

**North Yorkshire County Council
and
Richmondshire District Council**

Local Impact Report

A66 Northern Trans-Pennine Project

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1.0 Introduction

- 1.1 This report comprises the Local Impact Report (LIR) of North Yorkshire County Council (NYCC) Richmondshire District Council (RDC) (The Authorities).

Support for the Scheme

- 1.2 The Authorities strongly support the principle of dualling the remaining single carriageway sections of the A66 between Penrith and Scotch Corner as well as the proposed improvements to key junctions along the route, specifically the improvements to junctions in North Yorkshire at Scotch Corner and between Stephen Bank to Carkin Moor. It is considered that a suitably designed Scheme offers the opportunity to improve connectivity at a national and local level, including enhancing the public rights of way network. A well designed scheme will improve road safety and journey time reliability, and can help to support future economic growth for the County. For these reasons the Authorities are supportive of the proposed dualling as a matter of principle.

2.0 Scope

- 2.1 This LIR only relates to the impact of the proposed development as it affects the administrative areas of NYCC and RDC. The Authorities have had regard to the purpose of LIRs as set out in s.60 Planning Act 2008 (PA2008) (as amended), DCLG's Guidance for the examination of applications for development consent, and the Planning Inspectorate's Advice Note 1: Local Impact Reports, in preparing this LIR.
- 2.2 The LIR relies upon the Applicant's description of the development as set out in Environmental Statement
- 2.3 This LIR sets out the relevant planning history to be taken into consideration

Purpose and structure of the LIR

- 2.4 The primary purpose of the LIR is to identify the relevant local planning policies in so far as they are relevant to the proposed development, and the extent to which the proposed development accords with the policies identified.

- 2.5 Topic-based headings set out how the proposed development accords with the relevant planning policies and any potential impacts.
- 2.6 Key issues identified by both local authorities are set out with supporting commentary in respect of the extent to which the applicant has sought to address issues raised by both NYCC and RDC, with reference to relevant application documents (including the articles and requirements of the Draft Development Consent Order (DCO)).
- 2.7 Whilst a number of points within the LIR are repeated from the Authorities' s.56 PA2008 consultation response, the significance of the LIR in the PA2008 is such that they are confirmed here for clarity in respect of the Authorities' views, for the benefit for the Examining Authority (ExA).
- 2.8 Where matters are dealt with in the Statement of Common Ground (SOCG) the ExA is duly referred to the SOCG between NYCC, RDC and the Applicant.

3.0 Planning Policy

- 3.1 All national and local planning policies considered relevant to the consideration of this Application are listed below.

National Policy Statements

- 3.2 In accordance with section 104(2)(a) of the PA 2008, the SoS is required to have regard to the relevant National Policy Statement (NPS), amongst other matters, when deciding the application. The NPS provide guidance for promoters of NSIPs and also provide the basis for examination by the Examining Authority (PINS in this instance) and decision making by the SoS.
- 3.3 The relevant NPS for the Project is the National Policy Statement for National Networks NPSNN.

National Planning Policy Framework

- 3.4 The 2012 NPPF introduced a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

- 3.5 In the revised NPPF 2021 the presumption in favour of sustainable development remains in paragraph 11 but reference to a golden thread has been removed. The Framework does not contain specific policies for NSIPs but may be relevant for the determination.

Development Plan

- 3.6 The development plan in force for the area in which the development is due to take place is the Richmondshire District Council Local Plan 2018-2028 (Core Strategy).

- 3.7 Relevant Policies of the Plan are:

- a) Spatial principle SP3: Rural Sustainability
- b) Spatial Principle SP5: The scale and distribution of Economic Development
- c) Core Policy CP2 Responding to Climate Change
- d) Core Policy CP4 Supporting Sites for development
- e) Core Policy CP7 Promoting a sustainable economy
- f) Core Policy CP9 Supporting Town and Local Centres
- g) Core Policy CP10 Developing Tourism
- h) Core Policy CP12 Conserving and Enhancing Environmental and Historic Assets
- i) Core Policy CP13 Promoting High Quality Design
- j) Core Policy CP14 Providing and Delivering Infrastructure

Mineral & Waste Planning

- 3.8 The Minerals and Waste Joint Plan is the Local Plan which is applicable for Minerals and Waste in the North Yorkshire County Council Plan area. In terms of minerals it is the safeguarding policies which are relevant are S01: Safeguarded surface mineral resources and S02: Developments proposed within Safeguarded Surface Resource areas. Minerals safeguarding is not mentioned in the Environmental Management Plan

- 3.9 In terms of waste the relevant policies to consider in the North Yorkshire County Council Plan area are W01: Moving waste up the waste hierarchy and W05: Meeting waste management capacity requirements – Construction, Demolition and Excavation waste (including hazardous CD&E waste).

- 3.10 Other relevant local policy

- a) Landscape, Visual and Green Infrastructure Policies (NPPF, NPSNN, 25 year Environment plan, Richmondshire local policy).
- b) Natural England NE176, Green Infrastructure Guidance, 2009

- c) European Landscape Convention - The European Landscape Convention applies equally to all landscapes, including urban and degraded landscapes (Article 2) and promotes cooperation in protection, management and planning (Article 3), with specific measures outlined in Article 6. Because it recognises the importance of 'everyday' landscapes to those who experience them, it is very relevant to the consideration of local landscape impacts.
- d) North Yorkshire and York: Local Nature Partnership Strategy, 2014
- e) Ancient Monuments and Archaeological Areas Act 1979
- f) Planning (Listed Buildings and Conservation Areas) Act 1990
- g) The Wildlife Trusts Yorkshire and the Humber: A Living Landscape, 2009
- h) Defra: National Pollinator Strategy and related Buglife: B-Lines Initiative 2011
- i) Environment Agency: Humber District River Basin Management Plan, 2009
- j) Natural England Green Infrastructure Framework and online GI Mapping Tool – Principles and Standards for England. The Green Infrastructure Framework is a commitment in the Government's 25 Year Environment Plan.
- k) Natural England: National Character Area 39 Humberhead Levels, 2012

4.0 Assessment of Impacts

- 4.1 The following sections identify the relevant national policy and local planning policies within the development plan (and other relevant local policy) and how the Application accords with them.
- 4.2 The following sections also consider the adequacy of assessment for each identified subject area and any potential impacts.
- 4.3 The baseline against which each subject area has been assessed is discussed, setting out the Authorities' views in respect of the adequacy of the assessments carried out, the base line data against which assessments have been based, and any mitigation proposed.
- 4.4 The extent to which the Applicant has addressed identified impacts and assessed them adequately, complying with local planning policy has also been considered.

5.0 Description of the Area

5.1 The schemes as put forward by the applicant are as follows:

Stephen Bank to Carkin Moor proposals

- 5.2 Widen the A66 between Stephen Bank to Carkin Moor to dual carriageway
- 5.3 Raise the new A66 as it passes through the cutting next to the Carkin Moor scheduled monument. This will help us better accommodate the retaining walls to the north and south of the new A66 and reduce any impact on the scheduled monument itself
- 5.4 Use the old A66 to the south of the new A66 route for local road access and non-motorised users. This will provide access to Dick Scott Lane, Old Duns Bank and Mainsgill Farm Shop
- 5.5 Provide a new underpass to the north of Dick Scott Lane to allow for access to land north of the new A66
- 5.6 Provide an overbridge to link Collier Lane to the old A66. The grade separation at Collier Lane means the new A66 will pass under Collier Lane, reducing the visual impact on the landscape
- 5.7 Create a new compact, grade-separated junction to the west of Moor Lane to provide safe and easy access to the old A66, the villages of East Layton, West Layton, Ravensworth and Mainsgill Farm Shop
- 5.8 Moor Lane will be realigned to connect to Moor Lane junction, allowing access to the new A66 and the old A66
- 5.9 The existing junction from the A66 on to Warrener Lane will be closed and removed. Traffic will join the new A66 via a link road to Moor Lane junction

A1(M) junction 53 Scotch Corner proposals

- 5.10 To widen the Middleton Tyas Lane approach to the A1(M) junction 53 at Scotch Corner roundabout from one lane to two lanes. This will result in better access to the roundabout at this priority approach
- 5.11 Relocate an existing footway, bus stop, signage and lighting columns onto the southern verge of Middleton Tyas Lane to accommodate the additional carriageway lane
- 5.12 Add an additional lane within the extents of the northern bridge cross section on the circulatory carriageway with amended lane road markings on either side of the bridge

The Area

- 5.13 The A66 lies within three local planning authority administrative areas: Eden District Council, Durham County and Richmondshire District Council.
- 5.14 The majority of the surrounding land is agricultural with a number of farms lying adjacent to and having direct accesses onto the A66, including Mains Gill farm at Scheme 9. Some of this land is classified as being Grade 2 which is defined as 'very good' agricultural land.
- 5.15 The A66 roughly follows the line of a Roman Road and as a result is straight in alignment for large sections, but, with notable deviations as it passes around key settlements along the route, including Scotch Corner.

6.0 Local Highways Authority Overview

- 6.1 The Authorities support the principle of dualling the remaining single carriageway sections of the A66 between Penrith and Scotch Corner as well as the proposed improvements to key junctions along the route. It is considered that a suitably designed Scheme offers the opportunity to improve connectivity within and out with the county district, improve road safety and journey time reliability, and can help to support future economic growth. For these reasons the Councils are supportive of the proposed dualling as a matter of principle.
- 6.2 The Authorities acknowledge that the Applicant has engaged in a statutory and non-statutory consultation process. They are however concerned that the inclusion of the Scheme within Project Speed has resulted in an application that has been submitted against extremely tight deadlines.
- 6.3 As set out below, there are some negative impacts of the Scheme that could have been further mitigated with time for more consultation. The Authorities hope that the examination process can be used to agree additional mitigation to reduce negative impacts.
- 6.4 The Authorities acknowledge the A66 NTP potential to bring about a number of benefits to North Yorkshire, including:
- a) Bolster connectivity to support inward investment across North Yorkshire, supporting the County's ambitious growth proposals;

- b) Better connect North Yorkshire to national and internal markets, providing opportunities for North Yorkshire's transport reliant sectors like energy, nuclear, advanced manufacturing and logistics;
 - c) Bolster resilience of the route and improved safety for all users;
 - d) Better support local trips, providing better access to work, services and education;
 - e) Support National Traffic and journeys between North Yorkshire and Scotland and Cumbria
 - f) Enhance North Yorkshire's visitor economy by increasing North Yorkshire's reach as a destination.
- 6.5 Within the existing local impacts of the two schemes within North Yorkshire the Highways Authority has identified the following key areas that will require further development throughout the examination and detailed design stages:
- a) Detailed Design
 - b) De-trunking
 - c) Diversions and Network resilience
 - d) Active Travel
 - e) HGVs
 - f) Drainage Strategy
 - g) Construction Impacts including site compound

7.0 Detailed Design

- 7.1 Improvements made between the Stephen Bank to Carkin Moor section have the potential to deliver significant benefits to journey times that will free up the existing A66 to support all local users and journeys. The Council expects that clear and effective junction configurations should be developed, not just on the newly dualled section but also the existing junctions on the route. The Authorities consider that the scheme should see greater junction safety and legibility.

8.0 De-trunking

- 8.1 A66NTP includes a significant length of de-trunking within Scheme 09 – Stephen Bank to Carkin Moor. Here an offline section of A66 (to be constructed and owned by the Applicant) is proposed between the existing A66 and both East and West Layton, before re-joining the existing A66 at Carkin Moor. At the furthest eastern end, the existing Warrener Lane carriageway is to be realigned to join the existing A66 by Mainsgill Farm Shop. This length of existing A66 road between here

and the furthest west end of Scheme 09 will be de-trunked, before joining the new A66NTP westbound sliproad.

- 8.2 Indicative areas of de-trunking have been noted in de-trunking plans [APP-363]. However, a clear and detailed strategy is required for these lengths of current A66 being handed over to the local highways authority. There is currently no strategy within the Application for the Council to formally consider. Liaison is ongoing with the Applicant on the various existing asset types to be handed over as part of the scheme.

The principal asset types are as follows:

- a) Highways pavement, new bridleways and access to drainage basins;
 - b) Vehicle Restraint System (VRS), street lighting and other street furniture;
 - c) Highways drainage associated with existing pavement and new drainage basins;
 - d) Structural assets including existing bridges, underpasses, culverts and associated extensions;
 - e) Geotechnical elements associated with pavement;
 - f) Other highways elements, such as technology and signs.
- 8.3 The division of responsibility between the Applicant and Council needs to be defined in clear boundary drawings and figures.
- 8.4 The Council is still in ongoing discussions with the Applicant to come to an agreement on requirements, including details regarding the transfer of asset liability (including maintenance requirements), works to be undertaken either prior to handover or post-construction, and potential future cost implications for the Council.
- 8.5 Some key issues raised in the Applicant's de-trunking proposals include:
- a) The Council expressed concern over proposals for the existing structures within the length of road to be de-trunked. In particular, discussions are ongoing regarding waterproofing, potential defects discovered in recent inspection reports and remediation measures. The Council will require agreement on the extent of structural inspection & records as well as the works proposed to be carried out prior to handover or agree as funded post-construction works by the Council or Applicant.
 - b) There are currently disagreements between the Council and Applicant regarding requirements for suitable pavement materials in de-trunked

areas. Discussions between the two parties are still ongoing; the Council requires an agreement with the Applicant prior to handover.

- c) There are geotechnical features in earthworks supporting the proposed de-trunked carriageway which are of concern currently to the Applicant. Remedial measures proposed by the current operator will need to be agreed with the Council prior to handover.
 - d) VRS are present in various locations along lengths of road to be de-trunked, including over structures. The Applicant proposes re-assessment of VRS at handover, with potential cost implications on the Council based on asset conditions.
 - e) The Applicant has advised that drainage asset condition survey information is unavailable within areas of known localised flooding. The Applicant assumes satisfactory drainage conditions with evidence, and have proposed full asset inventory surveys to be undertaken 6 months prior to transfer of asset ownership. Alongside this, the Applicant proposes a series of remediation measures for more adverse condition grades, including removing blockages and gully cleaning. The Council will need to review the extents of asset conditions in these surveys, prior to any formal agreement.
- 8.6 There are some technical areas that are yet to be agreed between the parties. It is anticipated that these specific issues will be recorded and tracked through the Statement of Common Ground, to be updated and submitted after the deadline at which the De-trunking Strategy document is published by the Applicant.
- 8.7 Crucially, it is assumed that any “de-trunked” sections of the existing A66 do not include a maintenance backlog, and that commuted sums will be provided by the Applicant to support future upkeep. North Yorkshire surfacing standard is Hot Rolled Asphalt (HRA). The Council expects that transferred sections of the route should be subject to enhancements where these are considered to best reflect their new role, for example improved junction safety or the introduction of improved facilities for non-motorised users, backed up by suitable surveys and safety assessments.
- 8.8 The approach to the calculation of commuted sum has been discussed with the Applicant and agreed in principle. The detailed assumptions on how the sum is calculated is still part of the ongoing liaison.

9.0 Diversions and Network resilience

- 9.1 This scheme has the potential to deliver significant benefits to journey times that will free up the existing A66 to support all local users and journeys. However, during construction, it is expected that traffic impacts will be detrimental to the local area.
- 9.2 The LHA requires a clear strategy for the establishment of alternative/diversion routes. It is therefore important that detailed consideration is given to official diversion and “rat-run” routes to support both the construction and operational period of the route and that, where necessary, upgrades are delivered on the local road network to support this.
- 9.3 Application document 2.7 Environmental Management Plan Annex B13 Construction Traffic Management Plan (CTMP) [APP-033] is only a very high level plan and there are currently no traffic management details included for the scheme within the Application.
- 9.4 Application document 3.3 Environmental Statement Figure 12.9 Possible Diversion Routes [APP-120] is only a high level plan showing potential routes which will be outside the Order limits. Again, there is no reference to diversions for schemes 09 and 11.
- 9.5 Appendix F of the Transport Assessment [APP-236] does provide a description of proposed diversionary routes around each scheme. It is noted that Figure 12.9 does not reflect what is shown in Appendix F. Figure 12.9 identifies diversion routes for Schemes 01 to 08, whereas Appendix F proposes that Scheme 09 follow similar diversion routes to Schemes 07 and 08, and also through Middleton Tyas for Scheme 11.
- 9.6 It is noted that the final paragraph of Appendix F states continued consultation will be required to agree local routes with the local authorities once a detailed program of closures has been defined, such that conflicts with other constraints (for example other planned road works) can be avoided.
- 9.7 It is not anticipated that this level of detail will be determined by the Applicant before the end of the Examination. NYCC will review the potential routes and rat-runs triggered by the project and the LHA continue to be concerned by the construction impact of the scheme on the local community.
- 9.8 The LHA needs to understand the scheme’s assessment of the diversion routes and its implications during construction and operation and the detailed mitigation measures. There are clear challenges with the suitability of the rural road network to accommodate the types and volumes of vehicles to be diverted.

- 9.9 Key metrics of concern for the LHA within potential diversion routes and rat-runs include, but are not limited to:
- a) Unsuitable junctions with significant turning hazards, particularly for HGVs;
 - b) Roads with sharp bends, frequent undulations and poor sightlines;
 - c) Very narrow lanes or single-track roads with soft verges and poor existing road conditions;
 - d) Restricted road widths in residential areas;
 - e) Large volumes of parked cars on roads;
 - f) Lack of provision for NMUs;
 - g) Exacerbation of noise and air pollution caused by HGVs in residential areas;
 - h) Town, structural and environmental weight limits;
 - i) Low bridges and unsuitable headroom for HGVs;
 - j) Proximity to local schools and nurseries.
- 9.10 Scheme 09 has longest diversion proposed by the Applicant, which runs through A67, A68 and A1(M). The majority of this is outside of the LHA's boundary and will therefore need to be reviewed by the other appropriate Councils.
- 9.11 The increase in additional loads and frequency of traffic caused by diversions may have adverse impacts on structures during construction and operation (i.e. tactical diversions). Standards may have changed since they were last assessed, and structural conditions may have deteriorated. The LHA requires the Applicant to undertake reassessments of all bridges within the local network, confirming their suitability, and upgrading them prior to handover where necessary.
- 9.12 The LHA have expressed concern around the proposed Scheme 11 diversion which runs through the village of Middleton Tyas. There is a very poorly aligned junction in the centre of the village that is difficult to negotiate even for car drivers. HGVs currently struggle to negotiate this junction, resulting in either unnecessary reversing or driving onto and damaging the village green. The route will run past the Local Primary School, village hall, post office and local shop with poor visibility and lots of on street parking. There is presently no formal 'Prohibition Of HGVs' in the village, only advisory signs at Scotch Corner Interchange.
- 9.13 The LHA have identified existing issues with rat-running along minor roads to the north east of the A66, passing through the villages of East and West Layton. This occurs either at times of peak traffic or when there are problems on the A66. The road is mostly single-track with limited forward visibility and Local Parish Councils are already very conscious of the situation and have frequently complained.

- 9.14 The LHA is concerned with the present lack of information in the CTMP; more detail is required regarding the measures taken to mitigate risks on the local road network mentioned above.
- 9.15 Prior to construction, the LHA must agree a set of diversion routes with the Applicant, alongside any remedial works required to make those routes satisfactory within the planning limitations and agree the strategic operational diversion once the scheme is opened.

10.0 Active Travel

- 10.1 The scheme should seek to improve north-south connectivity where the existing PRow network has been severed by the A66 in the past. The Council will continue to work with the applicant to ensure that Schemes 09 and 11 enhance local routes and connectivity for walkers, cyclists and horse riders in North Yorkshire.
- 10.2 The Council supports an offline route strategy for walking and cycling between M6 and A1(M) as an important endeavour for this scheme, that will bring a meaningful benefit for connecting local communities and other road users. In particular the Authorities consider that the scheme should seek to support delivery of a Scotch Corner to Penrith “off A66” route suitable for walking and cycling. This would include enhancements along the de-trunked sections of the A66.

11.0 Drainage Strategy

- 11.1 A drainage review should consider the combining of drainage ponds to reduce costs / land take, along with rationalising of the maintenance of the drainage ponds to be owned by the Council. The current drainage strategy submitted as part of the DCO, gives concern to NYCC, over the existing flooding of the A66 which is to be de-trunked and therefore the responsibility of the Council. This issue remains unresolved.

12.0 HGVs

- 12.1 The Authorities have worked closely with Cumbria County Council, Eden District Council and Durham County Council throughout the pre examination and pre application stages of the application. Cumbria

County Council and Eden District Council commissioned a study on the impact of the scheme on HGVs on the A66 and surrounding routes. Whilst the majority of the impact report falls outside of the administrative Boundary of North Yorkshire it is considered helpful to the Examining Authority to summarise the findings of the initial work and state that the Authorities fully support the endeavours of our neighbouring Authorities to ensure adequate HGV facilities across the route.

12.2 A summary of the impacts and issues is as follows:

- a) DfT guidance sets out that on the trunk road network a rest area should be provided every 28 miles.
- b) A gap analysis of the existing service areas on the A66 and surrounding routes has revealed that there is a gap of circa 12 miles in provision for north west - south east movements during the day. At night, this gap increases to 65 miles as Stainmore Services is closed at night (although HGVs park overnight in the site). This NW-SE movement sees the highest level of HGV volumes.
- c) It is expected that there will be an approximate increase of 100% in vehicle traffic by 2051.
- d) It is recommended that a potential new service area be provided to cater this demand.
- e) A recommended location for this would be between Appleby and Bowes to reduce the distance between other truck stops on the A1(M) and M6.
- f) Investment in new infrastructure would be required at a location along the A66 to provide an all movement access to a potential new service area.
- g) A review of the existing service areas reveals that Stainmore Services would be considered as substandard in terms of its existing access arrangements and parking provision.
- h) There is a need for market testing to independently assess the demand and viability of a service area, both new and existing. The private sector would be required to invest in the planning, construction and operation of such a facility. With potential capacity or environmental constraints present at existing services, there is a risk that existing services are not feasible to expand and enhance.

- i) To address residents' concerns regarding nuisance parking in Penrith, improved enforcement should be implemented or physical measures introduced to prevent nuisance HGV parking.

13.0 Scheme 9 - Moor Lane

- 13.1 East Layton Parish Council have continued concerns regarding the use of Moor Lane and the potential for increased traffic in the village both during construction and after scheme completion.
- 13.2 There is currently an increased pressure on the local networks on Fridays when there is congestion on the A66 and it is expected that the scheme will lead to improvements in the village.
- 13.3 There are concerns expressed that scheme stops short of Winston Crossroads to the east of Moor Lane, which is an at grade crossroads junction with central reserve gap on the existing dual carriageway section of the A66. The concern is this will encourage traffic to use East Layton & Moor Road to join A66 at the new junction. The Councils will need to better understand the traffic modelling and how the detailed design will impact upon that.
- 13.4 Temporary works solution to install a roundabout at the Moor Lane / A66 junction to facilitate accessing proposed site compound are supported; retaining this infrastructure on the highway network as a permanent feature post delivery are also supported and as such should be delivered to Council adoptable standards.

Moor Lane Town and County Planning Act Application

- 13.4 The applicant, through its assigned contractors have begun discussions with the Authorities regarding a proposed Town and County Planning Application. Whilst out of scope of the DCO and the application supporting it, the TCPA application is inextricably linked with the DCO application.
- 13.5 Conversations are at an early stage and details of the proposal are not yet known. The Authorities understand that the intention is to bring forward a large compound near to Mainsgill Farm and develop a temporary roundabout at Moor Lane.
- 13.6 The impacts of the scheme have not yet been assessed.
- 13.7 The Authorities will consider the application in the usual way which will include public consultation. Whilst it is understood that the application

has been brought forward under TCPA to facilitate early preparatory works, the application will need to be considered closely with the DCO application to ensure traffic and environmental impacts are cumulatively assessed where appropriate.

14.0 Socio Economic Impact

- 14.1 The Scheme will bring positive economic benefits in terms of supporting growth, but the Councils wish to see National Highways maximise the opportunities for local businesses and people to secure contracts and work on the project.
- 14.2 The Authorities consider that strategies relating to skills and employment, business support and worker accommodation need to be developed by National Highways to support local opportunities and training, maximise the benefits for the local economy. Areas on the route in Cumbria and Eden specifically will be affected by the high accommodation need and the Authorities support Cumbria and Eden Councils in their pursuit of effective accommodation strategies.

15.0 Landscape

- 15.1 These comments principally relate to Chapter 10 Landscape and Visual in the Applicant's Environmental Statement (ES), but comments overlap with other topic areas such as Biodiversity, Cultural Heritage, Geology and Soils, Noise, Road Drainage.
- 15.2 These comments are based on the current published details within the NYCC area: Stephen Bank to Carkin Moor; and A1 (M) Junction 53 Scotch Corner.

Relevant local and national planning policies

- 15.3 Relevant local and national landscape policies are only briefly referred to within Chapter 10 Landscape and Visual of the ES. Policy relating to good design, visual appearance, aesthetics and green infrastructure are notably absent.
- 15.4 The national policies relating to landscape and visual impacts are set out in in the National Planning Policy Statement for National Networks (NPSNN). Key policies for landscape and visual impacts are set out in paragraphs 5.143 to 5.161 of NPSNN. These are partly set out and referenced within Table 10.1 of the ES.

- 15.5 Policies relating to criteria for “good design” and aesthetics are set out in paragraphs 4.28 to 4.35 of NPSNN, with design as an integral consideration and visual appearance being a key factor.
- 15.6 Policies relating to open space and green infrastructure are set out in paragraphs 5.162 to 5.185 of NPSNN.
- 15.7 The National Planning Policy Framework (NPPF) is generally referenced in paragraph 10.3.4 of the ES but not to specific detailed policies relating to natural environment and design. NPPF provides a definition for Green Infrastructure.
- 15.8 Natural England also sets out green infrastructure in the Green Infrastructure Framework – Principles and Standards for England. The Green Infrastructure Framework is a commitment in the Government’s 25 Year Environment Plan.
- 15.9 Local plan policy are set out in Richmondshire Local Plan 2012-2028 Core Strategy. Key Policies relating to landscape and visual effects are set out in Core Policy CP12: Conserving and Enhancing Environmental and Historic Assets, and Core Policy CP13: Promoting High Quality Design. Core Policy CP12 is partly set out and referenced within Table 10.1 of the ES.
- 15.10 Core Policy CP12 (b) relates to maintaining and enhancing landscape character. Core Policy CP12 (c) relates to protecting and enhancing green infrastructure.
Core Policy CP13 (a) relates to providing a visually attractive development.
Core Policy CP13 (a) relates to respect and enhance the local context and its special qualities including its design features and landscape.

Landscape Commentary

- 15.11 The Authorities are generally satisfied that the DCO Application includes an adequate Landscape and Visual Impact Assessment (LVIA) to recognised guidelines, as set out in the ES Chapter 10 Landscape and Visual. The LVIA identifies a number of significant adverse construction and operational landscape and visual effects which are summarised in Tables 10.11: Summary of significant effect (construction), Table 10.12: Summary of significant effects (operation year 1), and Table 10-7: Summary of residual significant effects (year 15 - summer).
- 15.12 Significant landscape effects are not reported as likely within the Scotch Corner section and the Authorities would agree with this initial

finding. The following comments therefore principally relate to the Stephen Bank to Carkin Moor section of the scheme. However, the Authorities would still wish to see a design approach consistent with other sections of the project secured through the DCO.

Landscape and Visual Effects

- 15.13 The Authorities are broadly in agreement with the scope of the landscape and visual assessment during construction and operation in year 1 and agree that likely landscape and visual receptors have been identified.
- 15.14 The landscape and visual assessment is based on a high-level scheme layout, broad design principles and presents a highly optimistic view of how the significant adverse effects could be reduced and mitigated after 15 years, particularly considering that several baseline surveys and detailed design are still to be completed.
- 15.15 There are a number of interlinked plans, schedules and documents attempting to explain the landscape assessment, landscape and visual effects and mitigation, but this is extremely convoluted, difficult to interpret and lacks clarity of how identified adverse effects would be reduced and secured through the proposed mitigation and leaves much to general interpretation rather than clearly setting out identifiable actions which could be secured through the DCO.

Baseline Information and Surveys

- 15.16 The Application includes Indicative Site Clearance Boundary drawings (Figure 2.2) which show indicative site clearance areas. These suggest potential for indiscriminate removal of notable landscape features, notable trees and hedgerows within the general DCO Application Area and general construction working areas. It is not clear how the detailed design or construction working could be adjusted to prevent unnecessary removal.
- 15.17 The Application does not include a detailed topographical survey, tree survey or Arboricultural Impact Assessment. The Authorities would typically expect to see these within an Application at this stage in order to understand the scale of likely effects and to guide sufficient design and mitigation proposals.

Engineered Bridges and Structures (aesthetic design)

- 15.18 The Applicant states that the Structures have undergone an aesthetic review to ensure they comply with the overarching design aspirations

(ES 10.9.4).). However, this review is not clear or evident in the Application.

- 15.19 The Works Plans and Engineering Sections Drawings: plans and profiles and Engineering Sections Drawings: cross sections, are provided in the Application. However these provide a standard engineering approach based on alignment of a road centre line with 1:3 embankments and cuttings proposed throughout this scheme section. There are no specific proposals to explain how the engineered scheme would be better designed and integrated with local landform.
- 15.20 There are a number of significant proposed engineered structures within this scheme section likely to be visible from sensitive receptors, proposed the new road and side roads (such as overbridges, underpasses, retaining walls, culverts, graded cuttings and embankments).
- 15.21 Significant engineered structures and overbridges are not currently a notable feature of the existing A66 and the Authorities would typically expect to see further clarification of these within the Application at this stage, to explain how good design and aesthetics would be achieved, sensitive to the setting and location.

Photographs and photomontages

- 15.22 The location for photographic viewpoints and photomontages was discussed at an early stage in April 2021 before details of the likely layout of structures, levels and grading were known. Current photomontages do not fully explain likely extent of adverse effects (worst case) and views of key engineered structures, including view from the road (e.g. photomontage 9.8 is poorly located).

Landscape Strategy and Mitigation

- 15.23 A clear landscape strategy has not been submitted with the Application. The Application does include illustrative layouts of some landscape and visual mitigation which are shown on the visual Environmental Mitigation Maps (Application Document 2.8). However, these are illustrative layouts at a large scale, not intended to be secured by the DCO (ES 2.7.4).
- 15.24 The Application does not explain how the wider green infrastructure and public amenity benefits would be incorporated (as defined by NPPF and Natural England published GI Framework, Principles and Standards, expected through planning policy)

- 15.25 At this stage it is not clear how and when the detailed landscape design, drawn plans and specification will be provided and agreed, to ensure that this will deliver sufficient mitigation.
- 15.26 Particular areas of concern relate to the following, which currently seem insufficiently explained within the Application:
- a) integration, design and aesthetics of engineered structures; not explained.
 - b) integration of wider Green Infrastructure and public amenity benefits including recreational access and PROW strategy (how this links to the wider network).
 - c) integration of the visibly open sections of the scheme and potential appearance of engineered structures (cuttings, embankments, structures and drainage ponds - e.g. mitigation area around Catkin Moor Fort, but includes other areas along this section of the route).
 - d) insufficient space within parts of the scheme Development Limits needed to deliver screen planting and other mitigation (e.g. northern scheme boundary near View Points 9.2 and 9.6).
 - e) tree replacement proposals missing (based on the proposed outline scheme, tree survey and Arboricultural Impact Assessment, landscape mitigation strategy)
 - f) long term maintenance and management of landscape mitigation (beyond the initial 5 year planting establishment aftercare; including those areas outside the scope of Biodiversity Net Gain 30 year aftercare)

Outline Landscape and Ecological Mitigation Plan

- 15.27 The Application includes an Outline Landscape and Ecological Mitigation Plan (TR010062) and the objectives set out at B1.1.3. However, these objectives are predominantly biodiversity and habitat orientated setting out provision for establishment maintenance of mitigation elements, rather than how detailed design will be achieved.
- 15.28 The objectives are high-level at this stage and seem particularly lacking in relation to landscape to ensure: integration of character and setting, visual screening, appropriate design, grading and treatment of earthworks and cuttings, design and aesthetic quality and integration of boundary treatments, engineered bridges and structures, PROW, drainage ponds and culvert structures, wider landscape amenity and green infrastructure.

- 15.29 Table 1 in the LEMP sets out team roles and responsibilities for delivery of the LEMP. However, it is unclear how aspects of the detailed landscape design mitigation will be defined, achieved and secured, potentially leaving the Principal Contractor to determine what is necessary.
- 15.30 The LEMP will need to be reviewed and updated as the detailed design is progressed to ensure that landscape mitigation is delivered and secured, for the life of the scheme.

Adequacy of the Application DCO

- 15.31 Within the Draft Development Consent Order (TR010062) the Environmental Management Plans are secured within Part 5, paragraph 53. At this stage this is a high-level LEMP which makes poor provision for landscape and green infrastructure objectives and mitigation. Further development would be needed as the detailed design is developed.
- 15.32 It is unclear how the long-term maintenance and management of landscape mitigation would be achieved and how this would be secured as a permanent part of the scheme through the DCO.
- 15.33 Within the Draft Development Consent Order (TR010062) detailed design is secured within Part 5, paragraph 54.
- 15.34 Paragraph 54 (1) requires that the authorised development must be designed in detail and carried out so that it is compatible with the design principles, works plans and engineering sections drawings. However, it is unclear how the detailed landscape design would be sufficiently developed and signed off at a later stage, since these documents are broad principles, without clear landscape objectives tied to specific mitigation or defined on plans secured through the DCO.
- 15.35 Paragraph 54 (2) makes provision for design changes to be approved by the Secretary of State where amendments would not give rise to materially new or worse adverse environmental effects. However, this is based on the broadly defined works plans and section, and potentially significant adverse effects prior to mitigation being achieved, and seems inadequate.

16.0 Ecology and Biodiversity

Relevant local planning policies

- 16.1 The national policy position in respect of biodiversity is set out in National Policy Statement for National Networks (NPSNN). The key policies for biodiversity are contained within paragraphs 5.20 to 5.38 of the NPSNN and are set out within Table 6-2 of the ES.
- 16.2 Policy for biodiversity is also set out within Chapter 15 of the NPPF (2021) at paragraphs 174, 175, 179 and 180.
- 16.3 NYCC and RDC consider that the above factors have been considered in the submission and that the application accords with relevant national policy.

Richmondshire District Council policy

- 16.4 NYCC and RDC agree that the local planning policies in the RDLP which are listed and described in Paragraph 6.3.9 and Table 6-3 of the ES are relevant to the biodiversity assessment of the proposed development.

Commentary

- 16.5 The ecological surveys and assessments which have been completed to inform the ES are considered to have been undertaken using appropriate methods, in line with current guidance and best practice.
- 16.6 Impacts upon ecological features will result from the construction and operation of the proposed scheme – the ES has identified the following impacts:
- 16.7 **Construction**
- a) Permanent or temporary loss/disturbance to habitats within and adjacent to the scheme
 - b) Disturbance to protected species and their habitats both direct and indirect
 - c) Disruption of ecological networks both temporary and permanent
- 16.8 **Operation**
- a) Potential direct impact upon protected species
 - b) Air quality impacts upon vegetation
 - c) Disruption of ecological networks both temporary and permanent
- 16.9 The conclusion of the ES is that there would be no significant effects resulting from the development upon statutory and non-statutory designated sites.

16.10 The ES identified a number of impacts upon habitats and species that require mitigation and or compensation measures to be secured. The scheme documents note that they are committed to delivering no net loss for biodiversity and where possible to seek net gain in line with national policy and emerging legislation resulting from the Environment Act 2021.

Stephen Bank to Carkin Moor

16.11 Habitats – this area is dominated by arable fields (53ha) and improved/poor semi improved grassland (21ha combined). These fields are bound by a combination of species rich and species poor native hedgerows, some with trees. There is an estimated loss of 9.46km of hedgerows within the order limit of this scheme area, of which there is 4.35km and 8.22km, of Important Hedgerow and S41 Hedgerows, respectively.

16.12 In addition to these main habitat types, the area also supports a small area of broadleaved semi natural woodland which has ancient woodland indicators and is identified as a habitat of principal importance (0.46ha).

16.13 In addition, there are small blocks of plantation woodland comprising a mix of broadleaved, coniferous and mixed plantation (3ha total). As well as direct loss of habitat, fragmentation of semi natural habitats is a concern given that the habitat parcels are already small in size.

16.14 There is an area of swamp habitat which will be impacted by the scheme drainage and there are a number of small watercourses that will be crossed as part of the new road alignment that will need culverts.

16.18 There is concern about the impact of the development upon 'Important' hedgerows within the area of Stephen Bank to Carkin Moor. The assessment of the scheme upon hedgerows can be found within Table 6-3 of Appendix 6.1, however the assessment is only route wide and does not consider the significance of the 'Important' hedgerow resource within this geographic area.

16.19 It is not agreed that the loss of 9.46km of hedgerows, of which there is 4.35km and 8.22km, of Important Hedgerow and S41 Hedgerows, respectively can be considered 'minor', in addition there is no emphasis on compensation for hedgerows within Figures 2.8.7 (4 sheets). The residual effect noted in Table 6-3 of a minor benefit in this area of the scheme is also not agreed. It is recommended that the assessment of the impact upon hedgerows is broken down into each scheme area, as has been done with other habitat types. This will allow the specific

impact of the loss of hedgerows within the Stephen Bank to Carkin Moor section to be appropriately assessed.

- 16.20 Loss of hedgerow habitat from this scheme is considered one of the most significant local impacts, species including bats and barn owl rely on these habitats in an area that in general has low ecological value.
- 16.21 Mitigation for all habitat loss is proposed to be provided through creation of new habitats on the basis of providing like for like or better in terms of quality and quantity of habitat. Details of the total habitat loss for each habitat type and the ratio of habitat replacement is provided in Tables 6-18 to 6-21. Hedgerows are not included within these tables and therefore NYCC and RDC cannot confirm that the mitigation/compensation proposed is sufficient to offset the loss and provide a net gain for biodiversity.
- 16.22 Bats are present across the scheme area with the main impacts as a result of construction being habitat loss, habitat fragmentation, habitat damage, disturbance and mortality. The main operational impacts are associated with permanent fragmentation of habitat and mortality. The main habitats that bats are dependent on are woodland, hedgerows, mature trees and water courses.
- 16.23 Results of crossing point surveys have confirmed that bats are crossing the scheme area using existing woodland and hedgerow habitats that will be lost or dissected by the proposals.
- 16.24 To mitigate/compensate for this fragmentation embedded mitigation includes the design and installation of green bridges. NYCC and RDC would welcome further detailed discussion on the design of the bridge in this scheme area.
- 16.25 Barn Owl present within this scheme area are at risk from habitat loss, disturbance and species mortality. A significant residual effect is identified in relation to the ongoing operational impact of traffic collision.
- 16.26 Measures have been put forward to reduce the operational impact resulting from traffic collision, including obstacle planting and other barriers to encourage barn owl to fly at least 3m over the road. There are concerns that due to the elevated position of the road in this location, that these measures may not be effective. NYCC and RDC would welcome further discussions with the applicant in relation to these aspects as the mitigation plans at this stage do not clearly show where these measures could be implemented and where they may conflict with landscape or historic environment objectives.

16.27 It is acknowledged that for bats and barn owl, compensation for habitat loss and fragmentation is through the creation and enhancement of habitats in the scheme area, however it should be noted that these habitats including woodland, mature trees and hedgerows take time to mature sufficiently to provide adequate compensation. Efforts to minimise habitat loss and fragmentation should be a priority during the detailed design of the scheme.

16.28 Measures proposed for the protection of other species groups, including those contained within confidential reports (provided as appendices) are considered sufficient.

A1(M) Junction 53 Scotch Corner

16.29 Habitats – presence and loss of habitat within this scheme is minor as a result of the existing highway infrastructure and scale of works proposed. Habitats include improved and poor semi improved grassland, amenity grassland and small areas of broadleaf and mixed plantation. There are no significant effects identified within the ES and habitats lost will be replaced on a like for like or better basis as demonstrated within the environmental mitigation maps (Figure 2.8.8).

16.30 Species – there are no specific species concerns within this section of works. General measures for species such as timing of vegetation removal for nesting birds, pre commencement checks for mobile species and measures contained within the confidential reports are considered adequate for this section of the scheme.

EMP, LEMP and Biodiversity Net Gain

16.31 Measures to avoid impacts and to protect habitats and species during construction are set out at a high level at this stage within the EMP document. There will be a need for this to be reviewed and updated as the detailed design of the scheme progresses and in response to matters raised.

16.32 In order to secure the creation, establishment, monitoring and management of the newly created and enhanced habitat areas, as well as measures put in place for species mitigation/compensation (green bridges, mammal ledges etc) it is proposed that a Landscape and Biodiversity Management Plan (LEMP) will be secured as part of the DCO and will be implemented for a period of 30 years.

16.33 Whilst the principle of the LEMP is welcomed, it is considered that at present the Outline LEMP is not detailed enough to provide confidence that the proposed mitigation and enhancement can be achieved. In particular the monitoring proposals for habitats and species do not

have specific targets or timescales. Given the impacts identified in relation to habitats and species, and the reliance upon the habitat creation and management to compensate for these impacts, it is necessary to have clear objectives, and to have monitoring and management targets in place.

- 16.34 In relation to biodiversity net gain (or no net loss), it is disappointing that no Defra Biodiversity metric has been provided for the scheme. Without this assessment it is not possible to determine whether no net loss or net gain has been provided and also how it is delivered across the geography of the scheme.
- 16.35 It is recommended that a Defra BNG assessment is provided as part of the DCO application, this can then be updated as the detailed design is undertaken. This assessment will also provide a baseline against which future monitoring can be reviewed.

Adequacy of Application/DCO

- 16.36 Within the Draft Development Consent Order, Part 5 paragraph 53 deals with the Environmental Management Plans, including further iterations at the detailed design stage and for the long term maintenance. In principle, this paragraph of Part 5 is considered appropriate to secure the biodiversity requirements, subject to the points raised above being clarified and where necessary supplemented.

17.0 Cultural Heritage

The local Impact

- 17.1 There are two schemes within North Yorkshire. The Stephen Bank to Carkin Moor scheme follows the line of a Roman road which bisects a Roman fort at Carkin Moor. Evidence is emerging for a substantial vicus outside of the perimeter of the fort consisting of a complex roadside settlement with industrial features such as kilns. The Roman fort and an associated native settlement to its north-west are designated as a Scheduled Monument (Ancient Monuments and Archaeological Areas Act 1979). The additional of an extra carriageway will have a direct impact on archaeological deposits both within and outside of the scheduled area.
- 17.2 The scheme has been designed in close co-operation with Historic England and an option has been chosen to keep the route on its existing line whilst minimising the impact by micro-siting within an

existing cutting and with the minimum of new land-take. The second scheme at A1(M) Junction 53 Scotch Corner is also in an area of archaeological interest but is completely within the existing carriageway and consists of minor improvements to the existing arrangements. There will be no impact from this section of the scheme.

Is the impact adequately assessed in the application?

- 17.3 The Environmental Statement includes a Cultural Heritage chapter that is supported by a number of specialist assessments. These include a desk based assessment setting out the Archaeological and Historical Background (Appendix 8.1), a geoarchaeological assessment (Appendix 8.3) and an assessment of aerial photographs and LIDAR data (Appendix 8.4). The desk based work is supplemented by the results of archaeological field evaluation in the form of geophysical survey (Appendix 8.5) and trial trenching (Appendix 8.6).
- 17.4 Overall these assessments provide a comprehensive review of the significance of the archaeological resource and the impact of the scheme upon it.
- 17.5 All of these assessments have been conducted to the relevant professional standards and provide an adequate baseline from which to assess the impacts of the scheme on heritage assets of archaeological interest (NPPF para. 194).
- 17.6 The Authorities are pleased to see that a Historic Environment Research Statement (Appendix 8.9) has also been produced to guide the assessments and any future mitigation.

Adequacy of Mitigation

- 17.7 The part of the scheme in North Yorkshire between Stephen Bank and Carkin Moor will have a direct impact on the Scheduled Monument of Carkin Moor Roman fort and native settlement. The various assessments, particularly the field evaluations, have demonstrated that significant archaeological remains are likely to extend beyond the Scheduled area in the form of a Roman vicus with industrial areas. These remains may be of equivalent significance to the Scheduled Monument (NPPF para. 200 and footnote 68). There may also be as yet unidentified areas of archaeology along the route.
- 17.8 The Environmental Management Plan (2.7) for the scheme includes a 'Detailed Heritage Mitigation Strategy' (Annex 8.3). The 'Detailed Heritage Mitigation Strategy' is clearly miss-titled and within the

document is referred to as an 'Outline Historic Environment Mitigation Strategy'. The document should be re-titled for clarity.

- 17.9 A key role has been established for the project in the form of an Archaeological Clerk of Works. The responsibilities of this role are set out in Table 2-2 of the EMP. This role will be essential in managing the archaeological components of the scheme including the production of site-specific schemes of work.

Additional Requirements

- 17.10 The documentation set out in the DCO represents a reasonable and proportionate assessment of the impact of the proposal on the archaeological resource within the North Yorkshire County Council area of the scheme (NPPF para. 194). The incorrectly titled 'Detailed Mitigation Strategy' and relevant sections of the EMP set out the approach to mitigation, which is again reasonable and proportionate. The Authorities would wish to make detailed comments on these documents but appreciate that this might better be achieved through a further written representation or peer to peer with the National Highways project team.
- 17.11 Further detailed assessment of the Environmental Management Plan and the Detailed Heritage Mitigation Strategy are submitted by Written Representation on examination deadline 1.

18.0 Environmental Health

Relevant Legislation

- 18.1 The Authorities have agreed with the proposed assessment methodology which follows DMRB LA 111 and uses the concept of observed effect levels documented in PPGN.
- 18.2 The Authority is satisfied that the Environmental Statement identifies and addresses the relevant aspects in Regulation 10 (3) of the EIA Regulations.
- 18.3 The relevant Local Plan policy is Core Policy 4, Supporting sites for development.

Local Impacts

- 18.4 The Authorities are satisfied that the impacts of the scheme have been identified satisfactorily and are happy to see that diversion routes have

been considered as requested in our response to the Statutory Consultation.

- 18.5 There are likely to be significant noise increased along the route to of scheme 9 and the potential diversion routes.
- 18.6 The Authorities are concerned with the continued detailed design of the scheme and the ability to accurately assess noise impacts across a scheme still in development. The Authorities and look forward to continued consultation through the EMP development.

19.0 Public Rights of Way

Overview

- 19.1 Overall, the proposed mitigation does much to address the severance of the public rights of way network and road safety issues due to the existing A66.

Existing Public Rights of Way

- 19.2 Existing public rights of way linking into the A66 are characterised by North Yorkshire County Council as being of low or medium priority. All the linking bridleways are medium priority reflecting their status as multi-user routes. Most public footpaths are low priority apart from two public footpaths linking East Layton and Ravensworth that have potential for local recreational use and access to services for both villages and are characterised as medium priority. None of the existing rights of way form part of promoted routes. A need for an improved bridleway crossing at Mainsgill Farm specifically and other bridleway crossings generally has been identified in The Rights of Way Improvement Plan for North Yorkshire. The public footpath to the south of Foxhall Inn and public bridleway to the south of Mainsgill Farm provide good local links to these amenities. There is little evidence of regular use on the remaining public rights of way. Public rights of way in the adjacent Home Valley to the south are popular with walkers, cyclists and horse riders and are included in a number of locally promoted routes. Similarly, routes through the attractive countryside to the north of the A66 also appear to be well used.
- 19.3 The A66 currently carries high volumes of traffic; a significant proportion of which are heavy goods vehicles. All public rights of way join at grade. Footpaths simply join the verge of the existing road as do bridleways on the single carriageway sections. The verges for the most

part are narrow and dangerous to walk or ride along and consequently the Authorities believe that this is a deterrent to most users and there is very little, if any, use of these routes. Bridleways crossing the existing dual carriageway sections have corrals installed on both verges and the central reservation. It is possible to use these to cross with care as a pedestrian or cyclist but waiting times for a safe gap in the traffic can be significant. Horse riders have informed us that they consider these crossings to be too busy to use safely.

- 19.4 It is the view of North Yorkshire County Council that the existing A66 creates a significant barrier for all users of the public rights of way network and results in it becoming fragmented. The Authorities believe there is latent demand from both cyclists and horse riders who would use the bridleway network more for both recreation and commuting if safer crossings were provided. Walkers would also use public rights of way around Ravensworth and East and West Layton for recreation and access to local services if safer crossings of the A66 were available.

Carkin Moor to Stephen Bank Proposal

- 19.5 National Highway's proposal for this section is to construct a new dual carriageway to the north of the existing road. North Yorkshire County Council's Countryside Access Service (CAS) is supportive of this option as it minimises the impact on existing public rights of way and provides an opportunity to create safer crossing of the A66 for non-motorised users.
- 19.6 A new all movement junction and underpass is proposed near Moor Lane. An overbridge will link Collier Lane to the old A66. The existing junction at Warrener Lane will be closed and a new local access road created to link to the old A66.
- 19.7 The new dual carriageway will cut across public footpaths 20.72/1/1 and 20.23/8/1 and public bridleway 20.35/5/1. Public bridleway 20.23/5/1 will also be affected if the existing Warrener Lane Junction is closed to bridleway users as well as to vehicular traffic.

Carkin Moor to Stephen Bank affected public rights of way and proposed mitigation

- 19.8 West Layton public footpath 20.72/1/1. This short link from the hamlet appears little used as there is no safe access along the existing A66 for pedestrians. NH propose that this footpath is diverted onto Collier Lane north of the proposed dual carriageway. This will provide a safe crossing of the A66 for pedestrians on Collier Lane, a better link to Ravensworth public footpath 20.55/1/1 and create a useful short circular walk.

- 19.9 Ravensworth public footpath 20.55/1/1 will be considerably improved by linking into the existing A66 downgraded to a local access road. Some modification of the footpath may be required depending on the design of the junction of the old A66 and Collier Lane.
- 19.10 West Layton public footpath 20.23/8/1 would be improved and much more useful to the local community with a safer crossing of the A66. NH propose to divert this footpath alongside the new dual carriageway to the proposed Collier Lane overbridge approximately 600m to the west and now also to Moor Lane, approximately 900m to the east. While this will result in the footpath being substantially less convenient as a direct link from West Lane to The Fox Hall Inn this will affect few existing or potential users. The new routes will provide additional off road walking opportunities for residents of West and East Layton and an option to avoid walking on the old A66 to the south of the dual carriageway (to be confirmed). On balance, the Authorities believe the additional amenity of this proposal does outweigh the potential inconvenience due to the footpath being substantially longer. The Authorities accept that there is insufficient existing or potential use of this footpath to justify the cost of a grade separated crossing specifically for this footpath
- 19.11 Ravensworth public footpath 20.55/2/1 at Fox Hall Inn will be much improved by linking into the existing A66 downgraded to local access road.
- 19.12 Ravensworth public bridleway 20.55/6/1 will be improved by linking into the existing A66 downgraded to local access road. However, given the increasing popularity of Mainsgill Farm Shop it is likely that the junction of the bridleway and old A66, which is shared with the farm shop vehicular access and Moor Lane, will be very busy and remain hazardous for bridleway users. It is recommended that bridleway 20.55/2/1 be diverted away from the shared vehicular access to a separate access onto the old A66. This proposal is now part of the current scheme.
- 19.13 The proposed underpass taking Moor Lane under the A66 dual carriageway should incorporate hardened verges on both sides of the road to provide safe passage for pedestrians and less confident horse riders and cyclists. HE propose a single set back bridlepath and footway next to the carriageway.
- 19.14 East Layton bridleway 20.23/5/1. NH propose that the bridleway be diverted along the north side of the new dual carriageway to the Moor Lane underpass approximately 500m to the west. This will result in the bridleway being much more useable as the existing junction with the

A66 is extremely hazardous for all users and will create a useful circular route from East Layton. The Authorities recommend that an additional bridleway link be considered along the north of the dual carriageway to join with the proposed underpass on bridleway 20.23/5/1. This would create more options for creating circular and direct routes and significantly improve the connectivity and usability of the PROW network. The Authorities acknowledge this additional link will cross the Carkin Moor scheduled monument but a bridleway with a natural surface will have minimal, if any, impact on below ground archaeology. NH believe eastern link not currently feasible due to ground conditions and land use constraints but HE will continue to work with NYCC to explore options for this.

- 19.15 Warrener Lane, Forcett and Carkin public bridleway 20.30/5/1. This crossing is particularly hazardous for horse riders. Although technically single carriageway, this section was widened as part of the dual carriageway section to Scotch Corner. Traffic here often bunches as drivers focus on the transition from single to dual carriageway and are unaware of the bridleway crossing. Crossing for walkers, cyclists and horse riders is further complicated by vehicle traffic turning into and out of Warrener Lane south. No corrals are provided on this crossing creating additional risk for horse riders. NH propose closing this junction and providing an underpass to link bridleway 20.30/5/5 with Warrener Lane and new local access road linking to the downgraded A66. This proposal is fully supported by CAS. This will provide the only grade separated crossing specifically for bridleway users on the entire A66 in North Yorkshire and greatly improve connectivity of the public rights of way network in the area. As traffic on the A66 is likely to increase significantly following completion of the scheme the existing at grade crossings will become increasingly unviable, especially for horse riders, at least one grade-separated bridleway crossing in North Yorkshire is required to prevent further severance of the public rights of way network. NH have confirmed that the underpass will be full height for bridleway users, i.e. 3.7 metres.

General requirements for changes to public rights of way

- 19.16 The Authorities will set out requirements for changes to public rights of way under separate written representation submitted at deadline 1.
- 19.17 The Authorities have set out drafting errors in the DCO schedule relating to public rights of way under separate written representation submitted at deadline 1.

20.0 Mineral & Waste Planning

Relevant Local Planning Policies

- 20.1 The Minerals and Waste Joint Plan is the Local Plan which is applicable for Minerals and Waste in the North Yorkshire County Council Plan area. In terms of minerals it is the safeguarding policies which are relevant are S01: Safeguarded surface mineral resources and S02: Developments proposed within Safeguarded Surface Resource areas. Minerals safeguarding is not mentioned in the Environmental Management Plan.
- 20.2 In terms of waste the relevant policies to consider in the North Yorkshire County Council Plan area are W01: Moving waste up the waste hierarchy and W05: Meeting waste management capacity requirements – Construction, Demolition and Excavation waste (including hazardous CD&E waste).

Other local policy

- 20.3 In terms of minerals and waste there is no other relevant local policy for the NYCC plan area.

Commentary

- 20.4 Given that parts of the area are within mineral safeguarding areas a minerals assessment should be undertaken to assess the mineral resource to ensure no unnecessary sterilisation of the resource does not take place.
- 20.5 Annex B2: Outline site waste management plan from the Environmental Management Plan states that the majority of waste will be re-used on site where possible or disposed of at waste sites as close as possible to the site location. Detailed forecasts for the waste produced by each stage of the scheme have been provided.

Key Local Issues

- 20.6 There are only two sections of the scheme in the NYCC plan area, these are Stephen Bank to Carkin Moor and A1(M) Junction 53 Scotch Corner. The key local issues are:
- 20.7 The Application needs to take account of any mineral resource which may be present in a minerals assessment to prevent unnecessary sterilisation, this does not seem to have been adequately assessed or addressed in the Environmental Management Plan.
- 20.8 In terms of waste the key local issue will be locating a local waste management site which would deal with any waste which could not be

dealt with on site. Apart from this, the management of the waste generated has been adequately assessed in the Environmental Management Plan and as it would largely be dealt with on site there would be little impact on the surrounding area. Any impact appears to have been adequately addressed and mitigated in the Environmental Management Plan.

21.0 Adequacy of the DCO

- 21.1 The Authorities are satisfied with the structure of the DCO subject to isolated errors referencing Public Rights of Way as listed in point 19.17. The Authorities welcomed the discussion throughout the Issue Specific Hearing 2 regarding adequately securing the Environmental Management Plan.
- 21.2 Whilst the Authorities are confident that wording that satisfactorily secures the EMP can be negotiated, the Authorities continue to be concerned with the overall structure of the application with regards to environmental mitigation.
- 21.3 The continued deferring of detailed design work and the subsequent iterations of the EMP caveats any assessment of the scheme's impacts and the adequacy of its mitigation. This is compounded by the lack of vital assessments such as the AIA. There is also concern that the EMP will be developed by assigned contractors who will be entitled to rely upon consultation with quick time limits for response and to do so without the burden of public examination. The Authorities can accept that there will be a mechanism for enforcement, nevertheless, this continues to stretch the burden of resourcing this application months and years beyond completion of the examination.
- 21.4 The Authorities may continue to request alterations to the DCO as necessary as discussions between the parties continue.

