it nonetheless gives rise to a need for landscape and environmental mitigation to reduce those adverse effects to an acceptable level. Areas of habitat creation and replacement are shown in an illustrative manner within Environmental Mitigation Maps (Document Reference 2.8, APP-041). that represent how the relevant mitigation measures could be implemented so as to be effective in terms of mitigating the adverse environmental effects of the Project.</p> <p>While the precise location of the mitigation measures within the Order limits is not fixed, their design will be developed to respond to the detailed design of the</p>

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			<p>Project, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019), in particular commitments D-BD-01 and D-BD-05 which require the development of a Landscape and Ecological Management Plan and an Environmental Mitigation Scheme, and so as to be compatible with the applicable Project Design Principles (Document Reference 5.11, APP-302).</p> <p>The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2 APP-049). The sizes of the areas of land required are commensurate to the adverse environmental effects of the Project, prior to such environmental and landscape mitigation being taken into account, and as such the land is required to deliver the Project. Potential effects of the acquisition of the land required for the Project on agricultural businesses are assessed within Environmental Statement Chapter 13: Population and Human Health (Document Reference 3., [APP-056]), which takes into account the land required for essential mitigation such as for landscaping and habitat creation.</p> <p>With regards to the change to the access arrangements at Long Marton Road and Appleby following the statutory consultation (autumn 2021), the reasons for this are set</p>

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			<p>out in section 5.4 of the Project Development Overview Report (PDOR) (Document Reference 4.1, APP-244).</p> <p>It also explains why the junction at Appleby was changed (understood to be what the agent is referring to by regarding 'more suitable routes'). This matter has been discussed directly with the Taylors and consulted on in the supplementary consultations in January/February 2022.</p> <p>With regard to the site compounds, compound locations have been determined based on an assessment of the construction methodology and programme. As the detailed design progresses the appointed Contractors will review and reassess the size and scale of the compound required for the project.</p> <p>Details of construction compound locations are identified in the Environmental Statement (ES) Chapter 2 (Document Reference 3.2, APP-045). Storage areas will be proposed where large cut and/or fill requirements are needed or where key structures are required. Information is also provided within this chapter in regards to construction haul roads, satellite compounds and the anticipated construction workforce. The assessments contained within the ES are based on Chapter 2 and have considered these elements of the construction phase The Environmental Management Plan (EMP), in Volume 2.7 of the DCO application incorporates construction phase management, setting out how</p>

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			<p>construction stage mitigation measures would be implemented to manage risks and certain requirements for contractors. Annex B10 includes the construction worker travel and accommodation plan and Annex B13 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 under the DCO.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13, APP-306). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred</p>

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			<p>approach, once more information about the detailed design requirements of the Project become available.</p> <p>The Order Limits in our DCO Application is the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process is set out in the Project Development Overview Report (Document Reference 4.1, APP-244). National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures. The permanent land required to construct and operate the scheme is considered to be reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations. However, where proposed land take can be amended from permanent acquisition to temporary possession it will be, as the scheme is developed and refined during the detailed design stage</p>
Stead Family, RR-148	Impacts to Land	<p>The adequacy of information provided by the Applicant, including but not limited to information relating to: i) The extent and location of land and rights required including public rights of way ii) Accommodation Works iii) Future liability for new landforms and infrastructure iv) Drainage v) Impact on retained land - The extent of any negotiations, or</p>	<p>National Highways have met with the Stead family during the preliminary design stage and we understand the issues they are raising as part of their representation. The meeting held on 06.05.22 summarises the issues, including matters resolved and those outstanding.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question.</p>

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		<p>attempts by the Applicant to acquire land and rights by agreement - The requirement for, extent, and location of ponds - The location and extend of soil storage areas - The availability of more suitable routes for the proposed scheme; and more efficient designs in regard to the land-take required - Ecological impact, the adequacy of mitigation measures, and also the suitability of the Applicant's current proposed locations for mitigation measures - Justification for the permeant acquisition of land or rights over land, and temporary land occupation; and the extent of those needs - The justification and requirement for additional public rights of way. We have not had sight of Position Statements prepared by the Applicant or any subsequent reply from the Planning Inspectorate, and reserve the right to raise further points relating to these if necessary."</p>	<p>Please refer to Land Plans Regulation 5 (2)(i) Sheet 5 and 6 of 7 (Document Reference 5.13, APP-306) submitted as part of the DCO application.</p> <p>Rights of way (and private means of access) are shown on Rights of Way and Access Plans Sheet 6 of 6 (Document Reference 5.19, APP-345) submitted as part of the DCO application.</p> <p>Please refer to 5.9 Compulsory Acquisition and Temporary Possession Schedule of the DCO Application for the purpose(s) for which each plot of land is required (Document Reference 5.9, APP-300).</p> <p>The scope of reasonable accommodation works to be provided for affected persons is being progressed through ongoing engagement with affected persons to the extent that is appropriate to do so in light of the information available of the emerging detailed design.</p> <p>The responsibility for the ongoing maintenance of infrastructure provided as part of the project, such as accommodation tracks, will be discussed with each landowner on a case-by case-basis and where applicable will be subject to management agreements and third party access rights where required.</p> <p>In relation to drainage, National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals</p>

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			<p>for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019) and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>National Highways looks forward to discussing further the respondents concerns on the impact on retained land as the design work progresses.</p> <p>The land that National Highways requires for the Project is shown on the Land Plans for the Scheme in question (Document Reference 5.13 APP-306). As is shown on the key to the Land Plans, the land shaded pink is the land that National Highways seeks authorisation to compulsorily acquire, the land shown in blue is the land over which National Highways seeks to compulsorily acquire rights and impose restrictive covenants and the land shown in green is the land in relation to which National Highways seeks powers to possess temporarily. However, land which is shaded pink on the Land Plans</p>

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			<p>may, in the alternative, be subject to the acquisition of new rights or to powers of temporary possession (i.e. pink land can 'become' blue land or green land) and this flexibility will be deployed where possible with the aim of achieving a proportionate balance between delivering the Project and accommodating a landowner's preferred approach, once more information about the detailed design requirements of the Project become available.</p> <p>Attenuation ponds are located at intervals along the length of each scheme, generally at low points in the road in order collect run-off from the road. They are required for all new infrastructure, including side roads. The size of the pond is determined by the catchment area of it i.e. how much water will run-off the road. As the detailed design progresses the appointed Contractors will review and reassess the size and scale of the ponds that the Project requires.</p> <p>National Highways has submitted with its application for development consent a Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4 APP-221) which assesses flood risk to and from the proposed Project and outlines its proposals for the drainage of surface water from the Project (see Annex A of that document). The detail of the drainage system for the Project will be further developed after the grant of development consent, if development consent is granted, in accordance with the provisions of the Environmental Management Plan (Document Reference 2.7, APP-019)</p>

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			<p>and the Project Design Principles (Document Reference 5.11, APP-302), in particular measure D-RDWE-02 in the Register of Environmental Actions and Commitments at Table 3-2 of the Environmental Management Plan (Document Reference 2.7, APP-019) which requires the production of an operational drainage design that is compatible with the Outline Drainage Strategy.</p> <p>With regards to the extent of soil storage areas, the preliminary design sought to try and balance the amount of earth excavated from the ground against the amount required to build up the finished road level. In some instances the excavated material will be placed immediately, however in other areas there may be a need to store the material until such time as it required. The location of these areas have been determined based on where the excavations occur and the where the material is likely to be required in order to minimise the distance that it needs to be moved. As the detailed design progresses the appointed Contractors will review and reassess the earthworks required on the Project to improve the balance between excavation and build up but also to reduce the overall total amount of earthworks.</p> <p>With regards to a proposed 'more suitable route' by the Steads, it is assumed that this relates to alternatives for the Appleby to Brough part of the project. With regard to the alternatives taken forward, National Highways carried</p>

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			<p>out a sifting exercise to compare the route options for the Appleby to Brough scheme.</p> <p>The details of the assessment can be found within the PDOR (Document Reference 4.1, APP-244) section 5.5 'Appleby to Brough'. The comparison assessed the options on a range of criteria including environmental and landscape effects, safety, land take, demolition, geomorphology, impact on local businesses including farms and the economy, impact on communities and users, engineering, buildability and cost, carbon and conformity with the National Networks National Policy Statement including key policy tests and impacts on nationally designated areas including AONBs and cultural heritage. Conformity with the policy set out the National Networks National Policy Statement (NNNPS) is necessary when considering development outside the boundary of the AONB as they highlight that there is a need to have regard to the purpose of AONBs and avoid compromising this purpose when designing schemes which are outside of the designation, but which could lead to adverse effects within them. National Highways are therefore promoting a route with a minimal incursion into the AONB and MoD land to the north of the existing A66.</p> <p>The Order Limits in our DCO Application is the land we need to construct the Project and associated infrastructure. The development of the design for the Project, including alternative routes considered and the decision making process is set out in the Project</p>

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			<p>Development Overview Report (Document Reference 4.1, APP-244). National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the scheme including required mitigation measures. The permanent land required to construct and operate the scheme is considered to be reasonable and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations. However, where proposed land take can be amended from permanent acquisition to temporary possession it will be, as the scheme is developed and refined during the detailed design stage</p> <p>While the Project has been designed with care to limit its adverse effects on the environment, it nonetheless gives rise to a need for landscape and environmental mitigation to reduce those adverse effects to an acceptable level. Areas of habitat creation and replacement are shown in an illustrative manner within Environmental Mitigation Maps (Document Reference 2.8, APP-041). that represent how the relevant mitigation measures could be implemented so as to be effective in terms of mitigating the adverse environmental effects of the Project.</p> <p>While the precise location of the mitigation measures within the Order limits is not fixed, their design will be developed to respond to the detailed design of the Project, in accordance with the provisions of the Environmental Management Plan (Document Reference</p>

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			<p>2.7, APP-019), in particular commitments D-BD-01 and D-BD-05 which require the development of a Landscape and Ecological Management Plan and an Environmental Mitigation Scheme, and so as to be compatible with the applicable Project Design Principles (Document Reference 5.11, APP-302).</p> <p>The total area required for each type of habitat creation or replacement is outlined within Table 6-20 of Chapter 6 Biodiversity within the Environmental Statement (Document Reference 3.2 APP-049). The sizes of the areas of land required are commensurate to the adverse environmental effects of the Project, prior to such environmental and landscape mitigation being taken into account, and as such the land is required to deliver the Project. Potential effects of the acquisition of the land required for the Project on agricultural businesses are assessed within Environmental Statement Chapter 13: Population and Human Health (Document Reference 3.2 APP-056), which takes into account the land required for essential mitigation such as for landscaping and habitat creation.</p>
Karen Baxter, RR-225	Impact to Land Development of the Project	From a community point of view: I live on the A66 very close to Sandford junction. I have lived in this area for nearly 40 years and traffic flow has increased exponentially. We do need a new section of road. However, I believe a slightly northern route of the whole of the present A66 – a complete new dual	National Highways have met with Ms Baxter during the preliminary design stage and we understand the issues they are raising as part of their representation. We have previously met with her and this has included design members of the team.

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	and Alternatives	<p>carriageway - between Appleby and Brough is the best option. It would avoid having to build many of the proposed junctions, roundabouts, slip roads, and bridges currently drawn into the plans. Additionally, and helpfully, the present A66 would become the local road. All cost effective. It will be MUCH safer – through traffic staying on the new dual carriageway & avoiding unnecessary entry/egress on this road nearly every mile. Helpfully, once again, local residents would not even have to access the A66 and this would benefit flow of traffic. The present design seems extensive. Fewer sink ponds would be needed for the reduced number of junctions etc and could be located in poorer agricultural land; which would help mitigate a very real likelihood of further flooding. Local people are CONSTANTLY affected, please hear us. Personally: I am a major stakeholder in the community farm being developed at Dyke Nook. The present A66 design would SERIOUSLY compromise our vision for continuing to develop facilities for people responding positively to 'social prescribing.' As stakeholders, we believe the community farm can play a vital role in society by helping the marginalised, vulnerable and those with learning difficulties. This can be gained through 'hands on' experiences in agriculture and horticulture within a therapeutic and quiet rural setting; some of which is already happening. Noise and pollution levels will rise whatever mitigation is used.</p>	<p>With regards to a route which north of the current A66 between Appleby and Brough, National Highways need to promote a route that minimises the impact of and potential damage to the North Pennines Area of Outstanding Natural Beauty (AONB), which is protected as a nationally designated site by legislation and policy. One of the key considerations in the design development work for Appleby to Brough has been to ensure that the design of the route alignment minimises the impact of and potential damage to the AONB. There are two key sets of policy tests to be addressed for such developments that need an incursion into the AONB; notably those applicable to developments within the boundary of such an area, and those applicable to developments outside such areas but that have an impact on them. As the preliminary design of the scheme developed it was found that elements of the Project could not be constructed, following the alignment of the Preferred Route, without some limited construction within the AONB. Alignments were then identified which would be in conformity with the key policy tests for the AONB and that would be suitable with respect to minimising or satisfactorily mitigating environmental impacts and meet the project objectives. The northern route being put forward would not conform with the key policy tests so was not considered.</p> <p>With regard to the alternatives taken forward, National Highways carried out a sifting exercise to compare the route options for the Appleby to Brough scheme.</p>

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		<p>I was clearly told that at the 'sound' booth during consultation meetings. And finally, but no less importantly, cutting down mature broadleaved trees to replant should be avoided wherever possible. Moving the route north would avoid this happening and the current established mature woodland would help act as both a visual and audio shield for local residents.</p>	<p>The details of the assessment can be found within the PDOR (Reference Document 4.1) section 5.5 'Appleby to Brough'. The comparison assessed the options on a range of criteria including environmental and landscape effects, safety, land take, demolition, geomorphology, impact on local businesses including farms and the economy, impact on communities and users, engineering, buildability and cost, carbon and conformity with the National Networks National Policy Statement including key policy tests and impacts on nationally designated areas including AONBs and cultural heritage. Conformity with the policy set out the National Networks National Policy Statement (NNNPS) is necessary when considering development outside the boundary of the AONB as they highlight that there is a need to have regard to the purpose of AONBs and avoid compromising this purpose when designing schemes which are outside of the designation, but which could lead to adverse effects within them. National Highways are therefore promoting a route with a minimal incursion into the AONB and MoD land to the north of the existing A66.</p> <p>National Highways acknowledges the Interested Party's concerns. National Highways acknowledges that Dyke Nook Community Farm is an aspiration of the community and does not currently exist as a facility. National Highways have received feedback from stakeholders outlining concerns about the proximity of the proposed route to the proposed Dyke Nook Farm and other</p>

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			surrounding properties. In response to this, an alternative design was developed to construct the new eastbound carriageway to the north of the existing A66. The existing A66 will become the westbound carriageway which means National Highways no longer need to build it to the south of the existing A66. This has resulted in reduced land take from the properties and increasing the distance from the properties to the new A66.
Daniel Thwaites PLC, RR-030	Consultation and Engagement Process	This representation should be read in conjunction with the feedback already submitted to Highways England on 4th November 2021 as part of the initial consultation	National Highways confirm that feedback on the proposed design of the project, its assessment and the proposed mitigation measures (as presented at statutory consultation in Autumn 2021 and as part of the supplementary consultation in Spring 2022) has informed the alignment of the route and its design for the DCO application. The process of how the consultation feedback has informed the design is set out in the Consultation Report (Document Reference 4.4, APP-252) with details on our response to each consultation issue set out in Annex N (Document Reference 4.4, APP-271) and P (Document Reference 4.4, APP-273) of the Consultation Report.
Daniel Thwaites PLC, RR-030	Landscape and Visual Consultation and Engagement Process	Despite meetings with representatives of Highways England to express our concerns the proposals would see the loss of a mature landscaped buffer between the hotel and road beyond. At present this line of trees and established vegetation not only provides a valuable visual barrier to the road and industrial estate	The Environmental Statement assess the likelihood of significant effects and is underpinned by detailed assessments within separate appendices for each chapter. Any mitigation requirements are outlined within each chapter which includes the use of visual screening and planting where feasible.

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		beyond but also supresses noise pollution from the adjoining highway.	<p>No significant effects upon the hotel are reported within the Environmental Statement, with Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055) reporting a minor noise impact in the short term, which is an adverse effect but not significant. No significant effects were reported within the Population and Human Health assessment (Document Reference 3.2, APP-056) in regard to the Hotel.</p> <p>Chapter 10 Landscape and visual (Document Reference 3.2, APP-053) reported operational impacts and effects as being slight adverse and not significant in year 1 and neutral by year 15.</p>
Crackenthorpe Parish Council, RR-026	Consultation and Engagement Process	The Parish meeting is strongly opposed to changes made in February 2022, without consultation in Appleby, removing the westbound A66 access road from the largest settlement in the Eden Valley, Appleby pop approx 3,800, and creating a full movement junction, in open countryside, three miles away. These changes take place in our parish, Crackenthorpe, where the number of fatal collisions is well above the national average. The original plans for the de-trunked A66, very much welcomed, were for it to be made suitable for walking, cycling and horse riding. It would also benefit the large amount of farm traffic, which at the moment causes disruption. The last minute change of plan seriously detracts from this, and with National	<p>Public consultation and engagement has been a critical part of the preparation of the DCO application and has been underpinned by the Government's Consultation Principles. A large number of consultation events and engagement activities over a number of years have been undertaken to fully understand the concerns of the local communities and the wider public and where possible resolve their issues. The approach taken and how it accords with the legal requirements and government guidance, and dates is set out in the Consultation Report (Document Reference 4.4, APP-252).</p> <p>As well as statutory consultation for the full project, supplementary consultation was undertaken with respect of proposed design changes in specific parts of the route as set out in Table 7.1 of the Consultation Report.</p>

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		<p>Highways own predictions, safety of drivers and residents remains unacceptable.”</p>	<p>The supplementary consultation targeted those parties affected by the design changes to ensure statutory consultees and local communities had the opportunity to provide feedback on the changes and have that taken into account. National Highways also held an additional drop-in session in local venues to explain the changes at Long Marton and Appleby, which the local community were invited to. This was attended by the project team to answer questions. This is detailed in Consultation Report (Document Reference 4.4, APP-252).</p> <p>The supplementary consultations were also conducted in line with the principles of pre-application statutory consultation as set out in the Planning Act 2008 and principles and methods in the Project's Statement of Community Consultation to the extent they were relevant for these supplementary consultations.</p> <p>The feedback on the proposed design of the project, its assessment and the proposed mitigation measures (as presented at statutory consultation and as part of the supplementary consultation) has informed the design for the DCO application. The process of how the consultation feedback has informed the design is set out in the Consultation Report (Document Reference 4.4, APP-252) with details on our response to each consultation issue set out in Annex N and P of the Consultation Report.</p> <p>Further information is provided in the PDOR (Document Reference 4.11, APP-244).</p>

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			<p>The Planning Inspectorate (by letter dated 19th July 2022) has accepted the DCO application and in doing so has confirmed that the consultation undertaken accords with the requirements of the Planning Act (PA 2008) as set out in Chapter 2, Part 5 of PA 2008.</p> <p>With regards the concerns raised over traffic safety, Chapter 9 of the Transport Assessment (Document Reference 3.7, APP-236) includes a full assessment of the available collision data, confirming that the majority of accidents are clustered on single carriageway sections or in dual sections adjacent to single carriageway sections. All fatalities recorded along scheme sections were a result of drivers drifting into oncoming traffic or poor overtaking manoeuvres on single carriageway sections.</p> <p>Following the statutory consultation process and ongoing engagement with stakeholders, proposed design changes were identified to the layout of several schemes as well as changes to walking, cycling and horse-riding provisions, the location of construction compounds and landforms. These proposed design changes, as set out in Table 7.1 of the Consultation Report (Document Reference 4.4, APP-252), were subject to a supplementary consultation. The supplementary consultation targeted those parties affected by the design changes to ensure statutory consultees and local communities had the opportunity to provide feedback on</p>

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			<p>the changes and for that to be taken into account in the final submission.</p> <p>The consultation documents were publicised and were made accessible to these parties, as set out in section 7.4 of the Consultation Report (Document Reference 4.4, APP-252).</p>
Network Rail Infrastructure Limited., RR-063	Legal	<p>I refer to the A66 Northern Trans Pennine Project Development Consent Order and I write to formerly object to the Order on behalf of Network Rail Infrastructure Limited of 1 Eversholt Street, London, NW1 2DN, on the grounds that operational railway land is adversely affected. Whilst Network Rail does not object to the principle of the Order, it does object to the compulsory acquisition of operational railway land and the compulsory acquisition of permanent and temporary rights over operational railway land where that would compromise Network Rail's ability to perform its statutory undertaking. Network Rail has interests in several of the Plots identified in the Book of Reference which affect sections of the Settle to Carlisle Railway. There are a number of Plots showing Network Rail having occupational interests with apparatus, occupational interests in respect of access, Category 2 interests in respect of a restrictive covenant and in particular there are two Plots, numbered 0405-07-66 and 0405-07-78, which are stated as being permanent acquisition of bridge</p>	<p>There is ongoing engagement between the Applicant and Network Rail regarding the impact of the Scheme on Network Rail's operational railway, apparatus and rights and the clearance process. The Scheme has been designed so as to not cause any serious detriment to Network Rail's undertaking. If required, the draft DCO will be updated to include protective provisions for the benefit of Network Rail. The Applicant will seek to agree the form of protective provisions with Network Rail prior to the close of the Examination.</p>

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		<p>structures and railway land. Network Rail objects to the seeking of powers to carry out works on/over/under the operational railway without first securing appropriate protections for Network Rail's statutory undertaking and it is noted that Network Rail's standard Protective Provisions have not been appended to Schedule 9 of the Order. The safe and efficient operation of the railway has not been adequately addressed within the application documents and there is insufficient explanation or justification for the extent and nature of the land and rights being sought. It should be noted that prior to the release of any land and rights as detailed within the Book of Reference, such land and rights will require submission for approval through Network Rail's Land Clearance consultation portal and if such approval is not granted then this may give rise to further grounds of objection to the Order. Network Rail is unable to release any land and rights for disposal without Clearance approval having first been obtained. Before Network Rail can consider withdrawing its objection it requires:</p> <ul style="list-style-type: none"> a) Detailed information as to the precise nature of all works proposed on/over/under the operational railway. b) Clarity on the land and various rights being acquired on/over/under the operational railway. c) Agreement from the applicant that the acquisition of operational land is on terms to be agreed with Network 	

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		<p>Rail for the protection of its statutory undertaking and an undertaking that compulsory powers will not be exercised in relation to such land and rights.</p> <p>d) That sufficient protections for Network Rail's statutory undertaking are put in place for the carrying out of works on/over/under the operational railway.</p> <p>Without further details being provided and adequate protections put in place, Network Rail considers the Order would cause serious detriment to Network Rail's statutory undertaking and therefore the Order should not be made. Until such time as Network Rail is given the adequate protection and assurances requested as detailed in this objection, Network Rail's objection to the Order will not be withdrawn."</p>	