

A66 Northern Trans-Pennine project

TR010062

7.6 Applicant's Response to Written Representations made by Affected Persons at Deadline 1

Infrastructure Planning (Examination Procedure) Rules 2010

Deadline 2

Planning Act 2008

15 January 2023

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure)
Rules 2010**

A66 Northern Trans-Pennine project
Development Consent Order 202x

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Affected Persons at Deadline 1**

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CONTENTS

1	Introduction	4
1.1	Purpose of this document	4
1.2	Structure of this document	4
1.3	Response to Written Representations made by Affected Persons	5

1 Introduction

1.1 Purpose of this document

- 1.1.1 This document has been prepared by National Highways (the Applicant) for submission to the Examining Authority (ExA) at Deadline 2 of the Examination of the A66 Northern Trans-Pennine Development Consent Order (DCO) application.
- 1.1.2 This document provides the Applicant's response to Written Representations submitted to the ExA by Affected Persons at Deadline 1. 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).
- 1.1.3 Written Representations were submitted by Affected Persons¹ to the ExA at Deadline 1 on 18 December 2022 and were published by the ExA on the project's examination webpage.

1.2 Structure of this document

- 1.2.1 In many instances, the matters and topics raised within the Written Representations are similar in content to those already raised in Relevant Representations submitted by Interested Parties on or before 4 September 2022 and matters subsequently raised at hearings held on 30 November, 1 December and 2 December 2022. National Highways provided a response to such matters and topics in its submission 'Applicant's Response to Relevant Representations' Parts 1 to 4 (Document Reference 6.5, PDL-010 to PDL-013) at the Pre-Examination Procedural Deadline on 16 November 2022 and a subsequent Addendum and Errata (Document Reference 6.6, PDL-013.1) submitted on 29 November 2022. Furthermore, some of the matters raised are addressed in the Post Hearing Submissions made by National Highways, including Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006), Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (REP1-009) and Compulsory Acquisition Hearing 1 (CAH1) Post Hearing Submissions (REP1-007).
- 1.2.2 In light of the above, and to avoid unnecessary duplication, in this document National Highways has sought to respond only to *new* issues and therefore National Highways refers all readers (Interested Parties, Affected Persons and the Examining Authority) to the *Applicant's Examination Responses Navigator* document (Document Reference 7.10). The reader will then be able to cross-check points made in a Written Representation to which this document does not respond with what National Highways has previously said on the point in its response to Relevant Representations and / or in Deadline 1 submissions, as referenced above.
- 1.2.3 National Highways continues to engage with Affected Persons.

¹ National Highways has sought to identify all written representations submitted by Affected Persons (as defined by Section 57 of the Planning Act 2008). However, it is not always possible to identify these representations where details are redacted.

1.3 Response to Written Representations made by Affected Persons

Table 1. Response to Written Representations made by Affected Persons

Examination Library Reference	Affected Person	Response Topic	Written Representation (Verbatim)	National Highways Response
REP1-057 REP1-058 REP1-059 REP1-057 REP1-058 REP1-059 REP1-060 REP1-061	Dr. Antony Richard Leeming	Cultural Heritage Landscape and Visual Biodiversity Drainage	<p>Further consultations have taken place with representatives of the applicant national highways. A schedule of present position is attached in a schedule of principle areas of disagreement and common ground as of December 2022. Discussions with applicant continue and this schedule will be updated by way of further submissions during the period of the examination.</p> <p>Link to PADSS: TR010062-001003- Walton Goodland Ltd - Written Representations (WRs).pdf (planninginspectorate.gov.uk)</p> <p>A historic landscape report prepared by land use consultants limited (LUC) is attached for consideration in the examination as it relates to the representor's landholding at skirsgill park Penrith.</p> <p>See link to Historic Environment and Landscape Appraisal November 2022– Proposed A66 DCO TR010062-001215-Walton Goodland Ltd- Deadline 1 Submission.pdf (planninginspectorate.gov.uk) (use examination library reference REP1-058).</p>	<p>National Highways will continue to engage with Dr Antony Richard Leeming and acknowledge the schedule of present position attached to Dr Leeming's written representation. National Highways agree in principle with the change in location of woodland planting in terms of landscape and visual considerations. However, National Highways require confirmation that the area is sufficient for the purposes proposed and that biodiversity options are retained. National Highways will continue to engage on this matter.</p> <p>The historic landscape report is noted, and its conclusions accepted as far as they concern heritage matters. At this stage it is not considered there would be cultural heritage concerns should the location of the woodland planting be relocated.</p> <p>Regarding the clause 8.3, 8.4, 8.5 and 8.7 of the Historic Landscape Report prepared by LUC, which refer to the proposed drainage system, it is National Highways intention that the design and form of new attenuation ponds must use the layout and form of their context (i.e. respond to local topography) to reduce use of materials and minimise visual impact where reasonably practicable (having regard to the functions of the pond), supported by strategic planting, drawn from an appropriate native species palette (local to the appropriate catchment where reasonably practicable). They must be integrated into the landscape with carefully designed landforms to tie into the local context and conditions, and avoiding use of geometric shapes and steep, uniform bank profiles. The proposed ditches are needed as part of the water treatment system, but these will be sensitively developed at the detailed design stage into more natural looking streams and to minimise the impact on the existing landscape features. This is secured in Clause LI15, LI16, LI17 and LI18 of the Project Design Principles submitted with the DCO application (Document Reference 5.11, APP-302).</p> <p>The detailed design elements including paving, signs and fencing will be designed following upon approval of the DCO application. Access tracks for maintenance are intended to be permeable surfaces (such as grass concrete or gravel surfaces) that are suitable for occasional vehicle access to the ponds and have less visual impact than a paved track. Some small signs will be required to direct maintenance and emergency services to the valves within the chambers adjacent to the ponds. Fencing is typically included along the highway land boundary and around ponds where the risk assessment determines a need, however National Highways will continue to liaise with the landowner thought-out each design phase to minimise the impact of the proposed drainage system on the landscape.</p> <p>National Highways refer to Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) Annex A for details of the proposed drainage strategy. This strategy shows the proposed ditch connecting to the existing pipe drainage system to minimise the impact on the landscape, similar to that described in Clause 8.4 of the LUC.</p> <p>The proposed pond and ditches are required to both attenuate and treat the highway runoff before it is discharged to the watercourse. Tanks and pipes do not offer the same level of water treatment as a sustainable drainage system (SuDS) system and would not meet the requirements of clause 5.220 of the National Policy Statement for National Networks and have therefore been discounted. Further details of the water quality assessments are located in the</p>

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				<p>Environmental Statement Appendix 14.3 Water Quality (Document Reference 3.4, APP-222).</p> <p>Relating to the areas of ecological mitigation proposed at Skirsgill, it should be noted that the areas of ecological mitigation presented in the outline Environmental Mitigation Maps (Document Reference 2.8, APP-041) are indicative and represent how the required environmental mitigation as stipulated in the Environmental Management Plan could be achieved (Document Reference 2.7, APP-019). These will be further refined during the detailed design stage through consultation with the landowner.</p>
<p>REP1-049 REP1-050 REP1-051 REP1-052 REP1-053 REP1-054 REP1-055</p>	<p>Anthony Metcalfe</p>	<p>Traffic and Transport</p>	<p>Other- Objections to proposed scheme - Kirkby Stephen accidents list</p> <p>For the last few years the residents of Kirkby Stephen have been lucky as far as I am aware because there (as far as I am aware) not been any serious injury collisions within the town. Sooner or later this "luck" will run out. Some are calling for less on street parking and more double yellow lines to reduce congestion. This temptation should be very, very strongly resisted. It will only result in increased traffic speeds next to narrow very substandard width pavements. Removing parked cars from the east side of South Road at the southern end was tried in the 1970s. Immediately vehicles were removed pedestrians were terrified of vehicles (particularly quarry lorries) "flying past" right next to the pavement. Within a few weeks the police again permitted parking in this area.</p> <p>This is a list [refer to link below] of the vehicle accidents and incidents that have occurred in Kirkby Stephen since about the time of the bypass public enquiry. As far as I know it includes all the fatalities that have occurred within the length that would have been bypassed. There will be many minor collisions that are not listed as I am not aware of them. Most if not all these accidents would not have occurred had a bypass been built.</p> <p>See TR010062-001164-Anthony Metcalfe - Objections to proposed scheme - Kirkby Stephen accidents list.pdf (planninginspectorate.gov.uk)</p>	<p>National Highways considers that these matters are addressed in the Applicant's Response to Relevant Representations Part 2 of 4 (Document Reference 6.5, PDL-011), RR-040 page 22-25.</p> <p>In addition, we have provided a response to outstanding matters here.</p> <p>Considering the discussion on potential journey time savings offered by a Kirkby Stephen Bypass, the journey time benefits quoted within the written representation of typically an hour for vehicles over 18.5 tonnes and in the region of 10 to 30 minutes for other vehicles are not supported by evidence. Within paragraph 3.4.1 of the Project Development Overview Report - Appendix 6 Highways England Business Case A66 Scheme (Document Reference 4.1, APP-250) it is stated that the model is calibrated / validated to 2015 traffic count and journey time data. This would be reflective of the travel times experienced within typical conditions.</p> <p>Route planning software suggests that from Tebay (M6) to Brough (A66) would typically take 39 minutes. The same journey, avoiding the HGV ban i.e. via Penrith, would take around 59 minutes. Therefore, it is suggested that a journey time saving made by the Kirkby Stephen Bypass of around 20 minutes for those HGVs that divert via Penrith is typical.</p> <p>Similarly route planning software suggests that the travel time on the A685 on the 3.6km that would be bypassed by the Kirby Stephen Bypass is typically 5 to 8 minutes. If it is assumed that the average speeds on the Bypass are 50mph, (80kph) then the journey time on this route would be around 2.5 minutes, resulting in a typical saving on this route for cars being between 2.5 and 5.5 minutes.</p> <p>The appraisal contained within the Project Development Overview Report - Appendix 6 Highways England Business Case A66 Scheme (Document Reference 4.1, APP-250) is reflective of these smaller time savings.</p> <p>Considering the discussion on accident savings within Kirkby Thore, accident savings on the A685 have not been included within the economic appraisal shown in Appendix 5 (Northern Trans-Pennine Routes Strategic Study: Stage 3 Report) of the Project Development Overview Report (Document Reference 4.1, APP-249). It is accepted that accident savings would be made within Kirkby Stephen on the existing A685 along the 3.6km of route that is bypassed.</p> <p>However as noted, within the Deadline 1 Submission - 7.1 Responses to the Examining Authority's Issue Specific Hearing 2 Additional Questions (REP1-005) (response to ISH2.TT.05) accident rates on Single Carriageway roads are between 50% to 125% higher than dual carriageway roads. Therefore, when traffic is attracted to the single carriageway A685, (due to the time savings from the Kirkby Thore Bypass) then additional accidents are likely to occur at a greater rate than if additional traffic is attracted to the dual carriageway A66.</p>

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				<p>Therefore, any accident savings gained on the short stretch of road within Kirkby Stephen may be eroded by additional accidents occurring on the other rural sections of the A685.</p> <p>National Highways can confirm that they are not proposing, nor endorsing, the removal of on street parking within Kirkby Stephen. The suggestion of removing on-street parking within Kirkby Stephen has been made by other parties in response to the DCO Application.</p> <p>In terms of the cost used for the scheme, cost estimates were undertaken for the Strategic Outline Business Case in 2016 which is Appendix 6 of the Project Development Overview Report (Document Reference 4.1, APP 250) and is considered to be robust. The cost estimate would have taken into consideration the number and costs of structures needed to span the significant number of watercourses in the area, including the River Eden. As well as cost implications, consideration was also given to the environmental impacts of the scheme and the encroachment into the Yorkshire Dales National Park which was extended further into Cumbria in 2016. Analysis of the environmental impact appraisal for the scheme can be found in Section 3.8 of Appendix 6 of the Project Development Overview Report (Document Reference 4.1, APP-250). Sections 3.10 and 3.11 of the same report summarise the findings and recommendations.</p> <p>In response to the objection that the proposed route from Appleby to Penrith has many drawbacks and will give a poor value for money outcome, the following is noted.</p> <p>In response to the present proposal doing nothing to separate local and strategic traffic in Penrith, and how it does not alleviate problems at Skirsgill, National Highways consider that this matter was addressed in Procedural Deadline Submission - Applicant's Response to Relevant Representations Part 2 of 4 (Document Reference 6.5, PDL-011) (RR-039).</p> <p>In response to why a route via Hackthorpe was not considered further National Highways consider that this matter was addressed in Procedural Deadline Submission - Applicant's Response to Relevant Representations Part 2 of 4 (Document Reference 6.5, PDL-011) (RR-040).</p> <p>In response to the number of junctions being an increased source of accidents, National Highways consider that this matter was addressed in Procedural Deadline Submission - Applicant's Response to Relevant Representations Part 1 of 4 (Document Reference 6.5, PDL-010) (RR-036, page 100).</p> <p>In response to the need for a bypass of Kirkby Thore, resulting in a 1km longer route, National Highways consider that this matter was addressed in Procedural Deadline Submission - Applicant's Response to Relevant Representations Part 1 of 4 (Document Reference 6.5, PDL-010) (RR-186; RR-208; RR-226; RR-235; RR-192; RR-194; RR-177).</p>
REP1-077	Jane Irving	Impacts to Land	<p>Our client has land to the south and north of Kemplay roundabout. Up until recent times we have not been provided with detailed drawings of the proposed areas of land to be taken by the scheme on a permanent basis and those areas that are to be used in the future as species rich grassland.</p> <p>We have recently been briefed by contractors and now have a better understanding of the proposed land take areas. We are still concerned that retained areas of land may have their existing access points reduced in width, and until such time that we have full details of how the retained land will be accessed we will need to object to the scheme. However, once our concerns have been addressed and assuming that an adequate access to the retained</p>	<p>The dialogue will continue with Jane Irving through the Examination and detailed design stages of the Project. National Highways are aware of this request and the detail of accommodation works will be finalised during detailed design with delivery partners.</p> <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>

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			land is provided, we should at that stage be in a position to withdraw any objections to the scheme.	
REP1-078 REP1-079 REP1-080 REP1-081	John Arthur Heath	Impacts to Land	Permanent acquisition is not needed. This land only required for a temporary haul road. The land is required by the IP for future housing development and access to his retained land. IP landowner willing to grant temporary rights for period of construction.	<p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst-case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage once the detailed design has been fully developed.</p>
REP1-129 REP1-130 REP1-131 REP1-132 REP1-133 REP1-134 REP1-135	Trustees of the Winderwath Settlement 1989	DCO – Policy, Legislation and Guidance	<p>5. Lack of Proper Consultation</p> <p>6. Since submitting the RRs there has been no further detailed consultation by National Highways with the Representors.</p> <p>7. There has been no answer on the fundamental issues raised previously over a period of more than 12 months. The Representors have now been made aware of the response of National Highways to the RRs during the preliminary meeting held by the ExA. These have been reviewed and any relevant comments included in this document. Of particular concern is that there is no substantive response from National Highways to one of the key issues which were included at paragraphs 7 to 12 of the Representors RRs relative to alternative options for some of the proposed environmental mitigation. Likewise, there has been no response to paragraphs 12, pt 15 and 29.</p> <p>8. It was noted at the preliminary hearing that National Highways are seeking to amend the DCO Application and to make changes in light of further detailed work on the scheme. This appears to acknowledge the lack of detail in the scheme design which has been presented for the DCO application. This is of concern for the Representors as it would have been useful to have known whether any of the proposed changes to the DCO affect their land interests so they could be commented on in these WRs. The Representors reserve the right to comment further on any changes to the DCO that National Highways present.</p> <p>9. The Representors have been seeking meetings with senior project managers from National Highways and the appointed contractors in order to progress discussions. A meeting was finally held on the 14th December 2022 but the Representors would encourage the ExA to continue to press National Highways to meet further with the Representors at an early stage in the Examination to</p>	<p>The Applicant has responded in detail to the same issues raised by the Affected Person in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) at pages 367-373.</p> <p>National Highways will shortly be holding a consultation on the proposed changes, and it will be at that stage that Affected Persons and Interested Parties will have the opportunity to comment on the proposals. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.</p> <p>National Highways will engage further with the representors on the Winderwath Settled Estate, following on from our previous meeting on 12 January 2023.</p>

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			thereafter enable the Representors to make further representations to the ExA if necessary.	
REP1-129 REP1-130 REP1-131 REP1-132 REP1-133 REP1-134 REP1-135	Trustees of the Winderwath 1989 Settlement	Environment and EMP	<p>10. Environmental Mitigation</p> <p>11. The Representors have a fundamental issue with the environmental mitigation proposed and particularly with the woodland and scrub planting detailed for plots 03-04-04 and 03-04-14 as identified under the Environmental Management Plan (EMP) Annex 81 Outline Landscape and Ecology Management Plan (LEMP) - (APP-21), is shown as land required for nature conservation and bio-diversity as stated in National Highways response (PDL-012 — pg 369) to the Representors' RRs.</p> <p>12. The Representors set out in their RRs an outline of their issues of concern and particularly a hierarchy of options which have been presented to National Highways on a number of occasions as an alternative to the implementation of the environmental mitigations specified above. More detail is provided on those alternative options below but in essence, the Representors believe fundamentally that the woodland plantation known as 'Adrian's Wood', should be substituted for the proposed woodland and scrub planting identified above as it addresses all the issues of concern set out in below.</p> <p>13. Firstly, the Representors understanding of the principles of bio-diversity net gain and re-creating lost habitats under the DCO proposals is that such habitats should, as far as possible, be local to the area of development. The proposed mitigation land is located within Scheme 03 (PDL-003 — General Scheme Plans), a clearly distinct and separate identifiable section of the scheme. As such, one would logically expect that the habitat recreation would be proportional, if not to landowner impact but to the discrete area defined within Scheme 03 and not beyond. The current Environmental Management Plan (EMP) (APP-019) is a scheme wide document. It was noted at the Issue Specific Hearing 2 that National Highways' intention and as set out in the document itself is to have a second iteration of the EMP. This would now, it is proposed, be split down into a separate [sic] EMP scheme by scheme. It is believed this principle should have been applied to the original EMP and the Representors believe that this would provide for a less significant area of environmental mitigation for woodland and scrub planting than is proposed. There is no detailed explanation set out in any of the documents that the Representors can see, nor has one been provided by National Highways as to the calculation, detailed reasoning and explanation for the selection of this particular area and type of mitigation specified and the Representors require National Highways to provide one.</p> <p>14. Secondly, the Environmental Statement (ES) — Appendix 6.3 Phase One Habitat Survey (APP-156) states between paragraphs 6.3.5.32 and 6.3.5.38 that 'through the Penrith to Temple Sowerby section the land in terms of habitat is dominated by improved grassland, arable and species poor semi-improved natural grassland'. It goes on to note at Table 14 that the only habitats of principal importance within the scheme clearance boundary is 0.09 hectares of deciduous woodland and 0.11 hectares of traditional orchard. There are few protected plant species. Overall, therefore the area concerned has limited habitat importance. The ES — Non-Technical Summary (APP-043) states at paragraph 4.4.10 and 4.4.11 that there would be 'no significant effects on bio-diversity either during construction or operation in Scheme 03'.</p> <p>15. The proposed area for environmental mitigation comprises predominately Grade 2 agricultural land whilst the areas proposed by the Representors as alternative environmental mitigation to the north of the scheme are designated</p>	<p>National Highways considers that points 10-41 are addressed in the National Highways Response to Relevant Representations Part 2 of 4 (Document Reference 6.5, PDL-011). National Highways have made additional points below, to further iterate our response to the matters raised.</p> <p>Regarding Adrian's Wood, the environmental mitigation proposed at this location has been developed, in part, for the purpose of habitat connectivity connecting two areas of existing woodland. Adrian's Wood would not fulfil this same purpose. Although, it should be noted that 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, 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>Regarding point 13, the approach to the first iteration EMP being route-wide rather than scheme specific is to ensure the overall approach and applicable principles to mitigation secured across the project is consistent. The EMP itself sets out the principles applied to environmental mitigation. The second iteration of the EMP will provide further detail to specific geographical areas. The planting proposals included within the DCO application have been developed using these principles, which include providing mitigation local to the source of impact where possible. In further detail, although the LEMP (Document Reference 2.7, AAP-021) takes a route-wide approach, the assessment and approach to mitigation design were undertaken on a scheme by scheme basis in order to inform the route-wide mitigation design submitted as part of the DCO application. Therefore, the mitigation for Scheme 3 is proportional to the loss of habitat for Scheme 3. The scheme by scheme LEMP would not therefore have reduced the need for mitigation. Further detail on habitat management will be provided at detailed design stage in subsequent iterations of the Environmental Management Plan.</p> <p>Regarding point 14, the assessment detailed within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) assumes, on a reasonable worst case basis, that any habitat within the temporary or permanent works area will be lost (as defined on Figure 2.2 Indicative Site Clearance Boundary, Document Reference 3.3, APP-062). Therefore, this does not take into account retention achieved through detailed design or construction methods. The reasonable worst-case scenario of woodland loss has led to provision of 13.65Ha of woodland across the proposed scheme. The conclusion of no significant effects in the ES takes into account the provision of all mitigation planting being in place and successfully established.</p> <p>Regarding point 15, the alternatives presented were isolated and not considered to adequately mitigate the loss of woodland around Scheme 3 including impacts on red squirrel, bats and barn owl which require connective planting. The current proposed location of woodland planting in plot 03-04-04 provide a new north-south connection which would not be achieved using Adrian's Wood (Document Reference 2.7, APP-021). The plot 03-04-14 was included as a reptile and amphibian mitigation site as well as to provide adequate habitat to achieve no net loss (0) (Document Reference 2.7, APP-021) and is connected to existing populations of great crested newts and common lizard (Document Reference</p>

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			<p>Grade 3 as shown in Figure 9.6 of the Agricultural Land Classification Maps - Sheet 2 of 10 (APP-101). A copy is attached at Appendix 1 with the relevant areas identified for ease.</p> <p>16. The National Planning Policy Framework (NPPF) - 20 July 2021 states at Paragraph 174 (pg 50) that 'Planning policies and decisions should contribute to and enhance the natural and local environment by (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services — including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;' (Representors highlight).</p> <p>17. The Best and most versatile agricultural land is defined in the glossary (pg 65) as 'Land in grades 1, 2 and 3a of the Agricultural Land Classification'.</p> <p>18. The footnote to paragraph 174 (pg 50) states 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'.</p> <p>19. The Representors therefore contest that the use of the noted plots for environmental mitigation (as part of the development) does not comply with the provisions of the NPPF and thus should not be acquired.</p> <p>20. Thirdly, the area proposed for environmental mitigation, would as well as taking prime land out of production, have a potentially significant safety consequence because of the estate's commercial shooting activities in this area. The layout of woodlands and cover crops to the south of the A66 and around the proposed areas has over many years been established in the way it is to provide a safe and workable shoot but without encouraging released pheasants and partridges towards the A66, where they potentially could create a danger for passing traffic. This has been achieved with open areas of arable land between woodlands creating breaks that do not encourage birds towards the A66.</p> <p>21. The estate currently let around 20 commercial shoot days each season between mid-October and the end of January, many held in this area of the estate. The location of proposed environmental mitigation has not been justified by National Highways beyond a simple discussion about 'habitat connectivity'. That habitat connectivity proposed will be fundamentally creating an enhanced danger to traffic on the A66 as it would allow reared game birds to easily migrate towards the A66 rather than being drawn, as is currently the case, to the south towards Whinfell Forest. This is a potential safety issue, which the Representors believe National Highways has not considered fully.</p> <p>22. In addition to the safety issues the consequences of the proposed mitigation highlighted above would also have a commercial effect for the shoot and also create a substantial injurious affection claim in respect of this area of the estate.</p> <p>23. Fourthly, it is noted in the EMP (APP-019) and particularly referenced in table 3-2 Register of Environmental Actions and Commitments under the Landscape and Visual Section (pages 56-58) that 'trees must be replaced at an appropriate location within the order limits as close to the original position as is reasonably practicable' and it goes on to state that 'two trees will be planted for every one lost'.</p> <p>24. ES Chapter 6 Bio-diversity (APP-49) sets out at table 6-20 the lost mitigation habitats and the habitat that can be used in replacement. In the case of lost woodland and scrub this has to be replaced by the equivalent habitat.</p>	<p>2.7, APP-021). Adrians' Wood is not known to have connections for these species.</p> <p>Regarding point 19, mitigation on prime agricultural areas was reduced as much as possible taking into account the agricultural assessment. The remaining mitigation is in place where essential ecological or landscape mitigation is considered unavoidable in terms of required mitigation outlined within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and Chapter 10 (Document Reference 3.2, APP-053). It should be noted of course that the NPPF is not the primary policy document that applies to the Project – that, instead, is the National Policy Statement for National Networks. Commentary on how the Project complies those that document is contained in the Legislation and Policy Compliance Statement (Document Reference 3.9, APP-242).</p> <p>Regarding point 20, the woodland mitigation along the road is in place to provide safe passage across the road for barn owls and bats. This mitigation was considered necessary to prevent significant effects on these species. Other lengths of woodland are for landscape integration or visual screening. Woodland has not been recommended along the length of the scheme and grassland breaks remain.</p> <p>Regarding point 20, the purpose of the proposed mitigation in this area, as stated above in relation to point 15, is to provide increased connectivity relating to red squirrel, bats and barn owl and provide additional reptile and amphibian mitigation; all of which are deemed essential mitigation required to mitigate potential adverse impacts identified as part of the assessment undertaken and outlined in ES Chapter 6 (Document Reference 3.2, APP-049). National Highways will seek to continue to engage with the Winderwath Estate to try and minimise the impact of the design proposals on the retained lands. This could be achieved with compensation monies being used by the Estate to undertake works to try and ensure that the integrity of the shoot is maintained. Coupled with this engagement National Highways will also pay monies, where losses are evidenced as being a consequence of the works and land acquisition, as part of the overall compensation package for any financial losses and diminution of value to the shoot itself.</p> <p>Regarding point 22, National Highways acknowledges that should a party meet the criteria for injurious affections claims, they would be entitled to compensation under the statutory scheme.</p> <p>Regarding point 23-26, these points are noted. It should be noted that the mitigation areas are based on BNG metric ratios required to achieve no net loss as a minimum. The loss of habitats is calculated based on an assumption of complete clearance as shown in the temporary works areas as well as for permanent land lost (as defined on Figure 2.2 Indicative Site Clearance Boundary, Document Reference 3.3, APP-062). This therefore represents a reasonable worst-case scenario. It should be noted that the areas of ecological mitigation presented in the outline Environmental Mitigation Maps (Document Reference 2.8, APP-041) are indicative and represent how the required environmental mitigation as stipulated in the Environmental Management Plan could be achieved (Document Reference 2.7, APP-019). These will be further refined during detailed design stage through consultation with the landowner.</p>

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			<p>25. A large area of plot 03-04-04 is shown in the LEMP as being newly planted woodland with plot 03- 04-14 being partly existing coniferous woodland to be felled and re-planted with significant area of scrub on arable land to the west. The area of proposed woodland planting extends to around 4.45 hectares (11 acres) with approximately 2.16 hectares (5.33 acres) of scrub proposed. The guidance in the LEMP (APP-021) states at paragraph B1.10.8 that planting of woodland should be in accordance with the Woodland Trust Guidance, which states planting densities between 1,600 and 2,500 plants per hectares. The proposed area of woodland planting would therefore accommodate between 7,124 and 11,125 new trees. Table 6-20 also shows the ratios for replacing woodland and scrub habitat. The ratios for woodland replanting range between 1-0.85 for conifer woodland, 1-1.71 for broadleaf and mixed woodland up to 1-9.85 for semi-natural woodland. Scrub is shown as being replaced on a ratio of 1 - 1.2. Based on the nature of trees and woodland affected in Scheme 03 being mainly ordinary broadleaf or mixed woodland then at a mitigation ratio of 1-2 then the areas proposed as mitigation woodland would equate to between 3,562 and 5,562 being felled (being calculated as half the total of new plantings set out above). These felled trees should be in close proximity to the proposed woodland planting.</p> <p>26. The Representors believe, based on their extensive local knowledge that this is certainly not the case as the land being taken for the road throughout the length of the scheme, as highlighted above, is mainly agricultural land online with limited numbers of roadside and small areas of mixed woodland along the length. There are only small areas of scrub. It therefore seems that the areas of mitigation woodland planting and scrub proposed on the Representor's land are in respect of land beyond Scheme 03 and as such not replacing trees lost in the locality but further afield.</p> <p>27. In summary therefore, and based on the arguments set out above, and in the absence of any detailed justification and rationale, provided by National Highways, for the specific areas of environment mitigation in the stated plots the Representors believe the proposals are flawed with no compelling case that has been justified for their inclusion and are not therefore required and should be removed from the proposed DCO.</p> <p>28. Without prejudice to the above the Representors in their RRs and prior in earlier consultations, and as was noted by the ExA at the open floor hearing on Tuesday 29th November, has offered in substitution for the plots noted above, a hierarchy of alternatives located principally to the north of the A66 on less productive (but still intensively managed) grassland areas and which are less damaging to the shoot management.</p> <p>29. The principal argument of the Representors is that National Highways should use in substitution for the proposed environmental mitigation the area of woodland known as 'Adrian's Wood'.</p> <p>30. The area of woodland was planted in the spring of 2021 and extends to 7.47 hectares (18.45 acres) of predominately broadleaf woodland as set out on the attached plan and specification at</p> <p>Appendix 1. In summary the wood comprised a planting of some 10,500 trees being 80% broadleaf and 20% conifer all planted in spring 2021. The area of woodland is significantly larger than the proposed mitigation areas on a like for like planting density.</p> <p>31. The Representors believe National Highways should accept this area of woodland planting in substitution for the environmental mitigation to the south of the scheme for the following reasons:</p>	

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			<p>a. Adrian's Wood was planted solely as a consequence of the proposals to dual the A66 through Winderwath Estate.</p> <p>b. The scheme to widen the A66 has been discussed since the Temple Sowerby bypass was constructed and completed in through 2004 to 2007. Since, the Trustees were particularly concerned about mitigating the effect of any subsequent dualling on estate property and particularly residential properties (Woodside Farmhouse and Bungalow) to the north.</p> <p>c. When early discussions on dualling the remaining A66 became obvious the Trustees, through 2016 and in early 2017, began to plan the planting of a woodland to mitigate the effects of any future dualling. The culmination of this work was a proposal put to Trustees at their May 2017 meeting proposing the planting of what was originally a smaller area of woodland, in the location of what is now known as 'Adrian's Wood'. Attached at Appendix 3 is a copy of the Trustee's report and associated plans presented to that meeting.</p> <p>d. With the increasing intensity of discussion about the forthcoming dualling of the A66 through 2019 and 2020, the initial concept of 'Adrian's Wood' was taken forward and developed into a larger planting scheme, which was then implemented in spring 2021.</p> <p>32. In view of the attached documentation, it is abundantly clear that the Representors intended the planting of 'Adrian's Wood' to mitigate the A66 dualling and without the scheme the proposed planting would not have gone ahead. The woodland was planted as a result of the scheme. There is no general benefit in arable land let at £170 per acre being planted with woodland and therefore from an economic point of view the Trustees' decision was not taken for financial gain and as stated was directly as a consequence of the proposed dualling.</p> <p>33. Senior members of the environmental team from National Highways have visited the site (early 2022) and inspected 'Adrian's Wood' but to date we have not been provided with any fundamental reason or explanation as to why the woodland cannot be used in substitution as environmental mitigation. We have had no formal response and indeed it is interesting to note the proposal for the use of 'Adrian's Wood' as environmental mitigation were entirely missed out in the Response by National Highways to the RR's (PDL — 012 pages 366 to 383). Despite no formal explanation, it is believed that National Highways concerns are that the woodland was planted prior to the scheme and as a consequence existed at the base line habitat survey. The Representors would contend this is not entirely correct. The base line habitat surveys were undertaken between 2020 and 2022, as stated in the ES Appendix 6.3-Phase 1 Habitat Survey (APP-156). As set out above the woodland was not planted until the spring of 2021 (only part way through the base line period) and as noted above the Representors have demonstrated that 'Adrian's Wood' was solely planted in mitigation for the scheme.</p> <p>34. The Representors believe that National Highways have some concern how the environmental management of 'Adrian's Wood' might be secured, being outside the current DCO boundary. The Representors would be happy to deal with future management of the area under either the Planning Act 2008 which allows National Highways to take rights rather than permanent acquisition and to impose covenants both positive and negative or to take Conservation Covenants under Part 7 of the Environment Act 2021.</p> <p>35. For all the detailed reasons stated above the Representors would ask if the ExA considers mitigation is required contrary to the representations at paragraphs 10 to 27 above then they should recommend the substitution of</p>	

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			<p>'Adrian's Wood' for the proposed planting and scrub provision in part plot 03-04-04 and plot 03-04-14.</p> <p>36. The Representors also suggested in their RRs a number of other alternatives areas for environmental mitigation in the event that 'Adrian's Wood' is not accepted in substitution for part plot 03-04-04 and plot 03-04-14. plots.</p> <p>37. These alternatives were set out at paragraphs 8 and 9 of the RRs in order of preference and again it is noted that no response has been made to those proposals in the National Highways response to the Representors' RRs (PDL-012).</p> <p>38. In respect of the alternatives proposed is attached Appendix 4 is a set of plans showing areas which again could be managed for environmental mitigation north of the scheme. The proposed areas would have the benefit of both providing the required environmental mitigation but also providing a degree of screening (once mature) for residential properties on the estate including Lower Woodside Farmhouse, Low Woodside Farmhouse, the four Swinegill Cottages, Winderwath Farmhouse and Dodds Barn.</p> <p>39. In terms of the least favoured alternative mitigation planting option attached at Appendix 5 is the plan submitted in support of the original statutory consultation setting out a number of areas which the estate may accept as alternative to the proposed mitigation. This plan was prepared as an indication of possible planting areas under the estate woodland management plan and not specifically for A66 purposes.</p> <p>40. In the event that the ExA does not accept the substitution of 'Adrian's Wood', or indeed any of the other alternatives set out above, for the proposed for the environmental mitigation then the estate would not be prepared accept permanent acquisition of those areas. The proposed areas are defined areas within the heart of the estate, where third party (National Highways) uncontrolled access would be unacceptable because of the impact on the agricultural and sporting interests. As such, again, as an absolute last resort the Representors would wish to take on the management of those areas using the provisions of the Planning Act 2008 or the Conservation Covenant principles, both set out above in order to secure the management for National Highways.</p> <p>41. National Highways has not shown a compelling case for the acquisition of the land identified above for mitigation purposes.</p> <p>42. In summary, on this specific issue, the Representors:</p> <ol style="list-style-type: none"> a. Do not consider that the mitigation land has been justified based on land use, safety, habitat recreation or indeed any other reason yet to be explained. b. If mitigation is imposed, it should in terms of hierarchy be imposed as follows:- <ol style="list-style-type: none"> i. Use of 'Adrian's Wood' which has been justified as created as a consequence of the scheme. ii. Planting to the north of and adjacent to the road. iii. Planting of other areas on the estate, more suited to planting and environmental mitigation b. Any mitigation land should not be permanently acquired, and the Representors would wish to retain ownership of such areas and manage them under covenants either positive or negative imposed under the Planning Act 2008 or through conservation covenants under the Environment Act 2021 	

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	Trustees of the Winderwath 1989 Settlement	DCO - Policy, Legislation and Guidance Environment and EMP	<p><u>Environmental Mitigation — Other Issues</u></p> <p>44. Firstly, the Representors note from Issue Specific Hearing 2 that National Highways propose that the EMP would be split in its second iteration on a scheme-by-scheme basis rather than proceed as a single document across the whole project, as iteration one does.</p> <p>The EMP acknowledges that it will change as the detailed design progresses and the Representors concern with this approach is the consultation process for any future iterations of the EMP in respect of Affected Persons who, because of the uncertainty over permanent and temporary land take, may find themselves with land returned or adjacent, with totally different environmental management than was proposed under the original DCO and EMP.</p> <p>46. The consultation process as proposed in the EMP excludes such affected persons and the Representors would submit that any Affected Person or indeed possibly any Interested Party affected by changes to the EMP should also be consulted, alongside the statutory bodies, particularly through the detailed design when changes could have impacts within and beyond the DCO boundary.</p> <p>47. The Representors would ask the ExA to consider requiring National Highways to include Affected Persons within the EMP's second iteration consultation process.</p> <p>48. Secondly, the DCO proposes permanent land take in respect of all of the land within the boundaries of the DCO. There is no distinction for temporary occupation or indeed long-term management particularly of environmental mitigation land.</p> <p>49. The Representors understand that National Highways need control over environmental mitigation areas and need to be able to deliver and secure the environmental management specified. The Planning Act 2008 allows for the use of rights and covenants both positive and negative and the use of Conservation Covenants under Part 7 of the Environment Act 2021 both provide a more than robust mechanism for National Highways to secure environmental mitigation and management, without the permanent acquisition of land from Affected Persons. The Representors insist that any land, particular within core parts of the estate, required for environmental management should be dealt with under such mechanisms rather than acquired outright, and would ask the ExA to direct National Highways to do so.</p>	<p>National Highways notes the points made.</p> <p>Turning to the first (that covered in paragraphs 44 to 47 of the representation), it should be noted that the first iteration EMP (Document Reference 2.7, APP-019) contains a number of commitments relating to engagement with affected persons and landowners (e.g. through the required Community Engagement Plan). In addition, there would naturally be on-going engagement with all affected persons prior to and throughout the construction period of the Project to discuss issues on a plot by plot basis, particularly where land is only take temporarily.</p> <p>National Highways considers this to be an appropriate and proportionate approach, with affected persons not having a formal consultation role over the Project control documents (i.e. second iteration EMP and any subsidiary plans) prior to them being submitted to the Secretary of State for approval. To open up the consultation process would be disproportionate and unnecessary given the status and purpose of the documents. It would also be contrary to common practice on such documents in DCO schemes.</p> <p>Regarding the second point, National Highways considers this is responded to in the Applicant's Response to Relevant Representations, Part 3 of 4 (Document Reference 6.5, PDL-012) (see page 379 for example).</p>
REP1-129 REP1-130 REP1-131 REP1-132 REP1-133 REP1-134 REP1-135	Trustees of the Winderwath 1989 Settlement	Walking, Cycling and Horse Riding	<p><u>50. Access and Additional Public Rights of Way (PROWs)</u></p> <p>51. The issues of concern to the Representors were set out in their RRs but essentially the main issue is the safety and functionality of the proposed shared public rights of way (walking and cycling) (PROW) and private means of access (PMA). The RRs mentioned safety, liability, design and management and the Representors object to the current provision for shared access and require the following issues to be addressed.</p> <p>52. Segregation - On safety and liability grounds any PROW or PMA should be segregated from each other so there is no conflict between the two users.</p> <p>53. The proposed PMA will be used by the estate and its farming tenants extensively to access land adjoining the A66. Modern farm machinery is substantial in terms of size and weight and can travel at significant speeds. Attached at Appendix 6 is a selection of illustrative photographs of the typical type and combinations of farm machinery that are likely to be using the PMAs. For example, the types of tractors and trailer units shown can be up to 3 metres wide, 14 metres long and weigh up to over 28 tonnes fully loaded. They can</p>	<p>National Highways' response to the comments made are set out below.</p> <p>51-60. As referenced by the Trustees of the Winderwath 1989 Settlement, National Highways provided a response to the matters raised in Procedural Deadline Submission – 6.5 Applicant's Response to Relevant Representations Part 3 of 4 (pages 347 and 348 of PDL-010). This confirms 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). National Highways' response also noted that 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.</p> <p>Nonetheless, National Highways will shortly be holding a consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. Having regard to on-going feedback received in respect of this location, this will include consultation on a change to our DCO submission to include for segregation between PROWs and PMAs and alterations to several</p>

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			<p>travel in excess of 25 miles per hour. The combine harvester shown are up to 3.8 meters wide and over 20 tones when travelling between locations.</p> <p>54. The Representors consider that the risk to walkers and cyclists sharing tracks of merely 4 meters in width with such farm machinery would be a significant health and safety concern whilst also placing a significant public liability on landowners. What would a walker, perhaps pushing a pram, or a cyclist do when confronted with one of these sizeable pieces of machinery thundering toward them? The suggestion in National Highways Response to the RRs on this point, that this is common, is wholly unsatisfactory in circumstances where it is possible to avoid the problem.</p> <p>55. The Representors respectfully suggest that what is proposed here is not the same. In this case the PROWs are being specifically designed into the scheme to provide public access and have not evolved over time or by long use. It is understood that the PROWs will be actively promoted and then signed to direct the public onto them and as a consequence possibly into the path of heavy machinery. One would not actively direct the public onto a construction site or other hazardous areas for example, but the proposed shared PROW/PMA would.</p> <p>56. Tracks of 4m width, although just sufficient for the type of farm machinery shown, would not safely accommodate a pedestrian or cyclist passing.</p> <p>57. Mixing the PROWs with access to If farmland and balancing ponds (for National Highways) would also create operational risk beyond the designated byway if the public is not somehow confined to that access. If PROWs and PMA are combined and unfenced there is the risk of the public trespassing onto adjoining agricultural land which would not be acceptable.</p> <p>58. Where would the legal liability rest on a shared PROW/PMA, the landowner, or National Highways? This is an issue that would need to be clarified. Landowners will not wish to take on any additional liability.</p> <p>59. The type of surfacing for a joint PROW/PMA could be problematic with differing users requiring different quality of surfacing. Walkers, farming traffic and National Highways might prefer stoned surfaces but that does not generally work for cyclists. Segregation would resolve many of these issues.</p> <p>60. The safest solution is to segregate PROW's and PMAs. Attached at Appendix 7 is an illustrative sketch of how the Representors would envisage PROW's and PMAs might be segregated so as to remove any issues of safety and liability.</p> <p>61. Design - The proposed layout and design of the current shared accesses is flawed from a perspective of easy use by farm and estate traffic, as detailed above. PMAs should be routed in as straight a line as possible which both mitigates land take but also provides for functional use rather than the large machinery (see above) having to negotiate what is proposed in some places as 90° bends around balancing ponds particularly. Attached at Appendix 8 is an illustrative sketch showing how PMAs could be straightened. The 'pink' shows the line of PMAs best suited to large machinery traffic, without the risk of having to widen the access at tight corners or 'scrubbing' and thus early deterioration of the surface.</p> <p>62. The PMAs would also require passing places of sufficient size to facilitate the easy flow of farm traffic particularly at busy periods such as harvest and silage time.</p>	<p>access tracks. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.</p> <p>61 -63. The DCO application proposes tracks and turning areas for all proposed ponds to ensure that they can be accessed by suitable equipment to undertake periodic maintenance. 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>64. The proposed extension of footpath 311/004 is to accommodate non-motorised users travelling north and to ensure that the current provision can still be safely used.</p> <p>65 and 66. National Highways are committed to improving walking and cycling facilities across the A66. Please refer to the Walking, Cycling and Horse Riding (WCH) proposals (Document Reference 2.4, APP-10).</p> <p>67. Future maintenance of the proposed public access route is set out in Article 9 of the draft DCO.</p> <p>68. Comment noted.</p> <p>69. National Highways has proposed an area of car parking to offset the area which will be acquired to construct the road. This is not necessarily a public car park, and it is envisaged that it would operate in a similar fashion to the existing arrangement.</p> <p>70. National Highways do not intend to create any additional bridleways on the Winderwath estate.</p>

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			<p>63. The surfacing of any PMAs would need to be agreed during detailed design, but the Representors preference would be for tarmacked surfaces to all PMAs providing longer term, lower maintenance surface. Fencing and drainage details would also need to be agreed as to date no exact design detail has been provided.</p> <p>64. Footpath - FP311004 - On review of the detailed plans the Representors wish to object to the extension to the Centre Parcs junction, of footpath (FP311004), which currently leads from Centre Parks north and terminates at the A66. The footpath is proposed to be diverted at the new boundary with the A66 along a shared access track to the Centre Parcs junction to the west. This is not acceptable to the Representors. The footpath currently is little used.</p> <p>65. The Representors would not wish to see further public access encouraged in this area through the creation of effectively a circular walk, as this goes beyond the current provision and therefore is outside the scope of the scheme. The DCO proposals already propose walking and cycling provision to the north of the A66 and there is no requirement for this further provision to the south. The provision of a connected footpath in this area would have issues in regard to the estate shooting interest and farming activities in that area and the same issues as have been highlighted at paragraphs above apply in regard to safety and liability in respect of the use of a shared PROW and PMA.</p> <p>66. There is no justification to create the additional section of footpath, which would be solely for the benefit of Centre Parcs and not justified in the 'public interest' as they are not losing something which they already have, which National Highways is obliged to replace. There is no compelling case for the extension of the footpath.</p> <p>67. Future Maintenance - National Highways have yet to provide clarity on the future ownership and maintenance of proposed PROW's and PMAs. In the event that PMAs, as is the Representors preference, are segregated from the PROWs then the Representors would be willing to retain ownership of the PMA (granting National Highways rights of access to their balancing ponds), and thus reducing the amount of permanent land take.</p> <p>68. The Representors would also consider in the event there is insufficient land within the current DCO boundary to the north of the scheme to provide for a separate PMA then the Representors would consider entering into a Section 253 Highways Act 1890 agreement for the provision of additional land for the purposes of creating a dedicated PMA.</p> <p>69. Parking at St, Ninians Church - It is noted within a number of DCO documents that there is reference to the current parking provision for St. Ninians church (currently located opposite the entrance to Whinfell Park Farm) as a public car park. This is not the case. The parking area is provided on a permissive basis by the Representors who own the land. The Representors would object to any move by National Highways to create a public car park at the location of the relocated St. Ninians car parking area. Any such need for a public car park is not in consequence of the scheme, and there is no compelling case for compulsory acquisition of land or rights for the purpose.</p> <p>70. Bridleways - The Representors require absolute confirmation from National Highways that there are no bridleways to be imposed on the estate by the scheme, as there are none in the vicinity of the scheme at present.</p>	
<p>REP1-129 REP1-130</p>	<p>Trustees of the Winderwath 1989 Settlement</p>	<p>Design, Engineering and Construction</p>	<p>71. Landform and Miscellaneous Design Related Matters</p> <p>72. It is noted that the National Highways' contractors have been appointed and the detailed design of the proposed scheme will now follow. The Representors'</p>	<p>National Highways will continue to engage with the Trustees of the Winderwath 1989 Settlement and the comments made are duly noted.</p>

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REP1-131 REP1-132 REP1-133 REP1-134 REP1-135			RRs made comments on a number of issues particularly as regarding landform around the Centre Parks junction and the engineering of the embankments to reduce the amount of land taken and altered. 73. The Representors will continue to liaise with the designers through the examination process but are still requiring design detail on walls, fences, hedges, gates, cattle grids, surface treatment of access tracks and service supplies and the Representors reserve the right to refer back to the ExA if no progress is made on such matters in the next few months.	In relation to the Center Parcs junction, National Highways will shortly be holding a consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. The proposed changes being considered include a potential change to the proposed junction arrangement at Center Parcs. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.
REP1-129 REP1-130 REP1-131 REP1-132 REP1-133 REP1-134 REP1-135	Trustees of the Winderwath 1989 Settlement	Impacts to Land Flooding and Drainage	<u>74. Balancing Ponds and/or Attenuation Ponds</u> 75. The Representors note from the National Highways' RRs response (PDL-012 pg. 374) that liaison with the local authorities with regard to rationalising many of the ponds from two to one is going on and this is supported by the Representors as it will reduce land take and the number of drainage outfalls and pressure on the local water network. 76. The Representors ask the ExA to continue to press National Highways on the reduction of permanent land take for ponds, excessive parking areas and land being acquired permanently for outlet drains to the local water network through corridors of land which appear to have been designated for environmental mitigation without any obvious justification, when rights for construction and consequent maintenance would suffice. 77. There is no compelling case to acquire land in excess of the requirements for the scheme itself.	National Highways considers that these matters are addressed on pages 374 to 376 of the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012). National Highways propose to acquire land that is required for the construction and / or operation of the Project only as is described in the Statement of Reasons (Document Reference 5.8, APP-299).
REP1-129 REP1-130 REP1-131 REP1-132 REP1-133 REP1-134 REP1-135	Trustees of the Winderwath 1989 Settlement	Design, Engineering and Construction	<u>78. Layby Locations</u> 79. The RR's response provided by National Highways suggest that new layby provision has been located 'as close as possible to the existing layby locations. This is clearly not the case particularly for the layby which is proposed opposite Whinfell House Farmhouse on the eastbound carriageway. 80. There is presently only one layby located within the Scheme 03 area which is located on the east bound carriage way and as shown on the plan attached Appendix 9. There are no laybys on the west bound carriage way. It is noted that the proposed layby locations east bound are only 1800m from the nearest east bound layby on the Temple Sowerby bypass and west bound some 3200m from the Temple Sowerby westbound layby. 81. Document CD169 'The design of laybys, maintenance hardstanding's, rest areas, service areas and observation platforms' — being part of the Design Manual for Roads and Bridges, states that the recommended spacing for non-emergency stopping provision on a dual carriageway is 2.5km and that 'laybys should be sited away from residential and industrial areas' (paragraph 2.1.1) The proposed junction opposite Whinfell House does not this satisfy neither of these criteria being opposite the residential property at Whinfell House but also within 2.5km of the next east bound layby. 82. It is also noted that the location of both proposed laybys on Scheme 03 are on higher ground and thus will be obvious within the landscape and that both layby locations will be particularly obvious from residential properties to the north and Whinfell Farmhouse to the east, where there are three residential and a number of commercial premises. The Representors would therefore request in respect of the proposed layby locations that National Highways produce photo montages from the residential properties to the north and south to demonstrate the proposed impact in the landscape of the laybys.	Laybys have been provided on the dual carriageway for short duration stops at intervals that satisfy the requirements of National Highways' design standards. The laybys will be appropriately maintained throughout their operation. The location and spacing of the laybys are generally in accordance with the appropriate design standards (CD 169) and whilst there is some flexibility for the location and spacing of laybys to move from that shown in the DCO drawings, there are several design requirements which will limit this (visibility requirements etc). However, the exact location will be developed further during detailed design.

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			<p>83. Attached also at Appendix 9 are two further plans showing the Representors' views on alternative locations for laybys, which would mitigate the issues referred to above and be more aligned with the guidance set out in document CD-16.</p> <p>84. It is noted from the general scheme outlying plans in response to relevant representations (PD-006) on sheet 4 of 4 that the west bound layby also includes for an observation platform. Irrespective of layby location we do not consider an observation platform is necessary because of the obvious location in the landscape and seek further clarification.</p>	
<p>REP1-129 REP1-130 REP1-131 REP1-132 REP1-133 REP1-134 REP1-135</p>	<p>Trustees of the Winderwath 1989 Settlement</p>	<p>Impacts to Land</p>	<p>85. Land Acquisition and Compulsory Acquisition Restraints</p> <p>86. The Representors note the response of National Highways to this issue in their response to the RRs (PDL — 012 page 375) and the clarification on the approach taken to permanent and temporary land take and the fact that pink land (permanent acquisition) can become blue land (compulsory rights) or green land (temporary possession). There has still been no indication to date where this principle will be applied, and we continue to seek further clarification from National Highways as the detailed design progresses.</p> <p>87. The Representors are pleased to note that National Highway through its response to the RRs (PD— 012 pgs 379/380) has acknowledged that it is committed to working with landowners to 'avoid the need to exercise compulsory acquisition powers if appropriate agreements can be entered into'. It goes on to suggest that 'not all types of environmental mitigation are well suited to those types of contractual arrangement....'.</p> <p>88. The Representors would reiterate their view that provisions under the Planning Act 20028 for taking rights or the use of Conservation Covenants under the Environment Act 2021 are proposed exactly for this type of situation and would urge National Highways to consider these mechanisms in more detail. As stated, the Representors would be prepared to enter into such agreements if it removed the need for permanent acquisition of land offline.</p>	<p>As is noted in the written representation, National Highways responded to the points raised in the Representors relevant representation. In relation to the reference to conservation covenants, National Highways notes that these are novel instruments that may be entered into between a "responsible body" and a landowner. An organisation is required to apply to become designated by the Secretary of State as a "responsible body" under section 119 of the Environment Act 2021. At the time of writing, the Government have yet to publish guidance to assist organisations that are minded to apply to become so designated.</p> <p>Given the novelty of the conservation covenant provisions combined with the importance to the delivery of the Project in securing the land required to deliver it, National Highways does not consider the use of conservation covenants to be a reasonable alternative to seeking the authorisation of compulsory acquisition at this stage of this Project. However, as is noted in the written representation, the authorisation of compulsory acquisition would not preclude agreements for the purchase of the interests in land required by National Highways to deliver the Project.</p> <p>National Highways will continue to engage with the Trustees of the Winderwath 1989 Settlement on these matters through the Examination and detailed design stages of the Project.</p>
	<p>Trustees of the Winderwath 1989 Settlement</p>	<p>Biodiversity</p>	<p><u>89. Additional Matters</u></p> <p>90. Biodiversity Net gain and NSIP's – Within the ES (APP — 043) and the EMP (APP — 019) there are numerous references to biodiversity net gain. None of the documentation is clear to the Representors on whether the scheme and environmental mitigation has been prepared on the basis of a net zero calculation or there is a 10% net biodiversity gain built into the calculations. The National Highway Responses to the RRs (PDL — 012 page 371) does state '.... The project has applied the principle of No Net Lossthe application of the 0% Biodiversity Net gain'. We would seek absolute clarification from National Highways on this in that it is understood that the biodiversity net gain calculations and in particular the 10% net gain is not to be implemented in respect of NSIPs until November 2025.</p>	<p>National Highways addressed this matter in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) at page 371. To confirm with respect to Biodiversity Net Gain, the Project is aiming to achieve a minimum of no net loss (taken to be 0% Biodiversity Net Gain), however opportunities to maximise biodiversity enhancements have been sought where possible.</p>
<p>REP1-129 REP1-130 REP1-131 REP1-132 REP1-133 REP1-134 REP1-135</p>	<p>Trustees of the Winderwath 1989 Settlement</p>	<p>Traffic and Transport</p>	<p>91. Diversions - It is noted from the ES — Figure 12.9 Possible Diversion Routes (App-120) that it is proposed that there is a small diversion route noted as S03 Whinfell 86412. This is a short route to the north of the A66 through the heart of the Winderwath Estate. This route is effectively a single-track road often used by farm machinery and stock which is not suitable for any volume of additional traffic other than the usual local traffic which currently use the road. The Representors therefore do not believe that route is suitable as a diversion route and would ask the ExA to remove this diversion from the National Highways DCO proposals.</p>	<p>Comments in respect of the suitability of the route are duly noted. This will be considered by National Highways and the outcome agreed with the Local Highway Authority when preparing the Construction Traffic Management Plan (CTMP).</p> <p>Annex B13 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-033) provides an extended essay plan for the 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</p>

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				<p>construction of the Project. National Highways will consult with the relevant local authorities on the CTMP which will include consideration of stakeholders that are likely to be impacted by the proposed traffic management. 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 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. <p>Maintaining adequate access for the emergency services and all affected properties during the construction works</p>
REP1-129 REP1-130 REP1-131 REP1-132 REP1-133 REP1-134 REP1-135	Trustees of the Winderwath 1989 Settlement	Consultation and Engagement	<p><u>92. Position Statements</u> - For individual Interested Parties or Affected Persons such as the Representors how does the ExA intend to understand the relative positions between them and National Highways?</p>	<p>This is a matter for the Examining Authority, but National Highways would envisage that the Examining Authority would rely on written submissions of the parties together with any oral submissions made at hearings.</p>
REP1-129 REP1-130 REP1-131 REP1-132 REP1-133 REP1-134 REP1-135	Trustees of the Winderwath 1989 Settlement	Consultation and Engagement	<p><u>93. Statements of Common Ground and Principal Areas of Disagreement</u> Documents are mentioned by National Highways and the ExA but at this stage only for a select few interested parties. Why are these not being more extensively used with other interested parties as stated in Document APP-276 "Statement of Commonality for Statements of Common Ground"? The Representors request that the Applicant should immediately prepare such documents for the Representors.</p> <p>94. National Highways have promised for some time "position statements" but in many cases these have still not yet been received. The Representors only saw a first draft very recently</p> <p>95. Could the ExA explain when and how it intend to hold National Highways to account in respect of its negotiations with other Interested Parties and Affected Persons and therefore when these "position statements" are to be introduced into the formal Examination and used to positive effect to narrow the issues and highlight difference for the Examining Authority to focus on?</p>	<p>Statements of Common Ground have been prepared principally with the local authorities and Strategic Environmental Bodies. In regard to Affected Persons, National Highways maintains a full record of all meetings and matters discussed. Position Statements are a private record between National Highways and the relevant affected person of private commitments given. They are not intended to be a tool to assist the Examining Authority in understanding the parties' position relative to one another. National Highways will continue to engage with representatives of the Trustees of the Winderwath Settlement and maintain a record of these engagements and any commitments made.</p>
REP1-129 REP1-130 REP1-131 REP1-132 REP1-133 REP1-134	Trustees of the Winderwath 1989 Settlement	Land Negotiations	<p><u>96. Early Acquisition Process & Negotiation</u> - It is noted from the publication Planning Act 2008 — 'Guidance related to procedures for the compulsory acquisition of land' (Department of Communities and Local Government - DCLG) at paragraph 25 that applicants for a DCO 'should seek to acquire land by negotiation where practicable. As a general rule, authority to acquire land compulsorily should only be sought as a part of an order grant in development consent if 'attempts to acquire by agreement fail'.</p>	<p>The Applicant has engaged all landowners who have accepted the offer to negotiate. A number of meetings have taken place between the Applicant, the District Valuer and the landowner's representatives.</p> <p>The Applicant has provided landowners with two methods by which to acquire land. One being to acquire land through the traditional exchange and completion or through using option agreements.</p> <p>The reason why the Applicant is promoting the use of Options Agreements is:</p>

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REP1-135			<p>97. The process of seeking to acquire land by negotiation which is being carried out by National Highways has not been at all productive. National Highways issued a letter on 28th March 2022 (copy attached at Appendix 10) suggesting they were prepared to enter into negotiations with landowners in regard to the early acquisition of land and mentioning the new concept of an 'Acquisition Completion Premium'. The Representors indicated a willingness to discuss this proposal, but nothing was heard from National Highways until a further letter (attached at Appendix 10 dated the 18th August 2022 advised that the deadline for the agreement on an early acquisition in order to achieve the purchase premium had been set back to July 2023. At this point no detailed plans on a landowner-by-landowner basis had been provided by National Highways in order to progress any negotiations.</p> <p>98. Because of the scheduling of all the land within the DCO boundary as permanent acquisition National Highways then introduced the concept of an option arrangement in regard to areas of land alongside areas they wished to permanently acquire — all without the DCO boundary. The maps produced at that time (October 2022) showed very small areas of early permanent acquisition and vast areas of land that would be subject to the option to purchase.</p> <p>99. There needs to be a concerted effort by National Highways to propose a workable structure for early negotiation.</p> <p>100. The Representors, together with a number of other agents, made representations to National Highways through the District Valuer in regard to the option arrangement raising a number of queries. The Representors have just received answers to some of those issues but still have no absolute clarity on what National Highways is offering in terms of a negotiated acquisition/option arrangement.</p> <p>101. The Representors do not therefore consider that National Highways have made any concerted effort to acquire land by negotiation and at this stage fulfilled its obligations under the DCLG guidance referred to above. They would suggest as a consequence that the ExA should seriously consider as to whether National Highways should be granted the compulsory acquisition powers which they seek under the DCO application.</p> <p>102. The very fact that the Applicant is prepared to offer option agreements strongly supports the case that there is no compelling case for acquiring all of the land compulsorily. There is therefore no compelling case for permanent acquisition of all land.</p> <p>104. The Representors reserve the right to appear at any of the future Issue Specific, Compulsory Acquisition or Open Floor Hearings dependant on the progress of the examination, the detailed design and negotiations with National Highways.</p>	<ol style="list-style-type: none"> 1. To give them certainty of being able to take title to a piece of land but allowing us to delay the purchase until such time as the land is needed. 2. To allow landowners more flexibility in terms of retaining access to the land until a later date when the options agreement could be called in and to allow our contractors the opportunity to listen to the concerns of landowners and ideas raised through the DCO process to try and reduce the land take or accommodate changes.
REP1-088	Mark Blackett Ord	Cultural Heritage Environment and EMP Population and Human Health	<p>Destruction of historic monuments and features close to the road.</p> <p>The line of the present road is that of the Roman Road from York and the south to Hadrian's Wall and the north. When the Roman built it c 120 AD they carefully avoided existing monuments, namely a neolithic stone circle (at A on plan 1) and four bronze age barrows of the other side of the road (at B). The former gave Warcop its Old Norse name (Warth = stones marking a way). The latter are clearly marked on the OS map as "Tumuli."</p> <p>Also facing destruction is the cricket field (at C, the largest level space in the parish), of great local amenity value. At D is the site where travellers and Gypsies meet for a fair in September each year which has been going since the fourteenth century, called Brough Hill Fair.</p>	National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) (RR-115, pages 54-59).

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REP1-088	Mark Blackett Ord	Noise and Vibration Air Quality	Adding <u>Noise, air and atmospheric pollution</u> to a real area. On Plans 1 and 2 we have indicated in red the private homes near the dual carriageway. There are none on the land to the north, which is used entirely for Army training.	<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 (PDOR) (Document Reference 4.1, APP-244). Impacts on noise and air quality informed this process and were considered alongside a range of other factors, including policy conformance and engineering design. Please refer to Section 4 of the PDOR for further information.</p> <p>Overall, the assessment of effects from the construction phase are assessed as being temporary and not significant. With the implementation of best practice mitigation measures outlined in the EMP, impacts in relation to construction dust would be negligible. Please refer to Section 5.10 of Chapter 5 Air Quality of the Environmental Statement (Document Reference 3.2, APP-048) for further information.</p> <p>During the operational phase, no likely significant effects are predicted at any location, with all pollutants predicted to be below the relevant Air Quality Objectives for nitrogen dioxide (NO2) and particulate matter (PM10 and PM_{2.5}). Please refer to Section 5.10 of Chapter 5 Air Quality of the Environmental Statement (Document Reference 3.2, APP-048) for further information.</p>
REP1-088	Mark Blackett Ord	Landscape and Visual Design, Engineering and Construction Development of the Project and Alternatives	<p>The NH plan imposes awkward and ugly structures along the very edge of the AONB. The four villages to the south of the present road each has a lane leading from it. It is sensible (as NH seems to agree) to keep the old road as a by-road, giving access to these lanes. But to build the dual carriageway as suggested immediately south of the road, cuts off the lanes, and requires bridges over it or tunnels under it for the lanes. It is messy as well as expensive.</p> <p>If the dual carriageway was even a hundred metres north of the old road, this problem would not be created.</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012, p. 60 - 61).</p> <p>Further information on the reasons why an alternative route north of the existing A66, into land owned by the MoD (and into the AONB) was discounted, can be found under agenda item 2.2 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006).</p>
REP1-088	Mark Blackett Ord	Landscape and Visual	<p><u>4) Destruction of ancient landscape.</u> The North Pennines AONB extends to no less than 770 square miles, and the choice of its exact southern boundary, on two existing roads, was somewhat arbitrary. Broadly it simply accords with the southern edge of the Moo land. But the use of the land immediately north of our road by the military has not kept that land in a state which can be called of "Outstanding Natural Beauty". All old structures (including the complete village of Burton) have been removed. By contrast, further south the traditional buildings and phasing ancient pasture are preserved. The photographs at Plan 4 make the point. Dual carriageway through the southern route would damage the landscape, whereas that to the north would not.</p>	<p>National Highways notes the comments made.</p> <p>Regarding the selection of the route and alternatives and the impact of these on the landscape, National Highways considers that these points are addressed in various places in the Applicant's Response to Relevant Representations (see pages 67-68 of Document Reference 6.5, PDL-010 for example).</p>
REP1-088	Mark Blackett Ord	Development of the Project and Alternatives	<p>Military objections. The NH route runs along the bottom lip of the MoD and AONB land, only encroaching slightly. A northern route would take more land from them. Whether this would actually be harmful to the military we do not know because NH has declined to investigate this possibility. But the MoD land runs to over 24,000 acres, and the encroachment that we suggest would surely be of minimal effect.</p>	<p>National Highways considers that these matters are addressed within the following documents:</p> <ul style="list-style-type: none"> • Agenda Item 2.2 of Deadline1 Submission - 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006). • Agenda Item 6.1 of Deadline 1 Submission – 7.4 Compulsory Acquisition Hearing 1 (CAH1) Post Hearing Submissions (REP1-007). • Response to RR-237 on pages 416 to 418 of Procedural Deadline Submission – 6.5 Applicant's Response to Relevant Representations Part 3 of 4 (PDL-012). <p>In respect of the MoD land, while the promoted route does involve some incursions into these areas, the impact of the incursion in relation to the central section has been discussed with the Defence Infrastructure Organisation (DIO) on behalf of the MoD, who recognise that the proposal as presented in the application minimises the impact on MoD's operations and is capable of</p>

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				agreement. Land beyond this further to the north has wider operational and land implications for MoD and DIO as well as substantial AoNB incursion.
REP1-088	Mark Blackett Ord	Flooding and Drainage	(6) <u>Flooding</u> . An area in the middle of Warcop village around Crooks Beck (see Plan 1) is already a high flood risk; it floods into the village houses about every ten years. Part of this is from the Hayber Beck and the Moor Beck which are on the plans and approach the village from around the cricket field, which is a flood plain. The effect of the increase in tarmac from the dual carriageway and other proposed new roads over the cricket field, will be to increase run-off, in spite of some proposed ponds which are "settlement" ponds for cleaning the water rather than stopping the flow. Also global warming is increasing heavier downpours. There is no way for the water to escape from these low-level roads over the cricket field, save through Warcop village itself. The remedy is to put the dual carriageway further north, so the water could be run off westward to join the Eden downstream.	National Highways considers that these matters are addressed on page 59 of the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012).
REP1-088	Mark Blackett Ord	Case for the Project Traffic and Transport Development of the Project and Alternatives	(7) Expense. The NH route will involve bridges and underpasses to cope with its own entwinement with the existing lanes coming up from the villages. In places the new road would be built on top of the old, which will create a temporary traffic disaster. If the dual carriageway were built independently, almost like a bypass, with junctions only at its extreme ends, money would be saved.	<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>The process followed in the development of the proposed route alignment is set out within the Project Development Overview Report (Document Reference 4.1, APP-244). This document includes a comprehensive assessment and consideration of the alternative route alignment options.</p> <p>The Funding Statement (Document Reference 5.6, APP-289), submitted with the DCO application. The Statement is to demonstrate 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. Cost and value for money has been a consideration through the business case process for the Project.</p> <p>One of the key considerations in the design development work for the Appleby to Brough scheme has been to ensure that the design of the route alignment minimises the impact of and potential damage to the Area of Outstanding Natural Beauty. A route north of the existing A66 would potentially have a major impact on the Ministry of Defence training camp, requiring significant, costly accommodation works to relocate required facilities. Please refer to the Project Design Principles (Document Reference 5.11, APP-302) for further information, and agenda item 2.2 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006).</p> <p>The proposed alignment and associated junctions have been designed in accordance with the Design Manual for Roads and Bridges in terms of geometry and visibility requirements. In addition, a Road Safety Audit will be carried out by an independent team to ensure that any safety issues are considered, and recommendations made accordingly to mitigate. Information on traffic management during construction can be found in Annex B13 of the EMP which provides an outline Construction Traffic Management Plan (CTMP) (Document Reference 2.7, APP-033).</p>

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REP1-048	Addisons Chartered Surveyors	Impacts to Land	I am not happy in principle with the approach of having Options on land particularly for those that are required to make reinvestment as it does not give them the necessary comfort to make the reinvestment or replan their businesses which would ultimately increase the disturbance compensation to the detriment of the Public Purse. The resolution is simple and, as per my original written statement, give a period of 6 months from the resolution of the exact areas to negotiate the settlement of the land values and transfer the land values plus assuming within that 6 months that they stand by the original Project Speed offer.	<p>The Applicant has engaged all landowners who have accepted our offer to negotiate. A number of meetings have taken place between the Applicant, the District Valuer and the landowner's representatives.</p> <p>The Applicant has provided landowners with two methods by which to acquire land. One being to acquire land through the traditional exchange and completion or through using option agreements.</p> <p>The reason why the Applicant is promoting the use of Options Agreements is:</p> <ol style="list-style-type: none"> 1. To give them certainty of being able to take title to a piece of land but allowing us to delay the purchase until such time as the land is needed. 2. To allow landowners more flexibility in terms of retaining access to the land until a later date when the options agreement could be called in and to allow our contractors the opportunity to listen to the concerns of landowners and ideas raised through the DCO process to try and reduce the land take or accommodate changes.
REP1-094 REP1-095 REP1-096	Mortham Estates	Development of the Project and Alternatives Cultural Heritage Traffic and Transport	<p>At the Preliminary Hearings held on Wednesday 30th November 2022 the Applicant conceded that neither option caused "substantial harm" as defined by the National Planning Policy Framework (NPPF)</p> <p>The Black Option would create 53% greater traffic using the B6277 Moor House Lane through Startforth when compared to the owners preferred Blue Option.</p> <p>Mortham Estates believe that the Black Option is unsustainable for the following reasons:</p> <ol style="list-style-type: none"> 1. Southern Greens assessment is that the Blue Option "will provide more advantages and fewer negative aspects when compared to the other options under consideration" 2. This view was formed prior to the insertion of a proposed mini roundabout immediately adjacent to the Grade II listed pillars and decorative iron railings at the junction of the C165 and existing A66 – the intended viewing point both from within the Park and from the highway. 3. Southern Greens assessment takes no account of the 53% increase in traffic volumes using the B6277 to Startforth, particularly along the section known as the Sills where the road narrows and the adjacent footpath is squeezed with the resulting dangers and risks to road users and pedestrians. 	<p>In respect to Point 1, National Highways considers that these matters have been addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) in RR-121 pages 84 - 86.</p> <p>Comment at Point 2 is noted.</p> <p>In response to Point 3, regarding the traffic increases on the Sills, National Highways considers that these matters are addressed in the Applicant's Response to Relevant Representations Part 2 of 4 (PDL-011) in RR-031 page 18 and RR-014 page 142.</p> <p>Additionally, as noted in agenda item 2.1 and Appendix 2 of Issue Specific Hearing 1 (ISH1) Post-Hearing Submissions (including written submissions of oral case) (REP1-006), National Highways will undertake complementary environmental consideration of the forecast traffic increases on the Sills. National Highways will submit the local level consideration and report to the examination for Deadline 3. The scope for such complementary environmental consideration can be found at Appendix 2 of Issue Specific Hearing 1 (ISH1) Post-Hearing Submissions (including written submissions of oral case) (REP1-006).</p>
REP1-094 REP1-095 REP1-096	Mortham Estates	Landscape and Visual Cultural Heritage	<p>Southern Green qualify their appraisal in their introduction stating that the report is not a landscape and visual impact assessment (LVIA) nor is it a Heritage Impact Assessment</p> <p>2.3 The Applicant has supplied photo montages of the proposed underpass to the west of Rokeby Church taken from the public footpath looking north. This does not show the proposed junction. There are no additional photo montages of the proposed mini roundabout on the C165/A66 junction</p> <p>2.4 Consequently, it is not possible to assess the degree of harm that will be caused by the Applicants proposal to the designated assets (listed buildings)</p> <p>2.5 We believe that if the appropriate assessment was made with the benefit of a Heritage Impact Assessment and Statement of Significance, this would conclude that the impact of the proposed Black Route underpass on the Grade II* St Marys Church and of the proposed mini roundabout on the C165/A66 junction would cause "Substantial Harm" to the designated assets and thus be incompatible with the NPPF requirements.</p>	<p>In response to 2.3, the number and location of assessed viewpoints was agreed with local authorities at Technical Working Group meetings. Photomontage 8.8 in Environmental Statement Figure 10.9 Viewpoint Photomontages (Document Reference 3.3, APP-110) illustrates a view north towards the junction. The assessment in Environmental Statement Appendix 10.6 Schedule of Visual Effects (Document Reference 3.4, APP-202) recognises the significant effect of the proposals. The assessment of a view of the mini roundabout (Viewpoint 8.12) in Environmental Statement Appendix 10.6 Schedule of Visual Effects (Document Reference 3.4, APP-202).</p> <p>In response to 2.4, the assessment of viewpoints, 8.9, 8.10, 8.11 and 8.12 relating to the setting of the designated assets can be found in Environmental Statement Appendix 10.6 Schedule of Visual Effects (Document Reference 3.4, APP-202).</p> <p>In respect of point 2.5, National Highways considers this matter has been addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) in RR-121 page 84.</p>

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REP1-094 REP1-095 REP1-096	Mortham Estates	Traffic and Transport	It is accepted by all parties that the Blue Option is compliant with the NPPF as this will not cause "Substantial Harm" and will not cause a 53% increase in traffic flows along the B6277 at the Sills in Startforth and is to be preferred.	The route selection process for Scheme 08 (Cross Lanes to Rokeby) was considered as part of agenda item 2.1 in Issue Specific Hearing 1. With particular reference to the "Blue Option", National Highways has summarised the position on pages 9-12 of the Issue Specific Hearing 1 (ISH1) Post-Hearing Submissions (including written submissions of oral case) document (REP1-006). This includes a post-hearing note which provides clarity on the application of policy regarding heritage for the Blue and Black options. This considers paragraphs 5.131 and 5.132 of the NNNPS. However, it does not extend to considering paragraph 5.133 because neither option would lead to substantial harm or to a total loss of significance of a designated heritage asset. Appendix 1 of the Issue Specific Hearing 1 (ISH1) Post-Hearing Submissions (including written submissions of oral case) document (REP1-006), states that the increase in traffic flows along the B6277 at the Sills in Startforth for the Blue Option would be 21% (Table 5-1 on page 11-12 of Appendix 1).
REP1-047	A W Jenkinson	Consultation and Engagement	Since submitting the RRs there has been no further detailed consultation by National Highways. There has been no detailed response on the outstanding issues raised previously.	There is a detailed response to the issues raised by this interested person in National Highways' Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) at pages 94-98. This document was submitted in advance of Deadline 1 so that it could be taken into account by affected persons in the preparation of their written representations.
REP1-047	A W Jenkinson	Consultation and Engagement DCO – Policy, Legislation and Guidance	It was noted at the preliminary hearing that National Highways are seeking to amend the DCO application and to make changes in light of further detailed work on the scheme. This is of concern for the Representors as it would have been useful to have known whether any of the proposed changes to the DCO affect their land interests so they could be commented on in these WRs. The Representors reserve the right to comment further on any changes to the DCO made by National Highways.	National Highways will shortly be holding a consultation on the proposed changes and it will be at that stage that Affected Persons and Interested Parties will have the opportunity to comment on the proposals. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.
REP1-047	A W Jenkinson	Consultation and Engagement	The Representors have been seeking meetings with senior project managers from National Highways and the appointed contractors in order to progress discussions. As such the Representors would encourage the ExA to press National Highways to meet with the Representors at an early stage in the examination to thereafter enable the Representors to make further representations to the ExA if necessary	National Highways is in the process of undertaking further engagement with affected persons and interested parties.
REP1-047	A W Jenkinson	Design, Engineering and Construction	Of major importance to Mr. Jenkinson is the arrangement for access to and from Whinfell Park Farm to the proposed dual carriageway both east and westwards.	The application makes provision for a replacement means of access to Whinfell Park Farm. This is shown on sheet 2 of the Rights of Way and Access Plans for Scheme 03 (Document Reference 5.19, APP-343). The existing Whinfell Park Farm private means of access from the westbound carriageway would be stopped up (reference o) and replaced by new private means of access reference 19, providing access to/from the westbound carriageway of the A66. Additionally access to/from the eastbound carriageway is provided for farm vehicles by a new private means of access reference 20, which crosses under the mainline A66 by way of an underpass. National Highways will shortly be holding a consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.

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REP1-047	A W Jenkinson	Design, Engineering and Construction	An initial proposal was to construct an underpass located to the west of the present farm access giving entry to the eastward lane of the proposed dual carriageway. It was then discovered that the levels within the underpass were similar levels to the river to the north	Comment duly noted.
REP1-047	A W Jenkinson	Design, Engineering and Construction	A revised position to the east of the farm access road has now been chosen. No detailed plans have been produced by the Highway Authority - these details being critical to service the large farm steading, boardroom and offices for the business of AWJFP. The farm business of owner-occupied land covers c. 1000 acres together with more than 500 acres of tenanted land owned by Winderwath estate	The underpass has been sized to accommodate the expected agricultural vehicles and machinery that are likely to need to use the underpass. The design of the project will continue to evolve over the coming months as we enter the detailed design phase, and we will continue to liaise with landowners to ensure accommodation works are suitable and appropriate.
REP1-047	A W Jenkinson	Design, Engineering and Construction	Critical to all the business operations is the provision of the accommodation road on the northern side of the eastbound carriageway of the new road. No details of the road as to width, construction, maintenance have yet been made available and it is essential that the road provided is suitable for large scale farm machinery and wagons, the dimensions of which were provided to National Highways at the outset of the consultation	The access tracks have been sized to accommodate the expected agricultural vehicles and machinery that are likely to need to use them. The design of the project will continue to evolve over the coming months as we enter the detailed design phase, and we will continue to liaise with landowners to ensure accommodation works are suitable and appropriate
REP1-047	A W Jenkinson	Impacts to Land	Of particular concern to Mr. Jenkinson is the lack of detail on any plans shown in the National Highways documents with regard to permanent and temporary land acquisition. We look forward to early clarification of this	National Highways responded to this point at Pages 35 to 40 of the Applicant's Response to Relevant Representations, Part 3 of 4 (Document Reference 6.5, PDL-012).
REP1-119 REP1-120	Penrith Properties	Impacts to Land	<p>The book of reference attributes title to a Penrith Properties Limited with an address of 14a Hartness Road, Gilwilly Industrial Estate, Penrith, CA11 9BD (Org No. -08189021). The company referenced is Penrith Properties Ltd which has fixed assets of £145,000 and is not the same entity as Penrith Properties Limited, which owns freehold title CU138344.</p> <p>The property is owned by Penrith Properties Limited with correspondence address given as care of Ingram Winter Green of 26-28 Bedford Row, London WC1R 4HE.</p> <p>Ingram Winter Green LLP (IWG) are trading from Bedford House 21A John Street, London WC1N 2BF and continue to act for Penrith Properties Limited.</p>	<p>National Highways has undertaken diligent inquiry to identify persons with interests in the land affected by the proposed DCO and to inform the compilation of the Book of Reference. National Highways will consider the information in this written representations and updates will be made to the book of reference in a future iteration.</p> <p>The notes below outline the diligent inquiries undertaken by the Applicant:</p> <ol style="list-style-type: none"> 1) HM Land Registry interrogation in September 2020 - no company number listed. Freeholder was listed in 1998, it was considered highly likely that the registered address had changed, when desktop referencing was undertaken. Penrith Properties Limited (co. number 08189021) from Companies House was listed as the Freeholder, with the address Compton House 104 Scotland Road, Penrith, CA11 7NR 2) 5 February 2021 – Land Interest Questionnaire was issued to registered address Compton House 104 Scotland Road, Penrith, CA11 7NR. 3) February 2021 – present – no working / correct contact details could be found for the company. We were not permitted to undertake site visits due to COVID-19 therefore we could not visit the registered address to ensure we had the correct company so no further enquiry could be taken . 4) 8 March 2021 – From searching on Companies House the registered address had been updated to 14a Hartness Road, Gilwilly Industrial Estate, Penrith, CA11 9BD. A Land Interest Questionnaire was re-sent here on the same day. 5) 28 May 2021 – Chaser letter for Land Interest Questionnaire was sent to the newly registered address. 6) 20 September 2021 – Section 42 was issued to the newly registered address. This was delivered and signed for by - S BROWN. Date Delivered - 23/09/2021. No contact to us to state they had no interest in the Project. 7) 19 January 2022 – Telephone number found and called to chase but this was telephone number was incorrect. 8) 28 March 2022 – Letter to Negotiate issued to the newly registered address. This was delivered and signed for by -BROWN. Date Delivered - 29/03/2022. No contact to us to state they had no interest in the affected land.
REP1-119 REP1-120	Penrith Properties	Impacts to Land	<p>As a matter of note Companies House references a second Penrith Properties Ltd a dissolved company that was based #25, Mason Complex Stoney Ground, P.O. Box 193 Stoney Ground, The Valley, British Anguilla, British Anguilla, Anguilla, 193. This is not connected with the Penrith Properties Limited that owns freehold title CU138344.</p> <p>The implication is that other territories utilise similar company naming criteria to the England and Wales and there should have been a more comprehensive search carried out of company registers for referencing purposes. It should also be noted that Companies House differentiates the registration of companies with the descriptive "Limited" and "Ltd". Both the entities listed with Companies House have their title as Penrith Properties Ltd.</p> <p>Penrith Properties Limited (PPL) is a British Virgin Island registered company (number 249033). Valdir Managers Limited holds directorship of PPL and is based at PO Box 472, Suites 7B & 8B Leanse Place, 50 Town Range, Gibraltar, GX11 1AA. The entity is managed within Finsbury Trust. Their telephone numbers and administration emails are also publicly listed.</p> <p>It should be noted that PPL only became aware of the proposed DCO through the a letter addressed to Aviva Commercial Finance Ltd that was forwarded to PPL's London representatives by Aviva.</p>	

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REP1-119 REP1-120	Penrith Properties	Impacts to Land	<p>The applicant's document 5.10 - Schedule of Negotiations states that on 20 September 2021 a section 42 Consultation invitation and notice was served. No such documents were received by PPL.</p> <p>The Schedule of negotiations states that the Applicant issued an offer of negotiations letter on the 28th March 2022, inviting Penrith Properties Limited 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. No such notification was received by PPL.</p> <p>To date no approach has been made directly to PPL or through IWG, Valdir Managers Limited or Town Centre Regeneration Ltd, which are acting on behalf of PPL, to seek a negotiated acquisition of the land required, which for clarity PPL do not wish to sell</p>	<p>9) 27 July 2022 – Section 56 was issued to the newly registered address. This was delivered and signed for by - DNS. Date Delivered - 28/07/2022. No contact to us to state they had no interest in the affected land.</p> <p>10) Penrith Properties Limited of Hartness Road, Penrith are within close proximity to the route.</p> <p>While the circumstances reported in the written representation are unfortunate, the Applicant considers the steps it has taken to identify the affected persons demonstrate reasonable inquiry. The Applicant is grateful that the issue has been brought to its attention and will to engage with the Penrith Properties in relation to National Highways' proposals.</p>
REP1-119 REP1-120	Penrith Properties	Walking, Cycling and Horse Riding Design, Engineering and Construction	<p>The description of the land is referenced as being required for:</p> <p>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 as identified by Works No. 0102-3, Work No. 0102-4, Work No. 0102-1B.</p> <p>The works that affect Plot 1020-01-20 are not related to the motorize vehicle carriage ways but the non-motorised user facilities, landscaping and reprofiling.</p> <p>The extent of the land to be to permanently acquired takes the boundary between PPL's ownership with the existing highways land from the bottom of the landscaped slope to the top of the landscaped slope and includes all the tree planting that forms a natural screen for the building.</p> <p>Photos attached indicate the land form under the planting.</p> <p>The extent of proposed works that relate to Plot 1020-01-20 are set out the Applicants document 2.5 General Arrangement Drawings indicating the extent of proposed works on the plot including proposed cutting, embankment, realignment and widening of the shared cycleway and formation of verge. It is noted that on the drawing it shows that the Police Observation platform is to be retained in its current position.</p> <p>There are no sections provided by the Applicant in relation to the proposed works that affect plot 0102-10-20 that demonstrate the extent of the proposed changes to the existing levels/profile of the land within plot 0102-01-20.</p> <p>There are no specific details of the width of existing or proposed shared cycleway or verge adjoining plot 0102-01-20 however the shared cycleway at section Sheet 1 CH9840 in document 5.18 Engineering Section Drawings (Cross Sections) appears to have a similar dimension.</p> <p>Computer Aided Design (CAD) drawings are not provided by the Applicant to verify dimensions. However, based on the published PDF drawings of Sheet 1 CH9840, the approximate width of the shared cycleway is 6.6 m. In addition to the shared cycleway the section drawings indicate an area of hard strip between the road carriage way and shared cycleway which appears to be approximately 1m in width. The combined width from the motorised carriage way boundary to the edge of eth verge would appear to be approximately 7.6 m before the width of any verge or reconfiguration related to cuttings or embankments are proposed.</p>	<p>In response to the comments in respect of Stage 2:</p> <p>'Stage 2' referred to in paragraph 9.7.4 of the Technical Appraisal Report (Document Reference 4.1, APP-245), which is Appendix 1 to the Project Development Overview Report (Document Reference 4.1, APP-244), is National Highways' Project Control Framework (PCF) Stage 2, 'Option Selection'. Further detail of the Project Control Framework can be found in section 3.2 of the Project Development Overview Report (Document Reference 4.1, APP-244). PCF Stage 2 concluded in May 2020 with the publication of the Preferred Route Announcement.</p> <p>In response to comments in respect to walking, cycling and horse-riding, National Highways confirms that it undertook an assessment, as referred to under paragraph 2.2.2 of the Walking, Cycling and Horse-Riding Proposals report (Document Reference 2.4, APP-010). This document highlights the A66 NTP design proposals for the infrastructure features aimed at improving facilities for walking, cycling and horse riding on the local road network adjacent to the proposed A66 NTP alignment.</p> <p>As set out in paragraph 2.2.2. of the Walking, Cycling and Horse-Riding Proposal (Document Reference 2.4, APP-010), these design proposals were informed by a technical Walking, Cycling, Horse-riding Assessment Report (WCHAR). This document is a requirement of most National Highways schemes, in order to demonstrate compliance with the Department for Transport's highway design standards (Design Manual for Roads and Bridges GG 142 which sets out the walking cycling and horse-riding assessment and review process for highway schemes on motorways and all-purpose trunk roads).</p> <p>The WCHAR was undertaken at optioneering for A66 NTP (Project Control Framework (PCF) Stage 2, January 2020. This included a review of existing walking, cycling and horse-riding provision within a 5km buffer of the proposed A66 NTP alignment. The same assessment then outlines potential opportunities for improvements to existing walking, cycling and horse-riding provision, the results of which were then taken forward to inform the Walking, Cycling, and Horse-Riding Proposals report (Document Reference 2.4, APP-010).</p> <p>Further documents relevant to the Project's walking, cycling and horse-riding proposals are identified in paragraphs 2.2.3 – 2.2.4 of the Walking, Cycling, and Horse-Riding Proposals report (Document Reference 2.4, APP-010). These include a Walking, Cycling and Horse-Riding Assessment Review (WCHAR Review) and the A66 NTP WCH Design Strategy.</p>

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			<p>The Applicants document 4.1 Project Development Overview Report Appendix 1 from June 2022 confirms at paragraph 9.7.4 that a Walking, Cycling and Horse-Riding Assessment (WCHRA) will be carried out at 'Stage 2'. It is unclear whether Stage 2 has occurred.</p> <p>The applicant has however provided a Walking, Cycling and Horse-Riding Proposal (document 2.4). Page 13 references the proposals related to Scheme 1 – M6 Junction 40 with Figure 9 identifying existing and proposed routes; the figure shows the route adjoining the PPL land as existing rather than proposed.</p> <p>There is no assessment of the cycle movements that underwrite the proposed dimensions for the shared cycleway.</p> <p>CD195 Designing for Cycle Traffic issued by National Highways among others, in March 2021 sets the recommended width of cycleways for 2 way cycling where there are in excess of 150 movements during peak hours as a desirable minimum 4 metres,</p> <p>reducing to 3.5 metres for sections. Where there are less than 150 movements at peak times the desirable minimum width is 3 metres reducing to 2.5 metres for sections.</p> <p>Where there is a shared cycle and pedestrian the Cycle Infrastructure Design Guidance Local Transport Note 1/20 published in July 2020 sets out additional design criteria at 6.5 and 6.6 for shared routes where there are more than 300 pedestrians per hour. At table 6.3 the recommendations are the if there are less than 300 cyclists per hour then the minimum width can be 3.0 metres and if there are more than 300 cyclists per hour the minimum width should be 4.5 metres.</p> <p>There is no justification for seeking a shared cycleway route with a width of in excess of 6 metres is set out taking into account measured pedestrian and cycle movements.</p> <p>The verge widths noted on various sections in scheme 0102 vary from approximately 1m to 4m excluding any additional land required for either an embankment or a cutting. The area of verge required that impacts on plot 0102-01-20 appears to be in excess of 4m, and up to 10m in some parts.</p> <p>The extent of land required in in excess of that required to configure an appropriate width for a shared cycleway or road user visibility, given the location of the police patrol platform which is not being repositioned and the proposed planting regime on the land to be acquired.</p> <p>It is understood that the ingress and egress to the J40 roundabout will be controlled by traffic signals to regulate flow from the slip road and also to facilitate pedestrian and cycle crossing of the A592. This will further reduce risk related to visibility on approach to and egress from the roundabout.</p> <p>Document 5.23 Traffic Regulation Measures Speed Limits Plans Scheme 0102 M6 Junction 40 to Kemplay Bank confirms that speed limits on the roundabout will be 30 miles an hour.</p> <p>There is adequate land available within the Highways boundary for the required apparatus, lighting and signate as is currently the case.</p> <p>The extent of land required is beyond that reasonably required for the 'Rochdale envelope' for deviation of routing given that the extent of land required is tied to the existing structures and carriageways.</p>	<p>In response to the point made regarding the extent of land take, please see pages 35 to 40 of the Applicant's Response to Relevant Representations, Part 3 of 4 (Document Reference 6.5, PDL-012).</p>

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REP1-119 REP1-120	Penrith Properties	Environment and EMP Biodiversity	<p>Plot 0102-01-20 is identified in Applicants Document 3.3. as being an area of mixed plantation woodland adjoining amenity Grassland within the boundary of Ghyll Mount.</p> <p>The adjoining verge, within the existing highway boundary is identified by the applicant as poor semi-improved grassland.</p> <p>The area of mixed plantation wood land that is within plot 0102-01-20 is broadleaf non coniferous woodland which is supportive of the diverse notable bird species that are identified in table 4 of the applicants document 3.4 appendix 6.13 Breeding Birds.</p> <p>The Applicant notes at 6.13.5.36 that M6 Junction 40 to Kemplay Bank scheme has a total abundance of 406 birds (notable bird species only) and a total species diversity of 19. Twenty-two estimated territories, which relate to nine confirmed notable breeding species, were recorded. The confirmed breeding species included bullfinch, dunnock, grey wagtail, house martin, house sparrow, mallard oystercatcher, song thrush and starling.</p> <p>A number of these species are noted as being on the amber and red lists.</p> <p>Applicants document 3.3. Figure 6.14 – Special Protection Area Bird Territories Map identifies that a notifiable bird or pair of notable birds, were observed in proximity to plot 0102-01-20.</p> <p>The applicants document at 2.7 Environmental plan B1, which identifies the outline Landscape and Ecology Management plan, confirms that the acquired land will be set out as Woodland and Forest – Broadleaf. This is similar to the existing maturing woodland.</p> <p>Where existing maturing mixed broadleaf planting is proposed to be lost, the scheme is proposing that it be replaced with 'heath and shrub – mixed scrub'.</p> <p>The loss of existing mature habitat in relation to the woodland cover within plot 0102- 10-20 will adversely affect the notifiable Breeding birds that have been identified by the Applicant in this location.</p>	<p>Woodland will be replanted with a higher ratio and higher quality woodland than at present (See Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05 (Document Reference 3.2, APP-049). The whole area in this location cannot be planted as woodland due to the proximity to the carriageway with safety standards requiring woodland to be 9m from the carriageway. Scrub species can be planted up to 4.5m from the carriageway so this was a necessary planting choice. The woodland loss will be compensated for elsewhere on the Scheme as illustrated within the Environmental Mitigation Map for this locality (See Figure 2.8.1, Sheet 1 of 2, (Document Reference 2.8, APP-041) and secured in Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05 (Document Reference 2.7, APP-019).</p> <p>The breeding birds at this location will be able to utilise retained areas of habitat and suitable areas of habitat within the surrounding area as an alternative resource.. Notably, as outlined in ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049), no likely significant impacts relating to breeding birds was identified as a result of the Project once the mitigation measures outlined in the Environmental Management Plan has been implemented (Document Reference 2.7, APP-019).</p> <p>It should be noted that the areas of ecological mitigation presented in the outline Environmental Mitigation Maps (Document Reference 2.8, APP-041) are indicative and represent how the required environmental mitigation as stipulated in the Environmental Management Plan could be achieved (Document Reference 2.7, APP-019). These will be further refined during the detailed design stage through consultation with the landowner.</p>
REP1-119 REP1-120	Penrith Properties	Biodiversity	<p>Proposed Works to Plot 0102-10-20</p> <p>The Applicant's Environmental Statement (Document 3.3. Figure 4.6.2) confirms that there are no plans to form cuttings in the area of the Plot 0102-10-20 where the greatest extent of land take is required in plot 0102-10-20 for verge formation, implying that levels will remain as extant.</p> <p>Longitudinal sections in the Applicants document 5.17 imply that the surface level on the roundabout remain as per extant. It is noted that longitudinal level for works package 0102-3 are not given. The level variation in package 0102-4 (the A592) is between 0.006 and 0.189 starting at the extant level of the roundabout.</p>	<p>The mitigation area required has been calculated based on an assumption of complete clearance in the temporary works areas as well as for permanent land lost. This therefore represents a worst-case scenario. The detailed design phase will aim to retain as much woodland as possible and land requirements will be adjusted accordingly.</p>
REP1-119 REP1-120	Penrith Properties		<p>The proposal scheme appears to either remove the existing maturing broadleaf trees already in place and replant with broadleaf trees or leaving the existing broadleaf planting in place. Since no proposed works are identified within the majority of plot 0102-01-20 it is likely that existing established planting will be retained and therefore there is no need to permanently acquire the land.</p>	
REP1-119 REP1-120	Penrith Properties	Impacts to Land	<p>Public Access and Maintenance</p> <p>The Applicants Drawing 5.19 Rights of Way and Access Plans Scheme 0102 M6 Junction 40 to Kemplay Bank – identifies the boundary to the highway land being placed at the top of the embankment currently within the PPL ownership.</p>	<p>The land in the Order Limits at the southern extents of the PPL holding has been included to grade the earthworks associated with the minor changes in level at the roundabout. Detailed design at this location will seek to limit the works to the existing area of open ground to the south of the tree line. By containing the</p>

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			<p>Giving public access to the covered embankment to the rear of Ghyll Mount reduces the security of Ghyll Mount which is occupied by government agencies. The inability to exclude members of the public from that wood land would compromise the security of the building and those working within it. The security would be further compromised given any additional planting being proposed on that publicly accessible land which is unlikely to be maintained or policed to the standards currently applied given that the boundary would be shared between Trunk Road and Local Highways authority ownerships and maintenance regimes.</p> <p>Enabling public access to the embankment will reduce the maintenance carried out and increase reduce the security for Ghyll Mount and those working in.</p>	<p>works to the southern side of the tree belt it is anticipated that there may an opportunity to avoid significant tree loss and works on the embankment.</p> <p>Fencing will be provided at the back of the verge, but the exact location will be developed further during detailed design. It is therefore not the intention to provide or allow public access to the embankment. However, engagement with the landowner will progress regarding this matter.</p>
REP1-119 REP1-120	Penrith Properties	Environment and EMP Population and Human Health	<p>Adverse impact on retained land</p> <p>The loss of amenity space that is accessible by those working in the building detracts from the working environment and reduces the flexibility of how the site may be used in the future.</p> <p>The landscaped grounds add to the benefits of working within the building and the existing planting creates a softened boundary to the site screening the building from the road.</p> <p>Loss of integrity of the site would hinder future potential development options.</p>	<p>The various chapters within the Environmental Statement (Document Reference 3.2, APP-044 to APP-059) detail the likely significant effects upon businesses arising from the Scheme. The design has sought to minimise impacts as far as reasonably practicable and where impacts are unavoidable mitigation has been proposed where practicable. Specifically, Chapter 13: Population and Human Health (Document Reference 3.2, APP-056) assesses the impacts on businesses with the likely significant effects reported in Section 13.10. No significant effects are anticipated for the businesses or amenity spaces at the stated location as reported within Environmental Statement Appendix 13.1 Population and Human Health Non-significant Effects (Document Reference 3.4, APP-217).</p>
REP1-119 REP1-120	Penrith Properties	Impacts to Land	<p>Alternative proposal</p> <p>The Applicant's document 5.15 identifies special category land, specifically crown land and shows 2 categories of land being acquired – differentiating between that required permanently and land that may be used temporarily.</p> <p>PPL do not believe the land identifies as plot 0102-10-20 is required to enable the scheme be delivered for the reasons stated however in so far as it is strictly necessary for the scheme PPL would enable access by agreement to the land to carry out the works on the strict proviso that it is reinstated with an appropriate boundary treatment in its existing location</p>	<p>The Applicant understands the reference to plot 0102-10-20 to be intended to be a reference to plot 0102-01-20 as shown on the Land Plans for Scheme 0102 (Document Reference 5.13, APP-304). The Land Plans show the land the Applicant requires to deliver the Project and differentiates between land that is required for compulsory acquisition, the compulsory acquisition of rights or for temporary possession. It should be noted that the land acquisition and use powers in the draft DCO operate as a hierarchy such that if development consent is granted and subsequently, through further detailed design that a less power would suffice, for example, the compulsory acquisition of rights rather than outright acquisition of land, the DCO provides the flexibility for this to be accommodated. This is discussed further in the Applicant's Compulsory Acquisition Hearing 1 (CAH1) Post Hearing Submissions (including written submissions of oral case) [REP1-007] under agenda item 2.2. In summary, this explains that the Applicant could only exercise powers of compulsory acquisition where it is required for the authorised development.</p>
REP1-114	George F White LLP on behalf of Mr P. White	Consultation and Engagement	<p>2.1 Adequacy of Consultations and Information provided by the Applicant</p> <p>2.1.1 The Applicant has failed to provide sufficient information in respect of their proposals despite repeated requests. This failure has prejudiced Mr White and undermines not only consultations carried out to date, but also the application itself.</p> <p>2.1.2 We note that the failure to consult in a timely and accurate fashion, or provide sufficient information has also been raised by many other Parties including Local Authorities¹.</p> <p>2.1.3 The Applicant has repeatedly failed to deliver position statements agreed between the parties as necessary in respect of their proposed acquisition of Land and Rights.</p> <p>2.1.4 In particular, we have requested, and the Applicant has failed to provide sufficient information in respect of:</p>	<p>National Highways will engage directly with Mr P. White.</p> <p>Some of these issues were addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) (on pages 98 to 104, RR-131).</p> <p>In regard to the protection of existing spring water supplies, this will be undertaken at detailed design and secured by the EMP. Further surveys to be undertaken and the appropriate mitigation proposed and agreed with landowners (D-RDWE09).</p>

Examination Library Reference	Affected Person	Response Topic	Written Representation (Verbatim)	National Highways Response
			i) The extent and location of land and rights required ii) Accommodation Works iii) Protection of existing spring water supplies iv) Drainage 2.1.5 In circumstances where the Applicant proposes to use compulsory purchase powers in a manner that will have a permanent impact on Mr White it is the duty of the Applicant to engage and provide adequate detail and rationale not only to Mr White but also the Inspectorate. We submit that they have failed in this duty and for this reason alone, the application should not be allowed to proceed. 2.1.6 We set out below further representations in respect of the proposed scheme as far as we are able to with the limited information provided to date; but must reserve the right to add to or amend these representations if or when further detail is provided by the Applicant.	
REP1-114	George F White LLP on behalf of Mr P. White	Impacts to Land Land Negotiations	2.3 Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs 2.3.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design. 2.3.2 The currently proposal will deprive Mr White of the majority of his land, and it is highly unlikely that he will be able to find or purchase a suitably sized alternative piece of land. We would therefore urge the Applicant if they do need to use the land they endeavour to use Mr White's land for temporary occupation and return it after completion of the works. 2.3.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation. 2.3.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.	National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012), RR-131, page 98. As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired. The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed. National Highways have had significant engagement with the landowner and their representative. National Highways are hopeful that the affected lands can be acquired by agreement.
REP1-114	George F White LLP on behalf of Mr P. White	Design, Engineering and Construction	Pond Location 2.4.1 As previously advised to the Applicant, the land where the proposed pond is due to be positioned is in-fill land. We cannot be certain what the land was filled with and we cannot rule out that it was not filled with hazardous material. Taking into account the point made above in relation to the importance of the	National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012), RR-131, page 102. In addition, National Highways will continue to engage with the landowner regarding the area of land required for ponds as the project design is refined.

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			land to Mr White, if there are more suitable/safer locations for the pond elsewhere then we would urge the Applicant to consider them.	
REP1-114	George F White LLP on behalf of Mr P. White	Flooding and Drainage	2.4.2 We are also concerned that the proposed pond will not mitigate the flooding on the existing old A66, as the proposed site of the pond is on a raised piece of in fill ground. Given the size of the proposed pond to the North, we would also ask whether the proposed pond to the South is necessary. We note that the land to the north is somewhat lower.	National Highways considers that these points are addressed in response RR-131 on page 101-102 of the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012).
REP1-114	George F White LLP on behalf of Mr P. White	Flooding and Drainage	Drainage 2.5.1 The Applicant has failed to provide details as to how they will ensure that land drainage is protected during and after the construction period. 2.5.2 There are a numerous shallow land drains with the retained land, and it is essential that their function is preserved and run-off accounted for in the scheme design. 2.5.3 Given that the land was used for in-fill, we would also ask that the Applicant sets out their restoration plan for drainage.	National Highways considers that these points are addressed in response RR-131 on page 101-102 of the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012).
REP1-114	George F White LLP on behalf of Mr P. White	Flooding and Drainage	Hydrology 2.6.1 The water supply on my client land's is fed from a private spring. To date the Applicant has not provided any details as to how the spring will be protected during and after construction. We ask that the Applicant engages an independent hydrologist with a duty of care to Mr White to carry out surveys to prior to any works being carried out, during construction and then again once the development is complete.	National Highways considers that these points are addressed in response RR-131 on pages 98-102 of the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012).
REP1-114	George F White LLP on behalf of Mr P. White	Funding and Delivery	Demonstration of the Availability of Necessary Funding 2.8.1 As we set out above, we do not consider that the Applicant is promoting the most appropriate design for the Scheme, and nor have they considered the substantial compensation that would be due as a consequence of this design choice. On this basis it must be considered that they cannot demonstrate that there is sufficient funding available to carry out the proposed scheme. 2.8.2 We submit that it would be inequitable to allow the application to proceed and by its existence continue to adversely affect the local community and Mr White when it is not clear that the scheme will be viable. 2.8.3 Furthermore, we have identified a number of instances where it can be shown that the Applicant will unnecessarily incur additional costs and/or compensation burdens. The application must therefore be revised in order to avoid this and ensure that the Applicant does not fail in their fiduciary duty to ensure best value from public funds.	National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) at page 425.
REP1-123 REP1-124 REP1-109 REP1-099 REP1-100 REP1-101 REP1-116	Taylor Family Mr J Manners Mr A Hobson Hayllar Family Mr T Foster Moss Family Mr S W Harrison	Impacts to Land Land Negotiations Consultation and Engagement	Adequacy of Consultations and Information provided by the Applicant 2.1.1 The Applicant has failed to provide sufficient information in respect of their proposals despite repeated requests. This failure has prejudiced Messrs Taylor and undermines not only consultations carried out to date, but also the application itself. 2.1.2 We note that the failure to consult in a timely and accurate fashion, or provide sufficient information has also been raised by many other Parties including Local Authorities.	National Highways considers that these points are addressed in the responses to Relevant Representations for each Representor (Applicant's Response to Relevant Representations Part 3 of 4, Document Reference 6.5, PDL-012) (e.g. RR-134 page 427, RR-126 page 101, RR-142 page 135). Over the course of last two years National Highways have had significant engagement with the landowners and their representative, most recently in July 2022. National Highways are hopeful that the affected lands can be acquired by agreement.

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REP1-097 REP1-098 REP1-115 REP1-072 REP1-107 REP1-108 REP1-113 REP1-056 REP1-122 REP1-074 REP1-075 REP1-126 REP1-091 REP1-110 REP1-111	Hammond Family Mr G S Harrison Mr Carruthers Bowes and Romalldkirk Charity Estates including Hutchinson Endowed School Charity Stead Family Heron Family Kenneth Thompson Discretionary Will Trust McSkimming Family Mr J Richmond		<p>2.1.3 The Applicant has repeatedly failed to deliver position statements agreed between the parties as necessary in respect of their proposed acquisition of Land and Rights.</p> <p>2.1.4 In particular, we have requested, and the Applicant has failed to provide sufficient information in respect of:</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 access will be given to retained land where existing gateways are being lost vi) protection of existing service connections vii) How access to retained property will be achieved viii) 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>2.1.5 In circumstances where the Applicant proposes to use compulsory purchase powers in a manner that will have a permanent impact on *Applicant name*'s existing farm business it is the to engage and provide adequate detail and rationale not only to *Affected person name* but also the Inspectorate. We submit that they have failed in this duty and for this reason alone, the application should not be allowed to proceed.</p> <p>2.1.6 We set out below further representations in respect of the proposed scheme as far as we are able to with the limited information provided to date; but must reserve the right to add to or amend these representations if or when further detail is provided by the Applicant.</p>	
REP1-114 REP1-123 REP1-124 REP1-109 REP1-099 REP1-100 REP1-101 REP1-116 REP1-097 REP1-098 REP1-115 REP1-072 REP1-107 REP1-108 REP1-113 REP1-122	Mr P White Taylor Family Mr J Manners Mr A Hobson Hayllar Family Mr T Foster Moss Family Mr S W Harrison Hammond Family Mr G S Harrison Mr Carruthers Bowes and Romalldkirk Charity Estates including Hutchinson Endowed School Charity Stead Family	Land Negotiations	<p>The Extent of Negotiations to Date</p> <p>2.2.1 Whilst the inadequacy of information provided as referred to above does make any assessment of *Name of affected person*'s heads of claim extremely difficult, the Applicant is duty bound to engage *Name of affected person* and negotiate in respect of their proposed acquisition.</p> <p>2.2.2 To date, no meaningful negotiation has been carried out in failure of this duty. As with the failure to provide adequate information, this unfairly prejudices *Name of affected person* and we would therefore suggest that this application should be dismissed.</p>	<p>National Highways considers that these points are addressed in the responses to Relevant Representations provided for each Representor (Applicant's Response to Relevant Representations Part 3 of 4, Document Reference 6.5, PDL-012).</p> <p>National Highways have had significant engagement with the landowners and their representative. National Highways are hopeful that the affected lands can be acquired by agreement.</p> <p>In addition, as referenced in Agenda Item 2.3 of Deadline 1 Submission – 7.4 Compulsory Acquisition Hearing Submissions (REP1-007), National Highways have agreed to provide an updated version of the Schedule of Negotiations (Document Reference 5.10, APP-301) at Deadlines 2, 5 and 8.</p>

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REP1-074 REP1-075 REP1-126 REP1-091 REP1-110 REP1-111 REP1-136	Heron Family Kenneth Thompson Discretionary Will trust McSkimming Family Mr J Richmond W Austen Richardson Ltd			
REP1-123 REP1-124	Taylor Family	Design, Engineering and Construction Geology and Soils	<p>Location of Proposed Junction with Long Marton Road</p> <p>2.3.1 We do not believe that the proposed junction between the A66 and Long Marton road represents the most appropriate design. The existing road joins the A66 immediately to the north of Powis Cottages, however the Applicant proposes to create a new access to the south as shown below:</p> <p>2.3.2 The main concern with the proposed new junction is that it will split one of Messrs Taylor's fields in two making both less useful for agricultural production along with the acquisition of land for the new link road itself. This land is good quality and close to Messrs Taylor's steading which means that their agricultural business will be particularly impacted by the loss of this ground.</p> <p>2.3.3 It will also leave a small field between the junction and Powis Cottages which has been designated to become species rich grassland. It is highly likely that this small field will attract passers-by who will leave rubbish and use the site as somewhere to camp overnight.</p> <p>2.3.4 It is submitted that it would be more appropriate to create a new junction much closer to the current line of Long Marton Road with a design that minimises the loss of valuable agricultural land and also avoids the creation of areas likely to invite anti-social behaviour.</p>	<p>The Legislation and Policy Compliance Statement (Document Reference 3.9, APP-242 on pages 192 and 193) describes how the Project complies with paragraph 5.168 of the NNNPS by taking consider the economic and other benefits of the best and most versatile agricultural land.</p> <p>It states: "The Applicant has identified where it encroaches into areas to be classed as best and most versatile ('BMV') agricultural land. The Applicant has considered the requirements of paragraph 5.168 as set out in Table 9.2 of Chapter 9 (Geology and Soils) of the ES (Document Reference 3.2, APP-052). Natural England Strategic Agricultural Land Classification ('ALC') Maps and Ministry of Agriculture, Fisheries and Food ('MAFF') Provisional ALC Maps have been consulted for the study areas, giving an indication of the likelihood of BMV agricultural land, that is, better quality land (Grade 1 to Grade 3a) and lower quality land (Grade 3b to Grade 5). For areas of temporary development, ALC grade as determined from the soil survey will be used to inform the restoration criteria; BMV is to be returned to the same quality as far as reasonably practicable to minimise BMV losses and limit permanent impacts. Further details are set out at section 9.9 (Essential Mitigation and Enhancement Measures) in Chapter 9 of the ES.</p> <p>"An assessment of likely significant effects that could arise because of the Project has been undertaken and is set out at section 9.10 (Assessment of likely significant effects) of Chapter 9 of the ES. This confirms that a greater amount of poorer quality land will be lost (Grade 3b, 4 and 5) at 163.5ha compared to Grade 1-3a which results in 144ha lost. The Applicant has therefore sought to use areas of poorer quality land where this has been possible in lieu of higher quality land."</p> <p>A full assessment of the likely significant environmental effects of the Project is provided within the Environmental Statement (Document Reference 3.2, APP-043 to APP-059) with mitigation proposals detailed within each topic assessment.</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 and what the effect upon them would likely be. 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 including those impacting the loss of good quality agricultural land as far as practicable. National Highways recognises that the Project may impact on businesses. Where this is the case, it will work with the relevant owners of the land affected to minimise disruption.</p>

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				National Highways acknowledge the concerns outlined in paragraph 2.3.3 of their Written Representation regarding the potential mis-use of the small field between the junction and Powis Cottages. Dialogue will continue with affected persons throughout the Examination and detailed design stages of the Project to agree appropriate measures in relation to security and deterring anti-social behaviour.
REP1-123 REP1-124	Taylor Family	Design, Engineering and Construction Walking, Cycling and Horse Riding	<p>Creation of new Public Rights of Way</p> <p>2.4.1 Messrs Taylor support the reasonable realignment of public rights of way as part of the scheme, particularly where the routes can be moved to the edges of fields for example; however we are concerned that the Applicant proposes to create new public rights of way as part of the scheme. It is submitted that this is unnecessary, and will lead to general and bio-security issues along with additional health and safety concerns. This will also be reflected in additional depreciation of the relevant parties' retained land. We are not clear that the Applicant has properly considered or allowed for this impact when proposing the additional rights of way.</p> <p>2.4.2 The dual use of agricultural tracks with public access will give rise to a host of new health and safety risks where large agricultural machinery and/or livestock mix with members of the public and dogs.</p> <p>2.4.3 We would submit that the creation of new public rights of way is unnecessary in the context of the primary objectives of the scheme, and will at avoidable expense inflict further losses on the Applicant.</p> <p>2.4.4 Where existing public rights of way would cross the re-aligned A66, such as route 317/006 shown below, it is unclear what arrangements the Applicant is making for safe crossing; or if more land will need to be acquired from Messrs Taylor. The plan extract below shows existing and proposed rights of way at Ivy House:</p>	<p>In response to 2.4.1, 2.4.3 and 2.4.4, across the project, those pedestrian, cyclist and horse-rider facilities that would be severed by the scheme are proposed to be reconnected via grade-separated crossings. Existing at-grade crossings will be replaced with grade-separated crossings which means that vulnerable road users are removed from the dual carriageway environment, providing a safer route for users. Action has been taken to provide more east-west connections on those schemes that were being dualled as part of the Project. The National Policy Statement for National Networks requires National Highways to take appropriate measures to mitigate adverse effects of the Project to existing public rights of way (see paragraph 5.184).</p> <p>In response to 2.4.2, National Highways recognises 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. 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 within the constraints of the DCO, and the outcome of that consideration will be discussed with the relevant affected person in due course.</p>
REP1-123 REP1-124 REP1-115 REP1-107 REP1-108 REP1-113 REP1-126 REP1-091	Taylor Family Mr S W Harrison Mr G Harrison Mr Carruthers Kenneth Thompson Discretionary Will Trust McSkimming family	Design, Engineering and Construction	<p>Mitigation of Anti-Social Behaviour</p> <p>2.5.1 The Applicant's design for the scheme creates numerous areas of land with no real purpose, or 'no-mans' land adjacent to the scheme. Aside from creating additional costs in terms of future requirements to manage and maintain these areas, it also invites unauthorised occupation and anti-social behaviour.</p> <p>2.5.2 If one looks at similar areas of open land in the local area, it is plain to see the issues that they cause, and that here they could and should be entirely avoided by more careful design.</p> <p>2.5.3 One example of this is the small fields and open areas that would be created around the Long Marton junction which are allocated for species rich grass land as shown below (tinted yellow):</p> <p>2.5.4 These small fields and areas will inevitably attract unauthorised occupation and the anti-social behaviour that comes with it.</p> <p>2.5.5. Where such areas cannot be avoided, the Applicant should provide a management plan setting out how they intend to address these issues and minimise the disruption to local residents.</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 in relation to security and deterring anti-social behaviour.
REP1-123	Taylor Family	Impacts to Land Land Negotiations	<p>Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.6.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation</p>	As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans [APP-304 to APP-311] denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land

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			<p>from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.6.2 The currently proposed route places a significant burden on Messrs Taylor, removing a substantial acreage comprising some of the better quality land on the holding. This land cannot feasibly be replaced within the immediate area to the detriment of their current agricultural business.</p> <p>2.6.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.</p> <p>2.6.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p>	<p>which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>The Applicant has had significant engagement with the <u>landowners and their representative</u>. The Applicant is hopeful that they will be able to agree the <u>acquisition of the affected lands by agreement</u></p>
<p>REP1-123 REP1-124 REP1-100 REP1-101 REP1-116</p>	<p>Taylor Family Mr J Manners Hayllar Family Mr T Foster Moss Family</p>	<p>Environment and EMP Biodiversity Design, Engineering and Construction Geology and Soils Population and Human Health Impacts to Land Drainage</p>	<p>Proposed Ecological Mitigation Measures, Ponds and Site Compounds</p> <p>2.7.1 The areas identified by the Applicant for ecological mitigation, ponds and site compounds appear to have been arbitrarily identified without any reference to the nature or quality of the land in question. We are concerned to note that large area of the best agricultural land in the local area have been earmarked for these uses.</p> <p>2.7.2 For example, the Applicant currently proposes to locate a large compound within one of the Messrs Taylor's best silage fields as shown shaded green below:</p> <p>2.7.3 No justification for the size of this compound has been provided, and it will deprive Messrs Taylor of a substantial amount of silage that would normally be relied upon to feed their livestock in winter. The time (i.e. years) needed for the ground to fully recover after the completion of works means that the effect of the Compound on Messrs Taylor's agricultural output will be felt for a considerable period of time. Whilst they will be compensated for their loss, this serves to show the requirement for care when placing compounds, and the need to ensure they are no larger than absolutely necessary.</p> <p>2.7.4 We also question the location of the settlement pond opposite Powis Cottages (ringed red on the plan extract below). We would suggest that this should be relocated or amalgamated with one of the other ponds nearby to reduce the impact on the relevant land owners.</p> <p>2.7.5 We have offered a number of times to meet with the Applicant's consultants in order to identify more suitable areas, but to date the Applicant has failed to do so.</p> <p>2.7.6 It is respectfully submitted that it 'should' be regarded as common sense to locate these areas on the most marginal or poorer areas of agricultural land. This ensures not only that the impact on agricultural production levels is minimised but also that the compensation due to landowners is reduced through</p>	<p>The provision, size 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. National Highways will continue to engage with landowners as the proposals are developed.</p> <p>The Legislation and Policy Compliance Statement (Document Reference 3.9, APP-242 on pages 192 and 193) describes how the Project complies with paragraph 5.168 of the NNNPS by taking consideration of the economic and other benefits of the best and most versatile agricultural land. It states: "The Applicant has identified where it encroaches into areas to be classed as best and most versatile ('BMV') agricultural land. The Applicant has considered the requirements of paragraph 5.168 as set out in Table 9.2 of Chapter 9 (Geology and Soils) of the ES (Document Reference 3.2, APP-052). Natural England Strategic Agricultural Land Classification ('ALC') Maps and Ministry of Agriculture, Fisheries and Food ('MAFF') Provisional ALC Maps have been consulted for the study areas, giving an indication of the likelihood of BMV agricultural land, that is, better quality land (Grade 1 to Grade 3a) and lower quality land (Grade 3b to Grade 5). For areas of temporary development, ALC grade as determined from the soil survey will be used to inform the restoration criteria; BMV is to be returned to the same quality as far as reasonably practicable to minimise BMV losses and limit permanent impacts. Further details are set out at section 9.9 (Essential Mitigation and Enhancement Measures) in Chapter 9 of the ES.</p> <p>An assessment of likely significant effects that could arise because of the Project has been undertaken and is set out at section 9.10 (Assessment of likely significant effects) of Chapter 9 of the ES. This confirms that a greater amount of poorer quality land will be lost (Grade 3b, 4 and 5) at 163.5ha compared to Grade 1-3a which results in 144ha lost. The Applicant has therefore sought to use areas of poorer quality land where this has been possible in lieu of higher quality land." A full assessment of the likely significant environmental effects of</p>

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			<p>acquiring lower value land, and minimising the adverse effects on farming enterprises.</p> <p>2.7.7 The National Planning Policy Framework stipulates that planning and policy decisions should protect the best and most versatile agricultural land, and preserve soil quality.</p> <p>2.7.8 We therefore submit that the Application is substantially flawed in failing to properly consider or locate the ecological mitigation areas.</p> <p>2.7.9 We would urge the Applicant to engage in reasonable consultation with the relevant Land Owners and reconsider these locations (along with the route itself) in order to minimise not only the impact on owners and occupiers, but also the cost of the scheme.</p>	<p>the Project is provided within the Environmental Statement (Document Reference 3.2, APP-043 to APP-059) with mitigation proposals detailed within each topic assessment.</p> <p>Paragraphs 13.10.21 – 13.10.31 of 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 and what the effect upon them would likely be. 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 including those impacting the loss of good quality agricultural land as far as practicable. National Highways recognises that the Project may impact on businesses. Where this is the case, National Highways will work with the relevant owners of the land affected to minimise disruption.</p> <p><u>Relating to paragraph 2.71 and 2.72 regarding ecological mitigation, Messrs Taylor silage field will be restored to the landowner and has not been earmarked for permanent ecological mitigation.</u></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. 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>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.</p>
<p>REP1-114 REP1-123 REP1-124 REP1-109 REP1-100 REP1-101 REP1-116 REP1-097 REP1-098 REP1-107 REP1-108 REP1-113</p>	<p>Mr P White Taylor Family Mr J Manners Hayllar Family Mr T Foster Moss Family Mr G S Harrison Mr Carruthers Bowes and Romaldkirk Estates Stead Family KTD Will trust McSkimming Family</p>	<p>Design, Engineering and Construction</p>	<p>Liability for Infrastructure</p> <p>2.8.1 The scheme should not impose any new liabilities on *Affected person name* in respect of new infrastructure/ embankments/ roads/ bridges/ ponds.</p> <p>2.8.2 We would ask that the Applicant confirms that this will be the case</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>Maintenance of the public road, road cuttings and embankments and bridges will be the responsibility of the proposed highway authority (National Highways or Local Highway Authority).</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.</p>

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REP1-056 REP1-122 REP1-126 REP1-091 REP1-073 REP1-110 REP1-136	Henshaw Family Mr J Richmond W Austen Richardson Ltd			
REP1-123 REP1-124 REP1-109 REP1-099 REP1-100 REP1-101 REP1-116 REP1-097 REP1-098 REP1-115 REP1-107 REP1-108 REP1-113 REP1-122 REP1-074 REP1-075 REP1-073	Taylor Family Mr J Manners Mr A Hobson Hayllar Family Mr T Foster Moss Family Mr S W Harrison Mr G S Harrison Mr Carruthers Stead Family Heron Family Henshaw Family	Funding and Delivery	<p>Demonstration of the Availability of Necessary Funding</p> <p>2.9.1 As we set out above, we do not consider that the Applicant is promoting the most appropriate design for the Scheme, and nor have they considered the substantial compensation that would be due as a consequence (and which might be avoided by a different design). On this basis it must be considered that they cannot demonstrate that there is sufficient funding available to carry out the proposed scheme.</p> <p>2.9.2 We submit that it would be inequitable to allow the application to proceed and by its existence continue to adversely affect the local community and *Affected person* when it is not clear that the scheme will be viable.</p> <p>2.9.3 Furthermore, we have identified a number of instances where it can be shown that the Applicant will unnecessarily incur additional costs and/or compensation burdens. The application must therefore be revised in order to avoid this and ensure that the Applicant does not fail in their fiduciary duty to ensure best value from public funds.</p>	National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) at page 425.
REP1-109	Mr J Manners	Design, Engineering and Construction	<p>2.3 East Bowes Accommodation Overbridge</p> <p>2.3.1 The Applicant proposes to construct a bridge with raised embankments a short distance to the east of as shown on the plan extract above. It is our position that this bridge is unnecessary given there are suitable alternatives that have not been considered and will cost far less; in addition the current proposal will have an adverse impact on Mr Manners' retained property that could be entirely avoided.</p> <p>2.3.2 Mr Manners lives at the property, and also runs a holiday cottage business. The proposed design will not only affect but it will also affect the viability of the holiday cottage business and the value of the cottages.</p> <p>2.3.3 We suggest that the service road to serve the properties to the east of Stonefield is located on the current layby adjoining the existing A66, and access to the properties to the north of the A66 is taken from the A67 thereby negating the need for a bridge. We understand each property that the proposed bridge would serve already has an access from the A67 therefore question why the bridge is required. We would question whether the significant amount of public money involved could be used better elsewhere.</p>	<p>As well as providing landowner access north and south of the A66, the proposed accommodation bridge provides a safe crossing of the A66 for users of the existing public right of way at Bowes Cross Farm (Bowes footpath 12) that currently cross the A66 at grade without any formal crossing facilities.</p> <p>It is not in compliance with DMRB guidance to provide access to property or land from trunk road laybys and as such National Highways cannot promote this suggestion.</p> <p>The proposed bridge has already been moved east after representations made by the affected persons during the 2021 Statutory Consultation. Locating the proposed bridge further east onto High Broats Farm track would require more land take and may not necessarily reduce the land take associated with the affected person as the proposed ponds would need to be relocated.</p>

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			<p>2.3.4 If the proposed bridge is found to be necessary, we request that it be located further east directly onto High Broats Farm's track and a T junction be used there as opposed to an embankment curving out onto Mr Manners' property. Although it would be preferable that no bridge is built, this approach would reduce the impact on Stonebridge Farm.</p>	
REP1-109	Mr J Manners	Impacts to Land Land Negotiations	<p>Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.4.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.4.2 The currently proposed acquisition places a burden on Mr Manners removing a noticeable acreage from the holding. This land cannot feasibly be replaced within the immediate area.</p> <p>2.4.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.</p> <p>2.4.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012), RR-136).</p> <p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst-case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>The Applicant has had significant engagement with the landowners and their representative. The District Valuer is in negotiations with the landowner and the Applicant is hopeful that they will be able to agree the acquisition of the affected lands by agreement.</p>
REP1-109	Mr J Manners	Flooding and Drainage	<p>Lack of Detail on Drainage and Flood risk</p> <p>2.6.1 We have requested and not received information from the Applicant in regard to their drainage schemes for the area around</p> <p>We are concerned that the disturbance of existing drainage systems and construction of the road will lead to an increased flood risk for Stonefield Farm; and have not been provided with any data or information to allay those fears.</p> <p>2.6.2 We are also aware that the Applicant proposes to use a large area of land immediately to the north of the A66 opposite Stonefield Farm as a flood storage area. Again, the Applicant has failed to provide details of this, or explain how they will ensure that this does not increase the flood risk to the retained 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>

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				<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 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, including flood compensation, will be developed during the detailed design stage in accordance with the commitments in the EMP, current legislation and design standards.</p> <p>National Highways will continue to engage with the landowner on these matters as the project moves forward.</p>
REP1-099	Mr A Hobson	Consultation and Engagement Impacts to Land	<p>Continuation of the business</p> <p>2.3.1 The current proposals will have a detrimental impact on Mr Hobson's business given the area that The Applicant wants to acquire 2/3 of Mr Hobson's business. This means that Mr Hobson's business will simply not be able to operate given the campsite will be surrounded by impacts of the scheme.</p> <p>2.3.2 Mr Hobson has tried to engage with the Applicant to mitigate his losses with pursuing a planning application to move the campsite further West.</p> <p>2.3.3 Mr Hobson was assured by the Applicant that they would cover the cost to pursue a planning permission to re-locate the pitches that would be lost from the land take to the scheme.</p> <p>2.3.4 Mr Hobson achieved a positive pre-application and then when we engaged with the Applicant on the full planning permission, they did not provide assurance that they would cover the cost to achieve this.</p> <p>2.3.5 This means that Mr Hobson's business is at risk of being unable to operate during the construction period meaning not only would his business be closed for the duration of construction but also due to the length of the construction period it is likely that his regular customers will find another site threatening the overall viability of the business.</p> <p>2.3.6 Mr Hobson's losses could be mitigated as we suggest above if the Applicant agrees to engage with contributing to Mr Hobson's planning costs and relocation costs, since this relocation is required due to the scheme.</p>	<p>Regarding impacts to land, National Highways considers that these points are addressed in the Responses to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012, RR-137 pages 111 to 117)</p> <p>National Highways has had significant engagement with the landowner and their representative. The District Valuer is in negotiations with the landowner and the Applicant is hopeful that they will be able to agree appropriate compensation as a result of the business relocation.</p>
REP1-099	Mr A Hobson	Design, Engineering and Construction	<p>Preconstruction works</p> <p>2.4.1 Mr Hobson has also requested pre construction work to protect his business during the construction period. This would consist of constructing a bund between the A66 and Mr Hobson's campsite and planting the bund to provide the screening in good time to allow proper screening before the works</p>	<p>The Environmental Management Plan (Document Reference 2.7, APP-019) Annex B5 Noise and Vibration Management Plan details how construction related noise and vibration will be managed. Compliance with the EMP would be secured by the DCO, should it be made.</p>

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			on the road commences to mitigate against some of the sound of the construction works but also the increase noise from the dualling.	The outline Environmental Mitigation Maps (Document Reference 2.8, APP-041) show landscape integration and woodland planting to the south of Mr Hobson's property. This is secured to the Landscaping Environment Management Plan (LEMP) Annex B1 of the EMP. Iteration 2 of the EMP will be developed by the Principal Contractors.
REP1-099	Mr A Hobson	Traffic and Transport Design, Engineering and Construction	Junction Proposal 2.5.1 The Applicant has failed to demonstrate that the new junction with the A67 will be sufficiently safe when considering motorhomes or cars & caravans travelling to and from the site. We are concerned that it constitutes a complicated and confusing layout for travellers unfamiliar with the area. For ease of reference a plan extract showing the proposed junction is included below:	National Highways considers that these points are addressed in the Responses to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012, RR-137, pages 115 to 117).
REP1-099	Mr A Hobson	Land Negotiations Impacts to Land	Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs 2.6.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design. 2.6.2 The currently proposed route places a considerable burden on Mr Hobson and will have a drastic effect on his business which is predicated on providing a quiet and peaceful environment for visitors. Mr Hobson has raised the idea of partially relocating the site in order to minimise any adverse impact on his business; but to date the Applicant has not taken any steps to explore this further or obtain the necessary planning permissions. 2.6.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate the impact of the scheme with or without partial relocation and/or have allowed for the financial consequences of this within their budgeting for compensation. 2.6.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed	National Highways considers that these points are addressed in the Responses to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012), RR-137, page 111. As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans [APP-304 to APP-311] denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") [Document Reference 5.1, APP-285] have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired. The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO [Document Reference 5.1, APP-285]. The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed. The Applicant has engaged with the landowner regarding the potential relocation of the site as per the landowner's suggestion. The Applicant and District Valuer have put forward proposals which have not been accepted. An alternative proposal has recently been discussed with the landowner and the Applicant awaits a response.
REP1-099	Mr A Hobson	Design, Engineering and Construction	2.7 The Suitability of Proposed Locations for Site Compounds 2.7.1 The Applicant does not appear to have taken into account the impact on retained businesses of their proposed compound locations and it is submitted that there are more suitable locations that could be identified within the locality. 2.7.2 The presence of site compounds is particularly incongruous with a holiday destination and we would urge the Applicant to engage in reasonable	National Highways considers that these points are addressed in the Responses to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012, RR-137, page 114)

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			consultation with the relevant Land Owners and reconsider these locations (along with the route itself) in order to minimise not only the impact on owners and occupiers, but also the cost of the scheme.	
REP1-100 REP1-101 REP1-074 REP1-075 REP1-091	Hayllar Family Heron Family McSkimming Family	Development of the Project and Alternatives Cultural Heritage Landscape and Visual Population and Human Health Traffic and Transport	<p>The Availability of More Suitable Routes</p> <p>2.3.1 It is submitted that the previously identified route to the north of the Applicant's proposal represents a much more suitable option, and one which will minimise the adverse impact not only on Messrs Hayllar, but also the village of Warcop.</p> <p>2.3.2 We note that the minutes prepared by the Highways Agency for the Community Consultation held at Warcop Parish Hall on the 5th November 2021 record that "the consensus of the local community is for the A66 to be north of the current A66".</p> <p>2.3.3 While it is accepted that moving the route further north does encroach further on to the AONB and that this should not be taken lightly, the benefits of doing so are substantial and include but are not limited to:</p> <ul style="list-style-type: none"> i) Preservation of Bronze Age burial barrows west of Sandford Lane that would be destroyed ii) Avoiding the loss of the Warcop Village cricket pitch which is the largest level space within the parish and could not therefore be replaced ii) Avoiding the loss of the Warcop Army playing field which is used by the local community for the annual rushbearing sports etc. which is the largest level space within the parish and could not therefore be replaced iii) Minimising the impact on the privately owned residential properties in Warcop which stand to be adversely affected by the new dual carriageway (as opposed to the military training where there are no dwellings private or otherwise) 2 Warcop Parish Council 05_11_21_V4 iv) Preservation of ancient pastures and traditional buildings which are not present on the military training area by virtue of its existing use v) Allowing the use of the existing road as a service road to the existing lanes for the villages of Sandford, Warcop, Flitholme and Langrigg minimising the number of under/overpasses required <p>2.3.4 In considering the impact on the AONB, it must be considered that the land to the north within the MOD training area is limited in environmental, landscape and social benefit as a consequence of its existing use.</p> <p>2.3.5 The existing boundary of the AONB is itself an arbitrary line reflecting the existing location of the A66, and the land to the south is of no less value to the landscape. We would also highlight that there are numerous examples of infrastructure development within AONBs both past and present. One current example is the HS2 rail line which will pass through the Chilterns AONB.</p> <p>2.3.6 Taking into account the scale of the impact on the local area and community, and also that the cost of the scheme could be drastically minimised by moving the route north, the current proposals by the Applicant must be refused consent.</p>	<p><u>Response to 2.3.1, 2.3.2, 2.3.4 and 2.3.5</u></p> <p>The development of the design for the Project, including alternative routes considered and the decision-making process is set out in document 4.1 Project Development Overview Report (Document Reference 4.1, APP-244).</p> <p>One of the key considerations in the design development work for the Appleby to Brough scheme has been to ensure that the design of the route alignment minimises the impact of and potential damage to the Area of Outstanding Natural Beauty. In addition, a route north of the existing A66 would potentially have a major impact on the Ministry of Defence (MoD) training camp, requiring significant, costly accommodation works to relocate required facilities.</p> <p>In respect of the MoD land while the promoted route does involve some incursions into these areas, the impact of the incursion in relation to the central section has been discussed with the Defence Infrastructure Organisation (DIO) on behalf of the MoD, who recognise that the proposal as presented in the application minimises the impact on MOD's operations and is capable of agreement. Land beyond this further to the north has wider operational and land implications for MoD and DIO as well as substantial AONB incursion. It is not considered that a route further to the north would be capable of being promoted in a way that could meet the National Policy Statement tests and therefore would be unlikely to be granted development consent</p> <p>Please refer to the Project Design Principles (Document Reference 5.11, APP-302) for further information, and agenda item 2.2 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006).</p> <p><u>Response to 2.3.3 i)</u></p> <p>National Highways considers that these points are addressed in the response to RR-115 of the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) page 54.</p> <p><u>Response to 2.3.3 ii) and iii)</u></p> <p>National Highways will comply with the National Networks NPS (NNNPS), which is the primary policy for the determination of Highway NSIP Projects. The equivalent policy to paragraph 99 of the NPPF regarding the loss of playing fields is contained at paragraph 5.174 of the NNNPS. The legislation and policy compliance document (Document Reference 3.9, APP-242) describes how the Project complies with this policy as follows: "The loss of the playing pitch, taken together with the loss of a helipad on the same land, represents a major adverse impact, which would be significant. However, the embedded mitigation within the scheme design means that both the playing field and helipad will be relocated to the south of the scheme, off Castlehill Road. The replacement facilities will be fully operational before the closure of the existing provisions due to the potential use as an emergency services helipad. As such the residual impact will be no change which will be a neutral effect.</p> <p><u>Response to 2.3.3 iv)</u></p> <p>A full assessment of the environmental effects is provided within the Environmental Statement (Document 3.2, APP-043 to APP-059) with mitigation proposals detailed within each topic assessment. Where significant effects cannot be mitigated ongoing engagement is occurring with the interested party to establish a suitable resolution.</p>

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				<p>Response to 2.3.3 v)</p> <p>Refer to Response to 2.3.1 and 2.3.2 above. A more northerly alignment of the proposed A66 dual carriageway would be required to facilitate the suggested arrangement. The proposed alignment, associated junctions and structures have been designed in accordance with the Design Manual for Roads and Bridges in terms of geometry and visibility requirements.</p> <p>Response to 2.3.6</p> <p>National Highways have outlined the design development process followed for the Project, earlier in this response and is confident that it has followed an appropriately diligent process for the development of the route proposals and the Project for which development consent is sought.</p>
<p>REP1-100 REP1-101</p>	<p>Hayllar Family</p>	<p>Impacts to Land Land Negotiations</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>2.4.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.4.2 The currently proposed route places a disproportionate burden on Messrs Hayllar, bisecting the farm and removing a substantial acreage comprising the better quality land on the holding. This land cannot feasibly be replaced within the immediate area and to be clear, the Applicant's current proposals would mean that Messrs Hayllar would not be able to carry on their current agricultural business.</p> <p>2.4.3 The Applicant has not considered access tracks Mr Hayllar will require to be installed to ensure the farm units along the A66 continues to be able to be farmed as they currently are. Again, this is a further substantial impact on My Hayllar's business that the Applicant has not properly considered.</p> <p>2.4.4 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.</p> <p>2.4.5 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p>	<p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>The Applicant has had significant engagement with the landowners and their representative. The District Valuer is in negotiations with the landowner and the Applicant is hopeful that they will be able to agree the acquisition of the affected lands by agreement.</p>
<p>REP1-100 REP1-101 REP1-074 REP1-075</p>	<p>Hayllar Family Heron Family*</p>	<p>Drainage Design, Construction and Engineering Impacts to Land Consultation and Engagement Process</p>	<p>The Suitability of Proposed Locations for Drainage Ponds (and Compounds)*</p> <p>2.6.1 As with the Ecological Mitigation Areas, the Applicant does not appear to have taken into account the relative qualities of Agricultural Land, or the impact on continuing agricultural businesses when alighting upon the locations for drainage ponds (and compounds)*.</p> <p>2.6.2 We are concerned that a failure to communicate or agree who would be responsible for future maintenance between the Applicant and Local Authorities has led to more drainage ponds being included within the design than would otherwise be necessary. It is difficult to understand how this failure has occurred</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012, Pages 117, 161 to 165 and 404 to 406) RR-138, RR-149 and RR-157.</p>

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			<p>to the extent that additional land will need to be taken, and further avoidable costs incurred.</p> <p>2.6.3 We would urge the Applicant to engage in reasonable consultation with the relevant Land Owners and reconsider these locations (along with the route itself) in order to minimise not only the impact on owners and occupiers, but also the cost of the scheme.</p>	
REP1-116	Mr T Foster	Impacts to Land Design, Engineering and Construction	<p>2.3 Clint Bridge</p> <p>2.3.1 At present Mr Foster relies on Clint Bridge to the west of the village of Bowes to access and move his stock between land to the north and south of the A66. The bridge also carries a water supply for the land to the north, which is essential to ensure the welfare of his livestock. The location of Clint Bridge is shown ringed red below:</p> <p>2.3.2 To date the Applicant has failed to provide Mr Foster within any details as to how access to his land either side of the A66, or water supply will be maintained during or after the construction of the road. Without these needs being accommodated, he will simply be unable to farm, and in the absence of any information or confirmation from the Applicant it must be assumed that they have not made the necessary arrangements.</p>	National Highways acknowledge the point raised by the affected party in relation to access and water supply during construction to the north side of the A66 from his land on the south. Clint Lane bridge is to be demolished and replaced with a longer structure on its current alignment to accommodate the widened A66 dual carriageway. This will necessitate the closure of Clint Lane for a period of time to carry out the construction work. The temporary arrangements during construction will continue to be worked through at detailed design. The Applicant has had significant engagement with the landowners and their representative and will continue to engage to seek agreement on the temporary mitigation measures during construction..
REP1-116	Mr T Foster	Flooding and Drainage	<p>Drainage</p> <p>2.4.1 We are also concerned about the drains on the retained land. Some of the fields have shallow land drains, a common concern over the whole scheme, but more importantly when the road is constructed the drains need to be properly connected. Mr Foster's land does not flood at present therefore we would expect that the land would not flood during or after construction.</p>	National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012. Page 122, RR-139).
REP1-116	Mr T Foster	Design, Engineering and Construction	<p>Water Supply</p> <p>2.5.1 In addition to the water supply mentioned above across Clint Bridge. The land to the South of Bowes Bypass has a natural water supply. To date the Applicant has not supplied Mr Foster with any assurance this supply will remain. Without the water supply as it is, Mr Foster will be unable to continue farming the land as he is.</p> <p>2.5.2 The Applicant may be aware a lot of the fields are fed from several springs. When the original Bowes Bypass was created the Foster, family lost several Springs due to the construction. We therefore need to ensure the springs and water supply remains unaffected. We suggest that an independent Hydrologist is engaged by the Applicant to carry out surveys prior to any works been carried out and then again once the development is complete.</p>	National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012. Page 122, RR-139).
REP1-116	Mr T Foster	Impacts to Land Land Negotiations	<p>justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.6.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.6.2 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) RR-139, page 122.</p> <p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can</p>

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			<p>2.6.3 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p>	<p>be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>The Applicant has had significant engagement with the landowners and their representative. The District Valuer is in negotiations with the landowner and the Applicant is hopeful that they will be able to agree the acquisition of the affected lands by agreement.</p>
REP1-116	Mr T Foster	Design, Engineering and Construction Consultation and Engagement Impacts to Land	<p>The Suitability of Proposed Locations for Soil Storage bunds</p> <p>2.8.1 As with the Ecological Mitigation Areas, the Applicant does not appear to have taken into account the relative qualities of Agricultural Land, or the impact on continuing agricultural businesses when alighting upon the locations for soil storage.</p> <p>2.8.2 We would urge the Applicant to engage in reasonable consultation with the relevant Land Owners and reconsider these locations in order to minimise not only the impact on owners and occupiers, but also the cost of the scheme.</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012), RR-139, page 126).</p>
REP1-097 REP1-098	Moss Family	Impacts to Land Land Negotiations	<p>Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.3.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.3.2 The currently proposed route places a disproportionate burden on Mr Moss, bisecting the farm and removing a substantial acreage comprising the better quality land on the holding. It is very rare for sizeable areas of land to become available to rent within the local area, and this land cannot feasibly be replaced. To be clear, the Applicant's current proposals would mean that Mr Moss would not be able to carry on their current agricultural business which he has spent almost his entire working life building up.</p> <p>2.3.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.</p> <p>2.3.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012), RR-141, page 131.</p> <p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19</p>

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				<p>of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>The Applicant has had significant engagement with the landowners and their representative. The District Valuer is in negotiations with the landowner and the Applicant is hopeful that they will be able to agree the acquisition of the affected lands by agreement.</p>
REP1-097 REP1-098	Moss Family	Design, Engineering and Construction Impacts to Land	<p>Efficiency of Design</p> <p>2.4.1 As identified above, the proposed land take will be a significant burden on Mr Moss. We would urge the Applicant to reconsider their design, and take advantages of opportunities to be more efficient and reduce the areas of land required and/or relocate to less productive areas. This will not only benefit Mr Moss, but will also provide a more cost effective design for the public.</p> <p>2.4.2 We identify below how the location of ponds, tracks and environmental mitigation areas should be improved.</p>	Please see the rows below which respond to the specific concerns raised.
REP1-097 REP1-098	Moss Family	Design, Engineering and Construction	<p>Access Tracks</p> <p>2.5.1 It is submitted that the driveway should run alongside the current woodland (Jack Wood) and join into the junction on the South, like Tutta Beck (see drawing below marked blue) in order to minimise the loss of productive arable land. It would also mean that agricultural machinery would not need to access the public highway to the benefit of health and safety.</p> <p>2.5.2 This approach would also mean that the current driveway would become redundant and could be put back to agricultural production helping to offset the losses elsewhere. An additional benefit would be that the new farm driveway could be gated and locked to improve farm security.</p>	<p>The suggested location of an alternative means of access is currently outside of the Order limits of the DCO.</p> <p>In addition, Natural England were consulted regarding proposed works in proximity to Jack Wood PAWs (Evidence Plan, Table 2 Reference EclA 13, Document Reference 3.4, APP-146). An agreement was made which incorporates UK Government advice (2022) for ancient woodlands which is included within the EMP (Document Reference 2.7, APP-019).</p> <p>This includes the requirement for any construction activity to be at least 15 metres from the boundary of the site which would be in conflict with the suggestion made in the Written Representation.</p>
REP1-097 REP1-098	Moss Family	Flooding and Drainage Design, Engineering and Construction	<p>The Suitability of Proposed Locations for Drainage Ponds</p> <p>As with the Ecological Mitigation Areas, the Applicant does not appear to have taken into account the relative qualities of Agricultural Land, or the impact on continuing agricultural businesses when alighting upon the locations for drainage ponds.</p> <p>2.7.2 We would urge the Applicant to engage in reasonable consultation with the relevant Land Owners and reconsider these locations in order to minimise not only the impact on owners and occupiers, but also the cost of the scheme.</p> <p>2.7.3 In regard to the Ewebank Farm, given that the levels are very similar to the North and the South of the proposed road we would ask if the pond furthest east be located on the northern side and drain straight into the River Tees.</p> <p>2.7.4 In addition, the pond opposite the Rectory could be located between the two roads in what would be 'no man's land'; or if the proposed A66 were to go through the Rectory the pond could be moved further North since the proposed A66 would be further North, avoiding taking further productive agricultural land from the holding, as currently between the Junction and the pond it cuts part of the farm off from the rest of the farm which will further hinder the farms viability and profitability. A further benefit of locating these ponds in areas of 'no-man's land' is that it makes it far less likely that they would suffer from unauthorised occupation and anti-social behaviour.</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 Page 131 (Document Reference 6.5, PDL-012, RR-141).</p> <p>In addition, National Highways is committed to working with the landowner as the design develops regarding pond locations to minimise land impacts while meeting the requirements of the Road Drainage and Water Environment commitments set out in the Environmental Management Plan (Document Reference 2.7, APP-019).</p>

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			2.7.5 Alternatively, the pond could be located within the junction or at the low point further West near Tutta Beck Cottages. We include below a plan with more suitable locations for ponds shown in blue	
REP1-097 REP1-098 REP1-115 REP1-113 REP1-122 REP1-074 REP1-075 REP1-126 REP1-073	Moss Family Mr S W Harrison Bowes and Romaldekirk Estates Stead Family Heron Family Kenneth Thompson Discretionary Will trust	Environment and EMP Biodiversity Design, Engineering and Construction	<p>Proposed Ecological Mitigation measures</p> <p>2.6.1 The areas identified by the Applicant for ecological mitigation along the entire scheme route appear to have been arbitrarily identified without any reference to the nature or quality of the land in question. We are concerned to note that large area of the best agricultural land in the local area have been earmarked for ecological mitigation.</p> <p>2.6.2 A substantial part of the best land currently falling within Mr Moss tenancy is currently allocated for environmental mitigation (shown shaded yellow on the plan extract below):</p> <p>2.5.2 With reference to BAR, a large area of productive land appears to be earmarked for Species Rich Grassland.</p> <p>2.6.3 We have offered a number of times to meet with the Applicant's ecologists in order to identify more suitable areas for this, but to date the Applicant has failed to do so.</p> <p>2.6.4 It is respectfully submitted that it 'should' be regarded as common sense to locate these areas on the most marginal or poorer areas of agricultural land. This ensures not only that the impact on agricultural production levels is minimised but also that the compensation due to landowners is reduced through acquiring lower value land, and minimising the adverse effects on farming enterprises.</p> <p>2.6.5 The National Planning Policy Framework stipulates that planning and policy decisions should protect the best and most versatile agricultural land, and preserve soil quality.</p> <p>2.6.6 We therefore submit that the Application is substantially flawed in failing to properly consider or locate the ecological mitigation areas</p> <p>2.6.6 In order to control their 'shop window' between Mainsgill and the A66 as referenced above, Messrs Henshaw have offered to take ownership and responsibility for any wetlands located between the Farm Shop and the re-aligned A66. At the date of submission there has been no feedback or comment from the Applicant on this offer.</p>	<p>Regarding paragraph 2.6.1-2.6.6 relating to ecological mitigation, adequate habitat to achieve no net loss has been allowed for and indicative areas for this have been included in the outline Environmental Mitigation Maps (Document Reference 2.8, APP-040). Ecological mitigation on prime agricultural areas was reduced as much as possible taking into account the agricultural assessment. The remaining mitigation is in place where essential ecological or landscape mitigation is considered unavoidable in terms of required mitigation outlined within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and Chapter 10 (Document Reference 3.2, APP-053). The detailed design phase will aim to retain as much woodland as possible and land requirements will be adjusted accordingly. It should also be noted of course that the NPPF is not the primary policy document that applies to the Project – that, instead, is the National Policy Statement for National Networks. Commentary on how the Project complies those that document is contained in the Legislation and Policy Compliance Statement [APP-242]. In more detail relating to paragraph 2.6.2.</p> <p>Relating to paragraph 2.5.2, the current proposed species rich grassland is a potential reptile receptor and essential mitigation to replace the ratio of certain grassland habitats. The need for this will be subject to detailed design and pre-construction surveys.</p> <p>2.6.2 With respect to the plot shaded yellow as identified by the Applicant, the land is required to determine the most suitable point that the outfall ditch from the pond can tie into. Please refer to the Scheme 08 Cross Lanes to Rokeby General Arrangement Plans (Document ref 2.5, APP-016 which shows two options. One is to tie to an existing carrier pipe and the other is for a potential new piped outfall to the Tutta Beck. The most appropriate option will be determined at detailed design, whilst minimising impact on existing land which could be returned to the affected party.</p> <p>Regarding paragraph 2.6.6, please see response below to REP1-102 which addresses the land negotiations referred to on behalf of Messrs Henshaw.</p>
REP1-097 REP1-098	Moss Family	Design, Engineering and Construction	<p>2.8 Compound Extent and Location</p> <p>2.8.1 We understand that a Compound is planned for Ewebank Farm which will further deprive Mr Moss of productive land. No justification for the size of this compound has been provided, and the time (i.e. years) needed for the ground to fully recover after the completion of works means that the effect of the Compound on Mr Moss' agricultural output will be felt well after the works have been completed.</p> <p>2.8.2 Whilst he will be compensated for his loss, this serves to show the requirement for care when placing compounds, and the need to ensure they are no larger than absolutely necessary.</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 laydown and material storage associated with the construction of the Rokeby Junction underpass. 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>
REP1-097 REP1-098	Moss Family	Flooding and Drainage	<p>Flood Risk</p> <p>2.9.1 Historically at Ewebank Farm, there is an issue of the stream running behind Ewebank Farm flooding and Mr Moss has serious concerns that by having additional drainage ponds draining into the stream this exacerbate the</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012, Page 133 to 135, RR-141).</p> <p>In addition, 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</p>

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			<p>problem and puts more pressure on the Tutta Beck especially which is regularly blocked with fallen trees and not fit for purpose etc.</p> <p>2.9.2 The Applicant has to date failed to indicate if or how they would attempt to ameliorate this risk.</p> <p>2.9.3 The Applicant has also failed to engage in regard to the protection and/or replacement of existing field drains to ensure that retained land continues to drain effectively during and after the construction period.</p>	<p>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 (Document Reference 3.4, APP-221) and its annexes for more information. Designs will be refined in the detailed design stage.</p>
REP1-097 REP1-098	Moss Family	Walking, Cycling and Horse Riding	<p>Public Rights of Way</p> <p>2.10.1 There is a proposed walking, cycling and horse-riding route which would run along the proposed access track to Ewebank and The Grove/ Tack Room Cottage. This is at the expense of valuable productive agricultural land. Additional public rights of way are not essential to scheme delivery and we would suggest that an underpass be located at the Grove which would provide access to the Pond and the Grove for the walkers/cyclists/horse riders could use the 'old' A66 and the underpass. This would ensure Ewebank Farm retains valuable agricultural land and also prevents the creation of a new security risk to Ewebank Farm. We have set out above a more efficient design in respect of the access to Ewebank Farm itself.</p>	<p>It is not feasible to provide an underpass adjacent to the Grove/ Tack Room Cottage due to the impact this would have on the Rokeby Park Registered Park and Gardens.</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 2.4, 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).</p>
REP1-115	Mr S W Harrison	Design, Engineering and Construction	<p>Proposed Underpass and Security Provisions</p> <p>2.3.1 We are concerned that the Applicant proposes to divert the bridleways as part of the scheme by way of a proposed underpass. It is submitted that this is unnecessary and will lead to general security and bio-security issues along with additional health and safety concerns for Mr and Mrs Harrison to the detriment of their on-going businesses. This will also be reflected in additional depreciation of his retained land. We are not clear that the Applicant has properly considered or allowed for this impact.</p> <p>2.3.2 We would submit that the underpass for the purpose of a bridleway is unnecessary in order to deliver the purpose of the scheme, and will at avoidable expense inflict further losses on the Applicant given there are other proposed suitable crossing points within close proximity to the proposed underpass.</p> <p>2.3.3 The underpass in question is shown on the plan extract below:</p> <p>2.3.4 It is common knowledge that rural crime is prevalent² and it is inequitable that through design, the Applicants would leave Mr Harrison at greater risk.</p> <p>2.3.5 We understand that the underpass will be 5m wide by 3.7m high, which is excessive given two lanes on a single carriageway is usually between 5.5m and 7.5m. The underpass will be a bridleway; therefore, no vehicles should be using the underpass, therefore the underpass should be reduced in size.</p> <p>2.3.6 We do not believe the Applicant has considered a foot bridge as an alternative option and would request this is done. We would ask to be consulted on the footbridge and also, we would reserve a right to comment further on the option of a footbridge.</p>	<p>In response to 2.3.1, this is an existing bridleway facility that intersects with existing A66 and users cross via an at grade crossing facility. The proposed underpass will provide a safer means of crossing the dual carriageway in this location.</p> <p>In response to 2.3.2, the project objectives for the Walking, Cycling and Horse-riding include re-establishing any WCH routes severed by the proposed works; and where these public rights of way (PRoWs) converge at the upgraded A66 carriageway, then a grade-separated crossing facility is required to cross or divert to the nearest grade separated crossing. In this location a grade separated crossing is preferable to a long diversion length to the proposed Mainsgill Junction and provides resilience to the PROW network in this area.</p> <p>In response to 2.3.5, 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</p> <p>In response to 2.3.6, National Highways will shortly be holding a consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. The proposed changes being considered include a potential overbridge option for the bridleway at this location. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.</p>
REP1-115	Mr S W Harrison	Design Engineering and Construction Impacts to Land	<p>2.5 Future Responsibility for Infrastructure and Landforms</p> <p>2.5.1 To date the Applicant has failed to provide confirmation as to who will be responsible for maintaining new infrastructure such as Private Access Tracks etc and landforms such as bunds/ underpasses/ bridges in the future.</p> <p>2.5.2 This clearly has a significant bearing on the losses which may be suffered by Mr & Mrs Harrison and other Landowners, and it is manifestly unfair to allow the Application to proceed without an understanding of this</p>	<p>The responsibility for the ongoing maintenance of infrastructure provided as part of the project, such as private access tracks and bunds, 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>Maintenance of bridges will be the responsibility of the proposed road owner (National Highways or Local Highway Authority).</p>

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REP1-115	Mr S W Harrison	Impacts to Land Land Negotiations	<p>Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.6.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.6.2 The currently proposed route places a notable burden on Mr and Mrs Harrison, creating access difficulties and removing better quality land from the holding. This land cannot feasibly be replaced within the immediate area and it will be to the detriment of the existing farm business.</p> <p>2.6.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.</p> <p>2.6.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) RR-142, page 135.</p> <p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>National Highways have had significant engagement with the landowner and their representative. National Highways are hopeful that the affected lands can be acquired by agreement.</p>
REP1-107 REP1-108	Mr G S Harrison	Design, Engineering and Construction	<p>Creation of new Public Rights of Way</p> <p>2.3.1 We are concerned that the Applicant proposes to create a number of new public rights of way as part of the scheme. It is submitted that this is unnecessary, and will lead to general and bio-security issues along with additional health and safety concerns for Mr Harrison to the detriment of his on-going businesses. This will also be reflected in additional depreciation of his retained land. We are not clear that the Applicant has properly considered or allowed for this impact when proposing the additional rights of way.</p> <p>2.3.2 The dual use of agricultural tracks with public access will give rise to a host of new health and safety risks where large agricultural machinery and/or livestock mix with members of the public and dogs especially when the right of way goes directly in front of Mr Harrison's agricultural building and where he currently loads and unloads wagons. This is a serious safety concern.</p> <p>2.3.3 We would submit that the creation of the bridleways is unnecessary in order to deliver the purpose of the scheme, and will at avoidable expense inflict further losses on the Applicant especially given there are a number of other current options that could easily be used.</p>	<p>In response to 2.3.1, across the project, those pedestrian, cyclist and horse-rider facilities that would be severed by the scheme are proposed to be reconnected via grade-separated crossings. Existing at-grade crossings will be replaced with grade-separated crossings which means that vulnerable road users are removed from the dual carriageway environment, providing a safer route for users. Action has been taken to provide more east-west connections on those schemes that were being dualled as part of the Project. At this location, there is a desire to link the Cross Lanes and Rokeby junction by means of a new cycleway, which would provide connectivity eastwards to Greta Bridge thereby enhancing the active travel connectivity across the scheme extends.</p> <p>In response to 2.3, National Highways recognises 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>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 within the constraints of the DCO, and the outcome of that consideration will be discussed with the relevant affected person in due course.</p>
<p>REP1-107 REP1-108</p>	<p>Mr G S Harrison</p>	<p>Design, Engineering and Construction Consultation and Engagement</p>	<p>Access to and from Street Side Farm</p> <p>2.4.1 Currently the access to Streetside Farm is taken directly from the A66 and Mr Harrison accesses fields on the farm by going along the A66. It therefore it is important that the field accesses remain with the creation of access roads on Street Side Farm if necessary.</p> <p>2.4.2 The access drive will be put in from Street Side Farm to the B6277, however, we assume Highways will be responsible for this since Mr and Mrs Harrison do not currently have an obligation / liability to repair a driveway. The Applicant has not provided any information on this.</p>	<p>Vehicular access is provided to Street Side Farm by means of a Private Means of Access from the B6277. National Highways also requires the use of this access to maintain the drainage pond east of Streetside Farm and it is also required for a cycleway linking Cross Lanes and Rokeby junctions. The access will allow vehicular movements to the fields east of the drainage pond ensuring fields that have access from the existing A66, which will now be served by the new access track.</p> <p>The responsibility for the ongoing maintenance of infrastructure provided as part of the project, such as a shared private means of access/ Public Right of Way , 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. National Highways will continue to engage with the landowner and the affected party.</p>
<p>REP1-107 REP1-108</p>	<p>Mr G S Harrison</p>	<p>Impacts to Land Land Negotiations</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>2.6.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.6.2 The currently proposed route places a significant burden on Mr Harrison, removing a substantial acreage from his tenancy area. This land cannot feasibly be replaced within the immediate area and even if replacement land could be found, it would be let under the lower rent and relatively favourable terms of the Agricultural Holdings Act 19862 as is the case with the Mr Harrison's current tenancy of Streetside Farm.</p> <p>2.6.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.</p> <p>2.6.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) RR-145, page 147.</p> <p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, [APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>National Highways have had significant engagement with the landowner and their representative. National Highways are hopeful that the affected lands can be acquired by agreement.</p>

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REP1-107 REP1-108	Mr G S Harrison	Environment and EMP Biodiversity Agriculture and Soils Design, Engineering and Construction Impacts to Land	<p>2.7 Proposed Ecological Mitigation Measures and Location of Ponds & Soil Storage</p> <p>2.7.1 The areas identified by the Applicant for ecological mitigation, ponds and soil storage along the scheme route appear to have been arbitrarily identified without any reference to the nature or quality of the land in question. We are concerned to note that large area of the best agricultural land in the local area have been earmarked for these purposes.</p> <p>2.7.2 We have offered other options to the Applicant and their consultants, but to date the Applicant we have not heard if this has been considered.</p> <p>2.7.3 It is respectfully submitted that it 'should' be regarded as common sense to locate these areas on the most marginal or poorer areas of agricultural land. This ensures not only that the impact on agricultural production levels is minimised but also that the compensation due to landowners is reduced through acquiring lower value land, and minimising the adverse effects on farming enterprises.</p> <p>2.7.4 The National Planning Policy Framework stipulates that planning and policy decisions should protect the best and most versatile agricultural land, and preserve soil quality.</p> <p>2.7.5 We therefore submit that the Application is substantially flawed in failing to properly consider or locate these areas and would urge the Applicant to engage with the relevant parties in order to amend their scheme design.</p>	<p>Regarding paragraph 2.7.1 relating to ecological mitigation, adequate habitat to achieve no net loss has been allowed for and indicative areas for this have been included in the outline Environmental Mitigation Maps (Document Reference 2.8, APP-040). Ecological mitigation on prime agricultural areas was reduced as much as possible taking into account the agricultural assessment. The remaining mitigation is in place where essential ecological or landscape mitigation is considered unavoidable in terms of required mitigation outlined within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and Chapter 10 (Document Reference 3.2, APP-053).</p> <p>Regarding paragraph 2.7.2, 2.7.3 and 2.7.5, it should be noted that the areas of ecological mitigation presented in the outline Environmental Mitigation Maps (Document Reference 2.8, APP-041) are indicative and represent how the required environmental mitigation as stipulated in the Environmental Management Plan could be achieved (Document Reference 2.7, APP-019). These will be further refined during the detailed design stage through consultation with the landowner.</p> <p>Regarding paragraph 2.7.4, it should also be noted that the NPPF is not the primary policy document that applies to the Project – that, instead, is the National Policy Statement for National Networks. Commentary on how the Project complies those that document is contained in the Legislation and Policy Compliance Statement (Document Reference 3.2, APP-242).</p> <p>In addition, National Highways will continue to engage with the landowner and the comments made are duly noted.</p>
REP1-113	Mr Carruthers	Design, Engineering and Construction	<p>Access</p> <p>2.3.1 At present Café Sixty Six visitors wishing to continue westbound turn at the Far End Junction a little under 200m away from the café as indicated edged blue:</p> <p>2.3.2 The Applicant proposes by design to close the Far End junction, and instead provide an underpass which café customers would not be able to access. A customer wishing to carry on towards Penrith would need to drive an additional 2.5 miles turning at the Sandford Junction near Warcop. The proposed design is shown on the plan extract below:</p> <p>2.3.3 It is submitted that the Applicant could entirely reasonably provide access to the café via the Far Bank End underpass which would allow westbound traffic to carry on their journey without adding a further 2.5 miles to their journey. Provided that this was accompanied by appropriate signage, this would appear to be a pragmatic, environmentally friendly and cost-effective solution. In addition, we understand some of the other users of the underpass would be satisfied with this proposal.</p> <p>2.3.4 The café' business model is based around being right on the roadside, and easy to access for anyone travelling on the A66. Providing access through the underpass would help to minimise the losses suffered by the café and retain employment in the local area without requiring any significant additional construction.</p> <p>2.3.5 In addition, during the construction period customers will simply want to continue through the roadworks and not be in roadworks for longer than they need to be thereby will not stop and visit Café Sixty Six. The Applicant has not considered this impact on Mr Carruthers or Café Sixty Six nor have they addressed how this would be prevented to ensure Café Sixty Six continues to operate as they are currently.</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> <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 arrangements are maintained. The off and on slip will be shared with local landowners to access severed lands.</p>

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REP1-113	Mr Carruthers	Impacts to Land Land Negotiations	<p>Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.4.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.4.2 The currently proposed design places a disproportionate burden on Mr Carruthers, with the potential for long lasting reductions in trading volume and as a consequence the underlying property value.</p> <p>2.4.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.</p> <p>2.4.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p>	<p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>National Highways have had significant engagement with the landowner and their representative however the District Valuer has not yet been instructed to start negotiations.</p>
REP1-113 REP1-056	Mr Carruthers Bowes and Romaldkirk Estates	Design, Engineering and Construction	<p>Land not under Active Management</p> <p>2.5.1 The Applicant's design for the scheme creates numerous areas of land which will not be actively managed or 'no-mans' land, along the length of the scheme. Aside from creating additional costs in terms of future requirements to manage and maintain these areas, it also invites unauthorised occupation and anti-social behaviour.</p> <p>2.5.2 If one looks at similar areas of open land in the local area, it is plain to see the issues that they cause, and that here they could be entirely avoided by more careful design.</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 in relation to security and deterring anti-social behaviour.</p>
REP1-056	Bowes and Romaldkirk Charity Estates including Hutchinson Endowed School Charity	Impacts to Land Land Negotiations	<p>2.3 Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.3.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.3.2 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek.</p> <p>2.3.3 Any loss of land will reduce the income received by the charity and impact its work. We do therefore urge the Applicant to minimise the land acquired from BAR as far as possible.</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012), RR-147, page 156 and Compulsory Acquisition Hearing 1 (CAH1) Post Hearing Submissions (Document ref 7.4, REP1-007 section 2.2 and 2.3) with respect to further clarity on the approach to acquiring permanent and temporary rights.</p> <p>In addition, we have provided a response to the outstanding matters here.</p> <p>2.3.2 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 is considered to be the most feasible alternative access provision for those who will have accesses onto the A66 removed.</p>

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			<p>2.3.4 We understand that it is proposed that there will be a large embankment accommodating an overbridge on BAR's Land. It is our position that this bridge is entirely unnecessary given there are suitable alternatives that have not been considered and will cost far less than the current proposal.</p> <p>2.3.5 We suggest that the service road to serve the properties to the east of Stonefield is located on the current layby adjoining the existing A66, and access to the properties to the north of the A66 is taken from the A67 thereby negating the need for a bridge. We understand each property that the proposed bridge would serve already has an access from the A67 therefore question why the Page 5 of 8 bridge is required. We would question whether the significant amount of public money involved could be used better elsewhere.</p> <p>2.3.6 We also understand there will be an access road from The Street along to East Lowfields Farm, to minimise land take we request that this access road is kept as close to the A66 as possible to avoid taking unnecessary land and creating an overly wide verge</p>	<p>As well as providing landowner access north and south of the A66, it provides a safe crossing of the A66 for users of the existing public right of way at Bowes Cross Farm that currently cross the A66 at grade without any formal crossing facilities.</p> <p>2.3.5 It is not in compliance with DMRB guidance to provide access to property or land from trunk road laybys and as such National Highways cannot promote this suggestion.</p> <p>2.3.6 The access track to Bowes Cross Farm has been positioned so that any excess earthworks material could be bunded between the A66 dual carriageway and the access track. This would have an added benefit of screening the A66 from the south and providing a physical separation to minimise headlight glare. If during detailed design, there is no requirement to store excess material, then options to reduce land take will be considered, along with other options for minimising headlight glare.</p> <p>National Highways has had significant engagement with the landowners and their representative. The District Valuer is in negotiations with the landowner and National Highways is hopeful that they will be able to agree the acquisition of the affected lands by agreement.</p>
REP1-056	Bowes and Romalldkirk Charity Estates including Hutchinson Endowed School Charity	Flooding and Drainage	<p>Drainage</p> <p>2.4.1 The Applicant has failed to provide details as to how they will ensure that land drainage is protected during and after the construction period.</p> <p>2.4.2 There are a numerous shallow land drains within agricultural land on and adjoining the retained land, and it is essential that their function is preserved and run-off accounted for in the scheme design.</p> <p>2.4.3 We suggest that an independent Hydrologist is engaged by the Applicant with a duty of care to BAR to carry out surveys prior to any works being carried out and then again once the development is complete to ensure that the land drains at least as well as it does at present, and that any spring water supplies are protected.</p> <p>2.4.4 We also understood that a relatively large area of land would be required for floor water storage; however we are unclear if that is still the case. If it is, then we would ask the Applicant to provide details of what they propose, any liabilities that BAR would accrue, and how they would be compensated.</p>	<p>National Highways considers that points 2.4.1, 2.4.2 and 2.4.3 are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012. Page 157, RR-147).</p> <p>In response to 2.4.4, National Highways will continue to engage with the landowner regarding the area of land required for flood water storage as the project design is refined and developed.</p>
REP1-122	Stead Family	Impacts to Land Land Negotiations	<p>2.3 Justification for the permeant acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.3.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.3.2 The currently proposed route places a burden on Messrs Stead, removing some of their better land. This land cannot feasibly be replaced within the immediate area and its loss will have a permanent impact on Messrs Stead.</p> <p>2.3.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.</p> <p>2.3.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p>	<p>As presented in REP1-007 Deadline 1 Submission – 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the Preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p>

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				<p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>The Applicant has had significant engagement with the landowners and their representative. The District Valuer is in negotiations with the landowner and the Applicant is hopeful that they will be able to agree the acquisition of the affected lands by agreement.</p>
REP1-122	Stead Family	Flooding and Drainage	<p>2.5 The Suitability of Proposed Locations for Drainage Ponds</p> <p>2.5.1 As with the Ecological Mitigation Areas, the Applicant does not appear to have taken into account the relative qualities of Agricultural Land, or the impact on agriculture when alighting upon the locations for drainage ponds.</p> <p>2.5.2 We would urge the Applicant to engage in reasonable consultation with the relevant Land Owners and reconsider these locations in order to minimise not only the impact on owners and occupiers, but also the cost of the scheme.</p> <p>2.5.3 In regard to Messrs Stead, we would question whether the Pond to the north of West View is required, or if the capacity could be accommodated elsewhere?</p> <p>2.5.4 If there is a valid requirement for the pond to be located upon Messrs Stead's land then it would appear more sensible for access to be taken straight from the local access road, reducing the land take area as shown on the plan below:</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012. Page 434 to 441, RR-148).</p> <p>In addition, National Highways will continue to engage with the landowner regarding the area of land required for ponds, drainage systems and the proposed maintenance access arrangements as the project design is refined.</p>
REP1-122 REP1-126 REP1-091 REP1-136	Stead Family Kenneth Thompson Discretionary Will Trust McSkimming Family W Austen Richardson Ltd	Flooding and Drainage	<p>2.6 Drainage</p> <p>2.6.1 The Applicant has failed to provide details as to how they will ensure that land drainage is protected during and after construction.</p> <p>2.6.2 There are a numerous shallow land drains with the retained land, and it is essential that their function is preserved and run-off accounted for in the scheme design.</p>	<p>The Environmental Management Plan 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. In measure D-RDWE-11 of the Environmental Management Plan (Document Reference 2.7, APP-019) 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>
REP1-122	Stead Family	Design, Engineering and Construction Geology and Soils	<p>Soil Storage</p> <p>2.7.1 With regards to the area earmarked for topsoil storage, this was labelled as species rich grassland on the plans issued for the statutory consultation and therefore Messrs Stead did not have an opportunity to comment at that point.</p> <p>2.7.2 In respect of the location of the topsoil storage, we would ask that this be moved to follow field boundaries so it does not disturb two fields unnecessarily.</p>	<p>The provision, size and intended use of each compound and soil storage areas are based on an assumed approach to construction and is subject to change as the approach to construction evolves during the detailed design phase. National Highways will continue to engage with landowners as the proposals are developed. 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</p>

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				<p>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.</p>
REP1-122	Stead Family	Design, Engineering and Construction	<p>Public Rights of Way</p> <p>2.8.1 The Application currently shows extended the rights of way up the carriage drive towards the Hall, and it is unclear as to why this is the case. We assume no further public rights of way would be created other than the current brideway which currently comes down the carriage drive and will be diverted over the bridge, but ask that the Applicant confirms.</p>	<p>The Applicant's proposals to integrate the Project into the surrounding public right of way network are summarised in its Walking, Cycling and Horse-riding Proposals document [APP-010]. In summary, the Applicant's strategy to mitigate severance of the public right of way network is to divert such rights of way to the nearest location where they can cross the A66 at a different grade.</p> <p>National Highways will shortly be holding consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. Having regard to on-going feedback received in respect of this issue, this will include consultation on a change to our DCO submission to include proposed changes to the West View Farm overbridge and associated access. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.</p>
REP1-074 REP1-075	Heron Family	Population and Human Health Noise and Vibration Land Negotiations Design, Engineering and Construction Development of the Project and Alternatives	<p>2.4 The suitability of the proposed location and arrangements for the Brough Hill Fair replacement site</p> <p>2.4.1 As identified above, it is Messrs Heron's opinion that a route further to the north would be more appropriate for the proposed scheme, and that this would negate the need to relocate the site of the Brough Hill Fair. In the event that the Applicant proceeds to build the road along the proposed route then the intend to provide a replacement site for the Brough Hill Fair on land immediately adjacent to Eastfield Farm.</p> <p>2.4.2 We include within the appendices a plan showing the position of the proposed site in relation to Messrs Heron's land holdings and include below three extracts for ease of reference: 3 Appendix 1 – Plan showing Eastfield Farm and proposed replacement site for the Brough Hill Fair Page 7 of 14 Page 8 of 14</p> <p>2.4.3 We note that the Travelling Community have made clear through their representative Mr Welch their opinion that the proposed site for relocation of the Hill Fair is entirely unsuitable. In particular they identify the following concerns: i) The cultural and historic impact of the route passing through the site of the existing fair which has been a Chartered Fair since the 13th Century ii) The proposed site for relocation is too small iii) Horses, children and caravans would be too close to the fastmoving traffic on the new dual carriageway raising concerns over fumes and noise, but also more importantly safety iv) The proposed site is too close to the farmhouse at Eastfield Farm v) A more suitable route (preserving the existing site) exists in the form of the 'northern' option</p> <p>2.4.4 As outlined above, Messrs Heron carry out intensive dairy farming and operate a concrete batching plant/ haulage business at Eastfield Farm. Livestock, agricultural machinery, heavy plant and HGV's all move or operate daily at the farm, and as with the proximity to the A66, this gives rise to substantial health and safety concerns when considering relocating the Hill Fair to the land immediately adjacent.</p> <p>2.4.5 Attached as appendices are letters from the NFU5 and ARLA6 setting out their concerns in respect of the impact on Messrs Heron and in particular their</p>	<p><u>Response to points 2.4.1 to 2.4.4</u></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> <p>One of the key considerations in the design development work for the Appleby to Brough scheme has been to ensure that the design of the route alignment minimises the impact of and potential damage to the Area of Outstanding Natural Beauty. In addition, a route north of the existing A66 would potentially have a major impact on the Ministry of Defence training camp, requiring significant, costly accommodation works to relocate required facilities. Please refer to the Project Design Principles (Document Reference 5.11, APP-302) for further information, and Agenda Item 2.2 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006).</p> <p>Regarding the replacement site for the Brough Hill Fair, reference should be made to Agenda Item 5 and Appendices 5 to 9 inclusive, of Deadline 1 Submission – 7.3 Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (REP1-009).</p> <p>The project team have had ongoing discussions with the Heron family and the Gypsy and Traveller community throughout the preliminary design stage. This has included meetings with Billy Welch, which are documented in a Statement of Common Ground (Document Reference 4.5, APP-283). National Highways acknowledge the historic and cultural importance of the Brough Hill Romany Fair and the status of the Brough Hill Romany Fair at the town of Brough. The Equalities Impact Assessment submitted with the DCO application (Document Reference 3.10, APP-243) acknowledges the importance of the fair. There will be a direct loss of the Brough Hill Fair site which will be required for construction of the proposed Project. The loss of this site and the proposed alternative site were discussed in a number of meetings with Billy Welch as representative of the Gypsy community in the preliminary design stage, leading up to statutory consultation (autumn, 2021). As a result of feedback at statutory consultation the design team sought an alternative location. Therefore, supplementary consultation was undertaken on a suitable replacement site for the Brough Hill</p>

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			<p>dairy farming operations in the event that the Brough Hill Fair is relocated to the area of land immediately adjacent to Eastfield Farm which runs along the full length of the northern boundary of the farm yard/lane. These concerns may be summarised as follows: i) Animal welfare and security concerns on the basis of anticipated noise and disruption caused by the proposal ii) The risk to milk safety and security due to potential contamination of the site and surrounding environment iii) Animal feed bio-security iv) Safety of farm employees at Eastfield Farm v) Potential accessibility issues for milk collections</p> <p>2.4.6 The Applicant has not provided any details as to how the proposed new site would be owned, maintained, regulated, or what uses it would be put to outwith the Fair. All of these points have a significant bearing on the extent of the adverse impacts that Messrs Heron would suffer.</p> <p>2.4.7 We have suggested a number of more suitable alternative sites to the Applicant, but have not had any substantive reply to explain why they are not being considered further.</p> <p>2.4.8 We are not satisfied that the Applicant has fully considered the impact on Messrs Heron of the proposed relocation of the Hill Fair, or adequately accounted for the compensation that would be due in the event that they proceed on this basis to the detriment of Messrs Heron's business and landholdings and strongly object on this basis.</p> <p>2.4.9 In the event that the proposed route is approved, Messrs Heron would look to offer an alternative area of land within their wider landholdings that would be more appropriate for the relocation of the Fair and in doing so mitigate the losses suffered.</p>	<p>Fair between 18th March to 3rd April 2022. Two alternative sites were consulted on:</p> <ul style="list-style-type: none"> the Central Site – this site lies to the immediate west of the existing site and is currently used by the MoD as a 'bivvy' or camping site and training area; and the proposed alternative eastern site – this site is to the south of the A66, approximately 1.6 miles to the east of the current site. <p>The Gypsy community had reservations about both sites however it was concluded by the National Highways project team that the Central Site is the preferred replacement for the Brough Hill Fair site, as is proposed by the DCO application and that appropriate mitigation and management measures would address issues raised. This may include additional works to make it suitable for its intended use.</p> <p>The details of this will be confirmed by detailed design work but could possibly include re-profiling and remediation of the land and screening planting along the boundaries. The details of the scheme for the replacement Brough Hill Fair site would be developed in consultation with representatives of the Gypsy and Traveller Community and the relevant local authorities and submitted for the approval of the Secretary of State in accordance with article 36 of the draft DCO which has been updated at Deadline 2.</p> <p>National Highways considers the comments relating to the proposal that a more northerly A66 alignment would negate the need to relocate the Brough Hill Fair Site, addressed in the response to RR-047 (pages 193 to 195 of Procedural Deadline Submission – 6.5 Applicant's Response to Relevant Representations Part 4 of 4, PDL-013). In addition, further information on the development of the preliminary design for both the Central and Alternative sites, can be found in the Project Development Overview Report (Document Reference 4.1, APP-244) and Chapter 3 of the Environmental Statement, Assessment of Alternatives (Document Reference 3.2, APP-046). These documents also outline alternative alignments considered throughout the development of the Project, including a more northerly route for the Appleby to Brough scheme.</p> <p>Response to point 2.4.5</p> <p>As part of the design of the proposed Brough Hill Fair site, earth bunding is included at the boundary of the Brough Hill site and Eastfield Farm (refer to Agenda Item 5 and Appendices 5 to 9 inclusive, of Deadline 1 Submission – 7.3 Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (REP1-009)). Such a bund will provide visual screening and attenuation of noise from the Fair site at ground floor level, i.e., around animal head height, at Eastfield Farm.</p> <p>Response to point 2.4.6</p> <p>National Highways is continuing to engage with the MoD, the Gypsy and Traveller community and other local stakeholders in relation to relocation of Brough Hill Fair. This engagement includes discussions with the MoD regarding future ownership of the proposed new site for Brough Hill Fair. National Highways would expect that ongoing maintenance responsibilities in relation to the proposed new site, once provided as required by article 36 of the draft DCO, will be a matter to be discussed between the landowner and occupiers of the site, including those involved in holding Brough Hill Fair each year.</p> <p>Response to points 2.4.7 and 2.4.9</p> <p>National Highways have discussed the alternative sites suggested by the Heron family during meetings with them throughout design development but would reiterate the primary reasons for the selection of the Central Site include the</p>

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				<p>means to improve the access to the Fair site via the local road network, the comparable size and topography of the site and the proximity and means to connect to the site to the existing Brough Hill Site.</p> <p>Response to point 2.4.8</p> <p>The Applicant based on the information currently available has fully considered the likely impact for any financial compensation due to parties under the compensation code for the proposed relocation of the Hill Fair site.</p> <p>The Applicant has had significant engagement with the landowners and their representative. The District Valuer is in negotiations with the landowner and the Applicant is hopeful that they will be able to agree the acquisition of the affected lands by agreement.</p>
<p>REP1-074 REP1-075</p>	<p>Heron Family</p>	<p>Impacts to Land Land Negotiations</p>	<p>2.5 Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.5.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question.</p> <p>2.5.2 The currently proposed route places a disproportionate burden on Messrs Heron when compared with neighbouring Land Owners and will bring into question the viability of their existing agricultural enterprises.</p> <p>2.5.3 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p>	<p>As presented in REP1-007 Deadline 1 Submission – 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the “DCO”) (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be “rolled back” to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed</p> <p>The DV has been instructed and is in negotiation with the Claimant/their agent</p>
<p>REP1-126</p>	<p>Kenneth Thompson Discretionary Will Trust</p>	<p>Impacts to Land Land Negotiations</p>	<p>2.3 Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.3.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.3.2 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p>	<p>As presented in REP1-007 Deadline 1 Submission – 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the “DCO”) (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be “rolled back” to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario.</p>

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				<p>This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p>
REP1-126	Kenneth Thompson Discretionary Will Trust	Design, Engineering and Construction	<p>2.6 Creation of new Public Rights of Way</p> <p>2.6.1 We are concerned that the Applicant proposes to create a number of new public rights of way as part of the scheme. It is submitted that this is unnecessary, and will lead to general and bio-security issues along with additional health and safety concerns for Occupiers. This will be reflected in additional depreciation of his retained land. We are not clear that the Applicant has properly considered or allowed for this impact when proposing the additional rights of way. The proposed layout for rights of way on KTD's retained land closest to the A66 is shown below:</p> <p>2.6.2 The dual use of agricultural tracks with public access will give rise to a host of new health and safety risks where large agricultural machinery and/or livestock mix with members of the public and dogs.</p> <p>2.6.3 We would submit that the creation of the new public rights of way is unnecessary in order to achieve the primary objectives of the scheme, and will at avoidable expense inflict further losses on KTD especially given there are a number of other current options that could easily be used.</p>	<p>Across the project, those pedestrian, cyclist and horse-rider facilities that would be severed by the scheme are proposed to be reconnected via grade-separated crossings. Existing at-grade crossings will be replaced with grade-separated crossings which means that vulnerable road users are removed from the dual carriageway environment, providing a safer route for users. Action has been taken to provide more east-west connections on those schemes that were being dualled as part of the Project.</p> <p>National Highways recognises 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. 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 within the constraints of the DCO, and the outcome of that consideration will be discussed with the relevant affected person in due course.</p> <p>National Highways will shortly be holding a consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.</p>
REP1-091	McSkimming Family	Impacts to Land Land Negotiations	<p>2.3 Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.3.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.3.2 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p> <p>2.3.3 We understand that the land might not now be required to upgrade the adjacent bridge and request urgent confirmation of this.</p>	<p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario.</p>

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			<p>2.3.4 Ms McSkimming has received planning permission to build a garage block on the area of land the Applicant wishes to acquire, which the Applicant is aware of and has confirmed they are able to construct this</p>	<p>This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p>
REP1-102	Henshaw Family	Consultation and Engagement Land Negotiations	<p>2.1 Adequacy of Consultations and Information provided by the Applicant</p> <p>2.1.1 The Applicant has failed to provide sufficient information in respect of their proposals despite repeated requests. This failure has prejudiced Messrs Henshaw and undermines not only consultations carried out to date, but also the application itself.</p> <p>2.1.2 We note that the failure to consult in a timely and accurate fashion, or provide sufficient information has also been raised by many other Parties including local authorities.</p> <p>2.1.3 The Applicant has repeatedly failed to deliver position statements agreed between the parties as necessary in respect of their proposed acquisition of Land and Rights.</p> <p>2.1.4 We have requested, and the Applicant has failed to provide sufficient information in respect of:</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 design will minimise additional security works and potential for anti-social behaviour vi) Future signage <p>2.1.5 We are also concerned that the plans for providing access to Mainsgill Farm Shop have been changed by the Applicant since the Statutory Consultations were carried out. Given the scale of impact that the access proposals have on Mainsgill, it is essential that accurate and timely consultation is undertaken.</p> <p>2.1.6 In circumstances where the Applicant proposes to use compulsory purchase powers in a manner that will have a permanent and substantial impact on Messrs Henshaw's existing businesses it is the duty of the Applicant to engage and provide adequate detail and rationale not only to Messrs Henshaw but also the Inspectorate. We submit that they have failed in this duty and for this reason alone, the application should not be allowed to proceed. 2.1.7 We set out below further representations in respect of the proposed scheme as far as we are able to with the limited information provided to date; but must reserve the right to add to or amend these representations if or when further detail is provided by the Applicant.</p>	<p>National Highways considers that these points are addressed in the Responses to Relevant Representations Part 3 of 4 (Document ref 6.5, PDL-012. Pages 169-174) RR-164.</p> <p>In response to 2.1.5, the proposed access to Mainsgill Farm Shop currently in the DCO has not changed from the proposals displayed at Statutory Consultation 2021 or the updated plans as part of the Winter 2022 update. The Written Representation is referring to changes to the proposed road network at the western end of the scheme i.e. the inclusion of the slip road onto the A66 westbound at Brownson Bank introduced after the 2021 Statutory Consultation. This amendment was part of the Winter 2021/2022 update (dated march 2022) that was put out to consultation</p> <p>National Highways has had significant engagement with the landowners and their representative. The District Valuer is in negotiations with the landowner and National Highways is hopeful that they will be able to secure the acquisition of the affected lands by agreement.</p>

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REP1-102	Henshaw Family	Consultation and Engagement	<p>2.3 Access to Mainsgill Farm Shop</p> <p>2.3.1 The existing access to Mainsgill is direct from the A66 as shown on the plan and photograph below:</p> <p>2.3.2 This access was created in 1999 following extensive consultation and negotiation between the Highways Agency and Highways Consultants instructed by Messrs Henshaw. It has enabled the development of the Farm Shop as it stands today.</p> <p>2.3.3 As alluded to above, the initial design as provided for the Statutory Consultations included a service road from Warrener Lane to Brownson Bank. This was purely a service road only and access could not be taken directly onto the A66 at Brownson Bank. Messrs Henshaw discussed this with the Applicant during the Consultations periods and understood that this was the design that was being pursued. On this basis no objection was raised to the access proposals.</p> <p>2.3.4 Since then, The Applicant has changed the design without consulting Messrs Henshaw, meaning that the once proposed service road is now in fact a through road and all vehicles can take access onto the A66 at Brownson Bank. For ease of reference, we Page include below a plan extract showing ringed red, the additional access onto the A66 at Brownson Bank:</p> <p>2.3.5 As is stands, the Applicant's proposals will deprive Messrs Henshaw of their existing valuable road frontage and direct access onto the A66; the additional junction at Brownson Bank will exacerbate the increased remoteness from passing trade, and mean that a proportion of the passing vehicles which otherwise would have used the Mainsgill junction will 'leak away' via Brownson Bank.</p> <p>2.3.6 We do not believe that the environmental and financial costs of the additional junction at Brownson Bank can be justified when the Mainsgill junction will only be a short distance to the east. The Applicant has not provided any indication of the additional costs, financial, environmental or otherwise of their amended proposal, but we assume that in addition to the construction and land acquisition costs the additional junction at Brownson Bank will also generate a further requirement for land to offset the ecological impact.</p> <p>2.3.7 For the grounds outlined above, we submit that the Applicant's modified proposals regarding access to the A66 at Brownson Bank have not been subject to proper consultation and will have a greater detrimental impact on Mainsgill than that initially proposed; but for clarity we confirm that we do not otherwise have any objection to the access arrangements for the Stephen Bank to Carkin Moor section of the scheme.</p> <p>2.3.8 With appropriate consultation it is envisaged that mitigation measures can be put in place</p>	<p>Response to 2.3.3 - The road between Brownson Bank and Warrener Lane has not been promoted as a service road. It is the de-trunked A66 which will be reclassified under the DCO proposals as the C165.</p> <p>Response to 2.3.4 - This introduction of a slip road onto the A66 westbound at Brownson Bank was as a result of feedback from the autumn 2021 Statutory Consultation relating to long detours for residents from Ravensworth and surrounding villages wishing to access the westbound A66, and also potential misuse of a long stretch of local road.</p> <p>Traffic modelling work has shown that the traffic utilising the westbound onslip are primarily drawn from the villages to the western end of the scheme and no reduction in traffic past Mainsgill is forecast within the model. Local traffic would still be required to pass Mainsgill when leaving the A66 from an eastbound or westbound direction.</p> <p>National Highways has been involved in ongoing engagement with the Affected Party in relation to the traffic modelling associated with the proposal.</p> <p>National Highways would also note that the plan extract provided by the affected party refers to the Collier Lane overbridge and junction and not the proposed slip road at Brownson Bank.</p> <p>Response to 2.3.5 - Access to the Mainsgill Farm shop from the new A66 will be via the Mainsgill Junction.</p>
REP1-102	Henshaw Family	Land Negotiations	<p>2.4 Land between Mainsgill Farm Shop and the re-Aligned A66</p> <p>2.4.1 At present, Messrs Henshaw enjoy road frontage onto the A66. This allows them to ensure that their 'shop window' onto the main road is kept well maintained, free from litter, and attractive to passing traffic. They are also able to take the necessary security measures to minimise the risk of unauthorised visitors or anti-social behaviour taking place in front of the shop.</p> <p>2.4.2 As a consequence of the paucity of detail and engagement from the Applicant we remain unclear as to how they intend to deal with the area of land between the re-aligned A66 and Mainsgill Farm Shop in terms of ownership or</p>	<p>National Highways has had significant engagement with the landowners and their representative. The District Valuer is in negotiations with the landowner and National Highways is hopeful that they will be able to agree the acquisition of the affected lands by agreement. National Highways notes the concerns in relation to use of the land between Mainsgill Farm Shop and the re-aligned A66 and as the detailed design progresses, further considerations will be made on how to minimise unauthorised use, along with appropriate management of the land.</p>

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			<p>management responsibilities. This information is critical in assessing the impact of the scheme on Messrs Henshaw.</p> <p>2.4.3 We have offered to the Applicant that Messrs Henshaw would be prepared to take ownership and management responsibility for the area in question, whether converted to wetlands or otherwise. If the Applicant does not agree to this, then it is imperative that they provide further clarity as to their intentions for the land, including how they intend to minimise the risk of unauthorised use or antisocial behaviour through design. It is also critical to understand who will be responsible for the future management of the areas, and what accountability or obligations they will have.</p> <p>2.4.4 In the absence of such information, it is manifestly unfair to Messrs Henshaw to let the Applicant proceed.</p>	
REP1-102	Henshaw Family	Impacts to Land Land Negotiations	<p>2.5 Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.5.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.5.2 The currently proposed route places a significant burden on Messrs Henshaw in particular through distancing their Farm Shop from the A66 and removing their direct access.</p> <p>2.5.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.</p> <p>2.5.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.</p>	<p>National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012) RR-164, page 169.</p> <p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>The DV has been instructed and is in negotiation with the affected person and their agent.</p>
REP1-110	Mr J Richmond	Impacts to Land Land Negotiations	<p>2.3 Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.3.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p>	<p>National Highways considers that these points are addressed in the Responses to Relevant Representations Part 3 of 4 (Document ref 6.5, PDL-012), RR-167, page 174.</p> <p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to</p>

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			<p>2.3.2 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek.</p> <p>2.3.3 Any loss of land whether from the land he owns, or the tenancy area at Duns Bank will be to the detriment of Mr Richmond's farming business. It is highly unlikely that Mr Richmond will be able to secure any freehold replacement land, and he will not be able to rent any further land under the relatively favourable terms of the Agricultural Holdings Act2 .</p> <p>2.3.4 In regard to the proposed acquisition of land at Ravensworth, we remain unclear as to why this area is required to be acquired. The area in question is the access to Ravensworth Lodge. The onus is on the Applicant to justify their requirement, and we would urge them to rationalise their land take wherever possible.</p>	<p>be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>The Applicant has had significant engagement with the landowners and their representative. The District Valuer is in negotiations with the landowner and the Applicant is hopeful that they will be able to agree the acquisition of the affected lands by agreement.</p>
REP1-110	Mr J Richmond	Flooding and Drainage	<p>2.4 Drainage</p> <p>2.4.1 The Applicant has failed to provide details as to how they will ensure that land drainage is protected during and after the construction period.</p> <p>2.4.2 There are a numerous shallow land drains within agricultural land on and adjoining the retained land, and it is essential that their function is preserved and run-off accounted for in the scheme design.</p> <p>2.4.3 We are also unclear as to how the Applicant intends to address problems with the drainage from the current A66 which is damaging the integrity of Ravensworth Lodge.</p> <p>2.4.4 Mr Richmond has on numerous occasions shown the design engineers and drainage engineers the location of a problematic culvert under the existing A66 and where that drains to and the sketch below shows the current drainage system. The blue line highlights the current drains which comes from under the A66. We have also highlighted where flooding sits on the current A66. A drainage pipe needs installing and connecting into the current equipment to ensure water is taken away from the property.</p>	<p>National Highways considers that these points are addressed in the Applicant's Responses to Relevant Representations Part 3 of 4 Page 174 to 178 (Document Reference 6.5, PDL-012, RR-167)</p>
REP1-110	Mr J Richmond	Biodiversity Design, Engineering and Construction	<p>2.5 Proposed Ecological Mitigation Measures</p> <p>2.5.1 The areas identified by the Applicant for ecological mitigation along the entire scheme route appear to have been arbitrarily identified without any reference to the nature or quality of the land in question. We are concerned to note that large areas of the best agricultural land in the local area have been earmarked for ecological mitigation.</p> <p>2.5.2 As set out above, Mr Richmond occupies Duns Bank under a secure tenancy, and it appears that a significant amount of land is allocated for species rich grassland and woodland creation.</p>	<p>Regarding paragraph 2.5.1 relating to ecological mitigation, adequate habitat to achieve no net loss has been allowed for and indicative areas for this have been included in the outline Environmental Mitigation Maps (Document Reference 2.8, APP-040). Ecological mitigation on prime agricultural areas was reduced as much as possible taking into account the agricultural assessment. The remaining mitigation is in place where essential ecological or landscape mitigation is considered unavoidable in terms of required mitigation outlined within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and Chapter 10 (Document Reference 3.2, APP-053).</p> <p>Regarding 2.5.2, 2.5.3, 2.5.4 and 2.5.5, it should be noted that the areas of ecological mitigation presented in the outline Environmental Mitigation Maps (Document Reference 2.8, APP-041) are indicative and represent how the</p>

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			<p>2.5.3 The size of the area in question will directly impact Mr Richmond's businesses profitability. To reduce this, we suggest that any environmental mitigation which is required is located on less productive agricultural land.</p> <p>2.5.4 We have offered a number of times to meet with the Applicant's ecologists in order to identify more suitable areas for this, but to date the Applicant has failed to do so.</p> <p>2.5.5 It is respectfully submitted that it 'should' be regarded as common sense to locate these areas on the most marginal or poorer areas of agricultural land. This ensures not only that the impact on agricultural production levels is minimised but also that the compensation due to landowners is reduced through acquiring lower value land, and minimising the adverse effects on farming enterprises.</p> <p>2.5.6 The National Planning Policy Framework stipulates that planning and policy decisions should protect the best and most versatile agricultural land, and preserve soil quality³.</p> <p>2.5.7 We therefore submit that the Application is substantially flawed in failing to properly consider or allocate</p>	<p>required environmental mitigation as stipulated in the Environmental Management Plan could be achieved (Document Reference 2.7, APP-019). These will be further refined during the detailed design stage through consultation with the landowner.</p> <p>Regarding 2.5.6, it should also be noted that the NPPF is not the primary policy document that applies to the Project – that, instead, is the National Policy Statement for National Networks. Commentary on how the Project complies those that document is contained in the Legislation and Policy Compliance Statement [APP-242].</p>
REP1-110	Mr J Richmond	Design, Engineering and Construction	<p>2.6 Creation of new Public Rights of Way</p> <p>2.6.1 We are concerned that the Applicant proposes to create a number of new public rights of way as part of the scheme. It is submitted that this is unnecessary, and will lead to general and bio-security issues along with additional health and safety concerns Land Owners or Occupiers. This will also be reflected in additional depreciation of his retained land. We are not clear that the Applicant has properly considered or allowed for this impact when proposing the additional rights of way.</p> <p>2.6.2 The additional infrastructure in terms of bridges and crossings etc also all represent avoidable expenditure and increase the area of land which must be acquired as part of the scheme.</p> <p>2.6.3 The dual use of agricultural tracks with public access will give rise to a host of new health and safety risks where large agricultural machinery and/or livestock mix with members of the public and dogs.</p> <p>2.6.4 We would submit that the creation of the public rights of way is unnecessary in order to deliver the purpose of the scheme, and will at avoidable expense inflict further losses on Land Owners</p>	<p>Across the project, those pedestrian, cyclist and horse-rider facilities that would be severed by the scheme are proposed to be reconnected via grade-separated crossings. Existing at-grade crossings will be replaced with grade-separated crossings which means that vulnerable road users are removed from the dual carriageway environment, providing a safer route for users. Action has been taken to provide more east-west connections on those schemes that were being dualled as part of the Project.</p> <p>Response to 2.6.3 - National Highways recognises 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. 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 within the constraints of the DCO. The The outcome of that consideration will be discussed with the relevant affected person in due course.</p>
REP1-110	Mr J Richmond	Design, Engineering and Construction	<p>2.7 Access to A66 at Brownson Bank</p> <p>2.7.1 We are concerned that opening an access onto the A66 at Brownson Bank may offer a shortcut to the A66 and encourage traffic to use the single track lane from Ravensworth to access the A66 going West.</p> <p>2.7.2 The road is unsuitable for lots of traffic travelling both ways and will present a safety risk.</p>	<p>Traffic will continue to use Waitlands Lane and New Lane to access the A66 from Ravensworth as they currently do in the existing situation.</p>
REP1-136	W Austen Richardson Ltd	Consultation and Engagement	<p>2.1 Adequacy of Consultations and Information provided by the Applicant</p> <p>2.1.1 The Applicant has failed to provide sufficient information in respect of their proposals despite repeated requests. This failure has prejudiced Mr Richardson and undermines not only consultations carried out to date, but also the application itself.</p>	<p>National Highways considers that these points are addressed in the Applicant's Responses to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012. Pages 180-185) RR-168.</p>

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			<p>2.1.2 We note that the failure to consult in a timely and accurate fashion, or provide sufficient information has also been raised by many other Parties including Local Authorities.</p> <p>2.1.3 The Applicant has repeatedly failed to deliver position statements agreed between the parties as necessary in respect of their proposed acquisition of Land and Rights.</p> <p>2.1.4 In particular, we have requested, and the Applicant has failed to provide sufficient information in respect of:</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 i v) Impact on retained land v) The tipping area and Slurry storage area vi) How the design will mitigate additional risks in respect of security and anti-social behaviour <p>2.1.5 In circumstances where the Applicant proposes to use compulsory purchase powers in a manner that will have a permanent on Mr Richardson's existing farm business it is the duty of the Applicant to engage and provide adequate detail and rationale not only to Mr Richardson but also the Inspectorate. We submit that they have failed in this duty and for this reason alone, the application should not be allowed to proceed.</p> <p>2.1.6 We set out below further representations in respect of the proposed scheme as far as we are able to with the limited information provided to date; but must reserve the right to add to or amend Page 3 of 8 these representations if or when further detail is provided by the Applicant.</p>	
REP1-136	W Austen Richardson Ltd	Impacts to Land Land Negotiations	<p>2.3 Justification for the permeant acquisition of land or rights over land, and temporary land occupation; and the extent of those needs</p> <p>2.3.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.</p> <p>2.3.2 The currently proposed route places a notable burden on Mr Richardson, removing a substantial acreage comprising the better quality land on the holding. This land could not feasibly be replaced within the immediate area under normal circumstances, and certainly not when numerous other land owners will be losing ground.</p> <p>2.3.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.</p> <p>2.3.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed</p>	<p>National Highways considers that these points are addressed in the Responses to Relevant Representations Part 3 of 4 (Document ref 6.5, PDL-012, RR-168).</p> <p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in</p>

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				<p>that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p> <p>The Applicant has had significant engagement with the landowners and their representative. The District Valuer is in negotiations with the landowner and the Applicant is hopeful that they will be able to agree the acquisition of the affected lands by agreement.</p>
REP1-136	W Austen Richardson Ltd	Biodiversity Design, Engineering and Construction	<p>2.4 Proposed Ecological Mitigation Measures</p> <p>2.4.1 The areas identified by the Applicant for ecological mitigation along the entire scheme route appear to have been arbitrarily identified without any reference to the nature or quality of the land in question. We are concerned to note that areas of the best agricultural land in the local area have been earmarked for ecological mitigation.</p> <p>2.4.2 A specific point that we would raise is in relation to a proposed new hedgerow which would serve (environmental benefit aside) no purpose other than splitting a productive agricultural field into two and creating a unfarmable piece of land.</p> <p>2.4.3 If the hedgerow is required, it would make sense for this to be located further North on the field boundary as the current location of the hedgerow is going across the middle of the field. The plan below shows with the dotted green line the suggested location of the hedge if it is indeed required:</p> <p>2.4.4 We have offered a number of times to meet with the Applicant's ecologists in order to identify more suitable areas for this, but to date the Applicant has failed to do so.</p> <p>2.4.5 It is respectfully submitted that it 'should' be regarded as common sense to locate these areas on the most marginal or poorer areas of agricultural land. This ensures not only that the impact on agricultural production levels is minimised but also that the compensation due to landowners is reduced through acquiring lower value land, and minimising the adverse effects on farming enterprises.</p> <p>2.4.6 The National Planning Policy Framework stipulates that planning and policy decisions should protect the best and most versatile agricultural land, and preserve soil quality.</p> <p>2.4.7 We therefore submit that the Application is substantially flawed in failing to properly consider or locate the ecological mitigation areas.</p>	<p>Regarding paragraph 2.4.1 relating to ecological mitigation, adequate habitat to achieve no net loss (defined % in agreement with Natural England) has been allowed for and indicative areas for this have been included in the outline Environmental Mitigation Maps (Document Reference 2.8, APP-040). Ecological mitigation on prime agricultural areas was reduced as much as possible taking into account the agricultural assessment. The remaining mitigation is in place where essential ecological or landscape mitigation is considered unavoidable in terms of required mitigation outlined within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and Chapter 10 (Document Reference 3.2, APP-053).</p> <p>Regarding paragraph 2.4.2 and 2.4.3, the proposed hedgerow shown on the plan provided alongside REP1-136 is located outside of the Order Limits and will not be required by the Project. It is possible that this hedgerow may have been required on an earlier iteration of the design but it is not illustrated as being required on the current Environmental Mitigation Maps submitted as part of the DCO application (Document Reference 2.8, APP-041).</p> <p>Regarding 2.4.4 and 2.4.5, it should be noted that the areas of ecological mitigation presented in the outline Environmental Mitigation Maps (Document Reference 2.8, APP-041) are indicative and represent how the required environmental mitigation as stipulated in the Environmental Management Plan could be achieved (Document Reference 2.7, APP-019). These will be further refined during the detailed design stage through consultation with the landowner.</p> <p>Regarding 2.4.6, it should also be noted that the NPPF is not the primary policy document that applies to the Project – that, instead, is the National Policy Statement for National Networks. Commentary on how the Project complies those that document is contained in the Legislation and Policy Compliance Statement (Document Reference 3.9, APP-242).</p>
REP1-136	W Austen Richardson Ltd	Design, Engineering and Construction	<p>2.5 Replacement of Tipping Area</p> <p>2.5.1 The Applicant's scheme includes acquiring an area currently used by Mr Richardson as a slurry store. We are still waiting for further details from the Applicant to confirm that a replacement site will provided with adequate space not only for the storage of slurry but also for tractors and trailers to tip and turn round. The Application at present does not provide enough space and we would suggest that the site needs extending to the west.</p> <p>2.5.2 It is also essential that there is separation from any public rights of way to avoid any unnecessary health and safety risks. This could also be achieved through extending the proposed site to the west.</p>	<p>The proposed space allocated for a replacement slurry site is indicated on the Scheme 09 General Arrangement Drawings Sheet 1 of 4 (Document ref 2.5, APP-017). The area has been sized on providing a like for like area of slurry tank with additional space for vehicle turning. The allocated space is approximately 3,700m² including the access into the space from the private means of access/bridleway.</p> <p>National Highways recognises 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. 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</p>

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				horse-riding provision within the constraints of the DCO and the outcome of that consideration will be discussed with the relevant affected person in due course.
REP1-136	W Austen Richardson Ltd	Walking, Cycling and Horse Riding	<p>2.7 Proposed Public Right of Way</p> <p>2.7.1 It is anticipated that heavy agricultural machinery will use the access and old A66, so it is therefore suggested that the footpath is moved to follow the field boundary instead of going through the middle of arable fields and close to where machinery will be turning into the tipping area.</p> <p>2.7.2 The suggested line for the public footpath is shown dotted purple on the plan at 2.4.3 above.</p>	The public right of way referred to is the Durham Bridleway No.12. There are no plans as part of the Project to alter or extinguish this existing PROW outside of the DCO limits.
REP1-136	W Austen Richardson Ltd	Design, Construction and Engineering	<p>2.10 Proposed Underpass</p> <p>2.10.1 Mr Richardson owned up to the old A66 carriageway therefore when the existing A66 was built, the old A66 reverted to his ownership and has been used by him thereafter to access his retained land. To date the Applicant has failed to provide details as to the constructions and dimensions of the new track that will replace this.</p> <p>2.10.2 Mr Richardson supports the proposed underpass, but we do have concerns over security. We would ask that that the Applicant clarifies what security measures will be incorporated and would suggest that at the very least this should include gates which can be locked (while still allowing passage on horse).</p>	<p>National Highways records indicate that the "old A66" used to retain access to Mr. Richardson's land is still within National Highway ownership. It is intended that access to the fields be provided by a new access track from the de-trunked A66 via a new accommodation underpass. The access track is currently designed to be 4m wide with 1m verges.</p> <p>National Highways acknowledge the landowner's concerns regarding security and anti-social behaviour. The dialogue will continue with landowners throughout the Examination and detailed design stages of the Project to agree the required accommodation works in relation to security and deterring anti-social behaviour.</p> <p>National Highways will shortly be holding a consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. The proposed changes being considered include potential changes to the proposed underpass at this location. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.</p>
REP1-117	Mrs Joy Thompson	Development of the Project and Alternatives Design, Engineering and Construction	<p>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. There are many people to support this plan and we hope that you take it seriously</p> <p>Building the dual carriageway to the south of the current road, near Low Broomrigg and other houses near the Langrigg Junction, will have a very unfortunate effect on residents who will be affected by the noise of the construction works, of the traffic at greatly increased speeds near to the house, and by light and air pollution. The value of the house will also be negatively affected</p>	<p>National Highways considers that these points are addressed in the Responses to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012, RR-190). Further information on the reasons why an alternative northern route in this location (Scheme 06 Appleby to Brough) was discounted, can be found under agenda item 2.2 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006).</p> <p>One of the key considerations in the design development work for the Appleby to Brough scheme has been to ensure that the design of the route alignment minimises the impact of and potential damage to the Area of Outstanding Natural Beauty. A route north of the existing A66 would potentially have a major impact on the Ministry of Defence training camp, requiring significant, costly accommodation works to relocate required facilities. Please refer to the Project Design Principles (Document Reference 5.11, APP-302) for further information.</p> <p>Regarding the location of the proposed Langrigg junction and its effects, reference should be made to agenda item 2.2 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions, pages 15 to 17. National Highways will shortly be holding a consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. The proposed changes being considered include a potential change to the junction arrangement at Langrigg. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.</p>

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REP1-089	Mary Clare Martin	Noise and Vibration Impact on Land value Biodiversity Landscape and Visual	<p>Impact on individuals and properties, affecting livelihoods and quality of life, in many places along the route, (such as Kirkby Thore and Dyke Nook). My parents live in a house, , in the location of the proposed new Langrigg Junction. It is in a field, which is currently unspoilt farmland, and a site where curlews and peewits nest, yet no awareness has been shown of the impact on biodiversity of destroying this. It is proposed that this field be filled with a new dual carriageway, a new junction (Langrigg), an access road, sink ponds and an additional road directly north-west of the house Appleby-Brough, sec 5 of 8, S06 DCO Cover Sheets.pdf planninginspectorate.gov.uk).</p> <p>The conditions in which my parents would live during construction and afterwards would be intolerable. The boundary fence on the side of the road works is only about 15 feet from the house. The hours of work in the Environment Management Plan are very long, and there is no guarantee that there will not be work at night.(In this context, the requests by National Highways to seek self-approval for changes to the EMP are horrifying, since the public would have no control over the activities of contractors.)</p> <p>The value of the house would be badly affected. Low Broomrigg is in a lane which is not suitable for lorries. Therefore a large junction at the current road end is inappropriate design. Access to the dual carriageway or even the local access road will be worse than at present, as it will only be westbound.</p> <p>A much less destructive plan would for the dual carriageway to go north of the current A66. This would remove the need for complicated new junctions and unsightly overpasses, which need to be built because the new dual carriageway will go south. The arguments against this are a) it is an Area of Outstanding Natural Beauty and b) the land is used by the Ministry of Defence. Yet the AONB is scrubland which has been used for firing by the army for decades. Moreover, NH have made a case for going into the AONB at Warcop (as described in ISH1) which is applicable elsewhere.</p>	<p>Chapter 12 Noise and Vibration of the Environmental Statement (Document Reference: 3.2, APP-055) notes that the reasonable worst case during construction and operation. Impacts are acknowledged within the ES. The EMP (Document Reference: 2.7, APP-019) secures certain mitigation that will be reviewed during detailed design. There will be continued engagement with affected properties.</p> <p>In respect of the alignment running north of the existing A66 National Highways considers that these points are addressed in the Applicant's Response to Relevant Representations 1 of 4 (Document Reference 6.5, PDL-010) in RR-181 and RR-183 on pages 53, 54 and 55 where it states "<i>The northern route being put forward would not conform with the key policy tests as there were alternative alignments that presented minimal incursion into the AONB and therefore impacts on the designated site</i>". And in RR-188, RR-177 and RR-194 on pages 67 and 68 of the same document. The issue is also addressed in Applicant's Response to Relevant Representations 2 of 4 (Document Reference 6.5, PDL-011) in RR-001 on pages 7, 8 and 9.</p> <p>Relating to curlews, it is acknowledged that small areas of suitable curlew habitat will be lost in this area. However, it was assessed in ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) that there is an extensive amount of suitable alternative habitat for curlews within the wider area so although there may be a small loss of nesting habitat in this area, the integrity of the local curlew population is not considered to be significantly impacted as a result of the Project, once mitigation outlined within the Environmental Management Plan has been implemented (Document Reference 2.7, APP-019).</p> <p>Chapter 13 Population and Human Health of the Environmental Statement (Document Reference: 3.2, APP-055) has assessed the effects of the project on the local population, including effects on mental and physical wellbeing and quality of life. This includes issues such as annoyance, stress, sleep disturbance from noise and lighting, and changes in lifestyle and behaviour, such as reductions in the use of outside space. Individual receptors are not assessed, as health assessment is undertaken at the population level.</p>
REP1-089	Mary Clare Martin	Funding and Delivery	<p>2.Cost of route design to taxpayer: The whole scheme is estimated as about \$£1.5bn. Running south of current A66, the scheme involves additional junctions, slip and access roads (and safety risks), and sink ponds. The route south is justified because the north is an AONB, but the minutes (PINS sec 51, 17 March 2022) admit the initial AONB boundary was arbitrary. The Appleby-Brough and Temple Sowerby sections account for 50% of the costs of the route. The BCR is unacceptably low (0.92). APP-237 Table 7-9. This was justified in the Responses to Relevant Representations by arguing that there were qualitative benefits to the new dual carriageway. In the Langrigg context, it is hard to see how destruction of the landscape and greater proximity to cars and lorries is a qualitative benefit. The scheme is estimated to have increased traffic of 30%, while research shows that new road induce traffic.</p>	<p>National Highways considers that the point relating to the cost of the Project has been responded to in the Applicant's Response to Relevant Representations (Part 1 of 4) [PDL-010] Section 2.4, pages 11 and 12, as referenced by Ms. Martin. In addition, reference should also be made to pages 16 and 17 of the same document, which acknowledges the contribution of the Temple Sowerby to Appleby scheme to the total Project cost.</p> <p>Regarding the Langrigg context, reference should be made to agenda item 2.2 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions, pages 15 to 17. National Highways will shortly be holding a consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. The proposed changes being considered include a potential change to the junction arrangement at Langrigg. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.</p>
REP1-089	Mary Clare Martin	Consultation and Engagement	<p>) Poor quality of consultation and information: Local people on the Appleby-Brough section were never presented with the route north as an option, nor offered the alternative of upgrading the existing road, as recommended by the Friends of the Lake District. In the summer of 2020, they were offered a preferred route in which the new dual carriageway was positioned directly south</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</p>

Examination Library Reference	Affected Person	Response Topic	Written Representation (Verbatim)	National Highways Response
			<p>of the existing road (preferred route announcement, 2020). The preference of local people for the route to go north was very strong. Warcop and Musgrave parish councils conducted a survey in December 2020 in which 94% of those surveyed who responded were in favour of the northern route. A petition on change.org currently has 974 signatures. My elderly parents were therefore shocked when they received a visit from HE in March 2021, arranged a week beforehand by telephone. At the end of the meeting they handed my parents some maps without proper explanation. It took some time for them to realise that these designs would completely encircle their house with roads. This was apparently because people at a nearby village, Flitholme, had asked for more access. (This is now available in the form of a new underpass.) The Route Development Report (DCO documents, 5.6.40 and 5.6.41 claim that a virtual engagement event was held in November 2020 about proposals for junctions at Sandford and Langrigg. This was not available to my parents, and the Chair of Warcop and Musgrave Parish Councils were shocked when they were told of these developments in Spring 2021. For example, they first confuse the survey described above with the petition. 5.6.48 talks about the May 2020 route being refined. In fact there was a huge change in the plans between 2020 and 2021 which left no opportunity for affected residents to plan ahead. Throughout the summer of 2020 our family engaged with NH and also wrote to the MP, Neil Hudson, who supports the northern route . There were some minor adjustments which resulted in the Blue option, definitely preferable to the Black option. It was disappointing that NH did not attend a public meeting on July 23rd, 2021 attended by about 70 people and the MP. Additional supplementary consultations were held from January -March 2022:-targeting specific residents when compounds (for example) are a general issue. In February 2022 an informal discussion about the value of the Langrigg Junction was held at the consultation at Warcop Parish Hall, based on the initiative of the Chair of Warcop Parish Council. (It should be noted that our family were not invited to this consultation: we only knew about it because we were informed by Warcop Parish Council. This is an example of how secretive, targeted local consultations excluded people to whom they could be relevant.) At the next consultation (on Brough Hill Fair), I was informed there was a schedule of commitment to look at the Langrigg Junction, yet there was no further communication until late July. National Highways also appear to have wasted taxpayers' money. Warcop Parish Hall was booked for individual consultations with landowners on April 6th but the caretaker had to call them to find out why they had not turned up. They were later charged for the wasted space. I tried to book an appointment in advance but this was only given over the phone at the last minute and the date was confusing. A visit was made to my parents' house on April 7th 2022 but it was of limited value as I could not attend. It was only after the DCO documents were published in June/July 2022 that we learnt that an additional spur had been added immediately north of the house. My parents would not have known had their children discovered it. A meeting was held with my parents and myself at their house with National Highways on 7th September (originally scheduled for 28th July.) This was at their request (not ours, as stated in the hearing), to revisit the points made in my complaint about lack of consultation, which were not fully addressed. In that meeting we were told that our request that their stage of the road works was done last would be considered. Yet, the EMP states that the scheduled time for the works to start on the Appleby-Brough section is July 2024. There also seemed to be some misunderstanding in the Issue Specific Hearing 1 when it was stated that the Langrigg Junction needed to be large so lorries can turn. The two farms marked in yellow on the map are small, and large lorries rarely, if ever, go into the lane, which is unsuitable for this purpose. Limits of Deviation have been set at 40 metres away from the house. There are three places where the roads could be moved further away. The first is to move the spur further away,</p>	<p>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> <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. 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 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>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> <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>

Examination Library Reference	Affected Person	Response Topic	Written Representation (Verbatim)	National Highways Response
			<p>the second is to bring the access road 40 m further away closer to the dual carriageway, and the third is to remove the Langrigg Junction. We were asked to mention this in our representations. However, as the inspector said at the Examination, there is no guarantee that these limits will be observed and/ placed as far away from the house as possible. We were told in the Examination that NH were planning to redesign the Langrigg Junction in the new plans to be submitted in January, and the Inspector told NH to redesign the Junction. We look forward to seeing improved designs.</p>	<p>Further information is provided in the PDOR (Document Reference 4.11, APP-244).</p> <p>National Highways will shortly be holding a statutory consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. The proposed changes being considered include a potential change to the junction arrangement at Langrigg. Following careful consideration of the responses to statutory consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.</p>
REP1-089	Mary Clare Martin	Traffic and Transport	<p>4. Poor justification for the scheme: The dual carriageway has been marketed to local people on the grounds of improved safety as well as improved journey times. Yet the DCO documents do not support the claim that it would enhance safety. It is very poor value for money (BCR 0.92). Nor do other sources support the frequent claim that it is the most dangerous road in Britain, or that dual carriageways will improve safety. An analysis of data from the website crashmap up to 2019 indicates that there were more accidents on the dual carriageway sections on the road than on the single carriageway. Indeed, if the road is so dangerous, why are there not speed cameras along the route, properly monitored? When speed cameras were fitted along</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. Further justification for the accident rates used within the assessment are contained in Responses to ExA's ISH2 Written Questions ISH2.TT.05 Pages 34-37 [REP1-005]</p> <p>National Highways considers that the point relating to the project BCR has been responded to in the Applicant's Response to Relevant Representations (Part 2 of 4) (Document Reference 6.5, PDL-011) RR082, Pages 30 to 31.</p> <p>The accident rates on the existing dual and single carriageway sections of the A66 are compared in Chapter 9.3 of the Transport Assessment [Document Reference 3.7, APP-236]. It concludes in paragraph 9.3.6 that 'the accident rate of a single carriageway section (0.11 accidents per mvkm) is 73% higher than that of the dual carriageway sections (0.06 accidents per mvkm)'</p> <p>In addition to the above, The Case for the Project document (Document Reference 2.2, APP-008) sets out the general justification for the Project, highlighting that Road Safety is only one aspect, with other benefits resulting from the Project including improvements to connectivity, the local economy, and trunk road reliability and capacity, amongst others.</p>
REP1-089	Mary Clare Martin	Landscape and Visual Noise Air Quality Climate	<p>5) Impact on landscape and environment, air quality, increased noise and light pollution, carbon emissions, inappropriate use of resources in a climate emergency</p>	<p>The assessment of potential impacts on the landscape arising from the project is reported in the Environmental Statement Chapter 10: Landscape and Visual (Document Reference 3.2, APP-053). This chapter sets out the potential effects and proposed mitigation required to minimise these effects throughout the Project.</p> <p>With regards to the potential impacts at Langrigg and potential changes in air quality, whilst this exact property wasn't assessed specifically in the operational phase air quality modelling, an adjacent property at Broomrigg End (Receptor HSR 48) (377124, 515146) was included in the assessment, which is considered to be representative of the worst-case potential impacts at this general location due to its closer proximity to the A66. The modelling undertaken for HSR48 shows that:</p> <p>annual mean nitrogen dioxide (NO₂) concentrations are predicted to increase from 4.6 to 4.9 ug/m³ in the proposed opening year of 2029 with the Project in place; a predicted increase of 0.3 ug/m³. These predicted concentrations are well below the relevant annual mean NO₂ Air Quality Objective of 40ug/m³ and the predicted increase in concentrations as a result of the operation of the Project is not considered to be significant.</p> <ul style="list-style-type: none"> annual mean particulate matter (PM₁₀) concentrations are predicted to increase from 7.8 to 7.9 ug/m³ in the proposed opening year of 2029 with the

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				<p>Project in place; a predicted increase of 0.1 ug/m³. These predicted concentrations are well below the relevant annual mean PM₁₀ Air Quality Objective of 40ug/m³ and the predicted increase in concentrations as a result of the operation of the Project is not considered to be significant.</p> <ul style="list-style-type: none"> annual mean particulate matter (PM_{2.5}) concentrations are predicted to increase from 5.0 to 5.1 ug/m³ in the proposed opening year of 2029 with the Project in place; a predicted increase of 0.1 ug/m³. These predicted concentrations are well below the relevant annual mean PM_{2.5} Air Quality Objective of 20ug/m³ (and indeed the proposed Environment Act 2021 more stringent target of 10ug/m³ which is yet to be formalised) and the predicted increase in concentrations as a result of the operation of the Project is not considered to be significant. <p>Effects on the night sky and light pollution 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. There would be no significant effects from lighting during the operational phases of the scheme.</p> <p>Overall the assessment of effects from the construction phase are assessed as being temporary and not significant. With the implementation of best practice mitigation measures outlined in the EMP, impacts on the living conditions (in relation to construction dust) would be negligible.</p> <p>The Applicants have carried out a detailed and robust assessment of the likely significant effects of the A66 Project on climate (Chapter 7 of the ES [APP-050], which is in accordance with law, the NPSNN and applicable DMRB standard4.</p> <p>As set out by DMRB LA 114 and in line with the NPSNN, the assessment concludes that the Project's GHG emissions, in isolation, will not have a significant effect on climate or a material impact on the ability of the Government to meet its carbon reduction plan targets and Carbon Budgets.</p>
REP1-045	The Woodland Trust	Environment and EMP Biodiversity	<p>The proposed scheme will result in likely detrimental impact to two areas of ancient woodland as outlined in the consultation documents. Our concerns focus on the Temple Sowerby to Appleby and Cross Lanes to Rokeby sections of the scheme, which are likely to affect the following ancient woodlands: • Chapel Wood ASNW (grid reference: NY6690921738) • Jack Wood PAWS (grid reference: NZ0716713475)</p>	<p>The ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) assessed designated sites in line with industry standards and in consultation with Natural England.</p> <p>The air quality modelling for changes in nutrient nitrogen included all statutory and non-statutory designated sites within 200m of the Affected Road Network. This included both Chapel Wood ASNW and Jack Wood PAWS. The modelling results show a positive change i.e. reduction in nutrient nitrogen at Chapel Wood ASNW. The change in nutrient nitrogen at Jack Wood PAWS does not exceed 1% of the lower critical load (ES Chapter 5 Air Quality (Document Reference 3.2, APP-048)).</p> <p>Embedded mitigation is detailed within the Environment Management Plan for both Chapel Wood and Jack Wood (See Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05 relating to avoiding impacts on ancient woodland and D-AQ-01 relating to air quality and dust management plans in close proximity to ancient woodland (Document Reference 2.7, APP-019)). Additionally, Natural England were consulted regarding proposed works in proximity to Jack Wood PAWS located within the Order Limits (See Evidence Plan, Table 2 Reference EclA 13, Document Reference 3.4, APP-146). An agreement was made with Natural England which incorporates UK Government advice (2022) for ancient woodlands which is included within the Environment Management Plan (See Table 3.2 Register of Environmental Actions and Commitments, reference MW-BD-23 stipulating low pressure vehicles and vehicles mats/pads are to be used to avoid ground compaction within 15m of the</p>

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				<p>boundary of ancient woodland habitat (Document Reference 2.7, APP-019). It is also stipulated within the Project Design Principles in Table 4-12, reference 8.10, that the land within 15m of ancient woodland is for planting only and that the outfall is to tie in as upstream as reasonably practicable to avoid disturbance impacts on the ancient woodland (Document Reference 5.11, APP-302).</p> <p>Proposed works in proximity to Chapel Wood are located 50m from the boundary of the ancient woodland, subsequently avoiding the potential for impacts to trees within the ancient woodland or for loss of or damage to ground flora (Paragraph 6.10.50-6.10.54 ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049).</p> <p>Following mitigation no significant effects are predicted on these sites and this was agreed with Natural England for Jack Wood PAWs (See Evidence Plan, Table 2 Reference EclA 13, Document Reference 3.4, APP-146 and Table 6-8 ES Biodiversity Chapter 6, Document Reference 3.2, APP-049).</p>
REP1-045	The Woodland Trust	Air Quality Noise and Vibration Traffic and transport Biodiversity Landscape and Visual	We are concerned about potential detrimental impact to both Jack Wood and Chapel Wood from their proximity to the proposed carriageway alignment. Whilst we acknowledge that Chapel Wood is sited adjacent to the existing A66, the close proximity of the dual carriageway will lead to numerous adverse impacts such as increased noise and light pollution from traffic, as well as dust pollution during construction of the proposal.	<p><i>In terms of construction dust pollution, the Environmental Statement has carried out a thorough assessment of this potential impact. Overall the assessment of effects from the construction phase are assessed as being temporary and not significant. With the implementation of best practice mitigation measures outlined in the EMP, impacts in relation to construction dust would be negligible (Refer to paragraphs 5.10.2 – 5.10.12 of Chapter 5 of the Environmental Statement (Volume 1) (Document Reference 3.2, APP-048).</i></p> <p>Noise</p> <p>The predicted noise changes at Chapel Wood and Jack Wood are presented in ES Figure 12.7 sheets 4 and 9 (Document reference 3.3, APP-118) and in the ecological receptors ES Figure 12.8 sheets 4 and 9 (Document reference 3.3, APP-119). Traffic noise levels are predicted to increase at Jack Wood between 5dB and 10dB and decrease at Chapel Wood between 5dB and 10dB due to the Project.</p> <p>The ES Chapter 6 Biodiversity (document Reference 3.2, APP-049) assessed designated sites in line with industry standards and in consultation with Natural England. Embedded mitigation is detailed within the EMP for both Chapel Wood and Jack Wood (D-BD-05, EMP, Document Reference 2.7, APP-019). Additionally, Natural England were consulted regarding proposed works in proximity to Jack Wood PAWs (See Evidence Plan, Table 2 Reference EclA 13, Document Reference 3.4, APP-146)). An agreement was made which incorporates UK Government advice (2022) for ancient woodlands which is included within the EMP.</p> <p>This includes any construction activity must be at least 15m from the boundary of the site, or low pressure vehicles and vehicle mats/pads are to be used to avoid ground compaction (MW-BD-23, EMP Document Reference 2.7, APP-019).</p> <p>Proposed works in proximity to Chapel Wood are located 50m from the boundary of the ancient woodland, subsequently avoiding the potential for impacts to trees within the ancient woodland or for loss of or damage to ground flora (Paragraph 6.10.50-6.10.54 ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049).</p> <p>Following embedded mitigation, no significant effects are predicted on these sites and this was agreed with Natural England for Jack Wood PAWs.</p> <p>In respect of light pollution, effects on the night sky and light pollution are discussed throughout the Environmental Statement Chapter 10 Landscape and Visual (Document Reference 3.2, APP-053) with reference to Environmental Statement Figure 10.6 CPRE Dark Skies (Document Reference 3.3, APP-107) maps existing dark skies throughout the extent of the Project. The assessment</p>

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				concludes that there would be no significant effects from lighting during the operational phases of the scheme.
REP1-045	The Woodland Trust	Biodiversity	<p>We are concerned that an arboricultural impact assessment has not been submitted to accompany this proposal. It is therefore difficult for us to assess the potential impacts of the scheme on the veteran trees outlined in Table 6-16 of the Environmental Statement (Chapter 6)</p> <p>It is essential that no ancient or veteran trees are lost as part of the development. The loss of any such trees can have a significant impact on local wildlife, particularly those which depend on the habitat provided by veteran trees. Any loss of veteran trees can also be highly deleterious where there is a wider population of veteran trees within close proximity, which may harbour rare and important species</p>	<p>The ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) (paragraphs 6.10.79-6.10.81) assessed ancient or veteran and notable trees recorded within 200m of the Order Limits. No trees were identified to be directly lost as a result of the Project. The anticipated construction related impacts include potential dust deposition and adjacent ground compaction. The EMP includes embedded mitigation including an Air Quality Dust Management Plan (D-AQ-01, EMP) and the use of suitable buffer zones (D-GEN-08, EMP) which will follow UK Government advice (2022) for ancient/veteran trees (Document Reference 2.7, APP-019)). Following application of embedded mitigation, no significant effects are predicted on ancient/veteran/notable trees.</p> <p>7.3 Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (REP1-009) agenda item 3.5 confirms the commitment D-LV-01 contained in the REAC tables in the first iteration EMP (Document Reference 2.7, APP-019), which secures the production of an AIA prior to the start of the construction of the main works. In addition, the EMP secures Tree Protection Plans to be prepared for the protection of trees retained in line with relevant British standards within and immediately adjacent to the Order limits.</p> <p>National Highways considers that these points are also addressed in the Applicant's Response to Relevant Representations (Document Reference 6.5, PDL-012).</p>
REP1-045	The Woodland Trust	Biodiversity	<p>Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges. As such, it is necessary for mitigation to be considered to alleviate such impacts. Natural England and Forestry Commission have also produced guidance on mitigation measures to alleviate impacts to ancient woods and trees within their standing advice (please see the annex at the foot of the document).</p> <p>It is important that for any offline construction bringing new road infrastructure within proximity to ancient woodland areas, appropriate buffer zones are considered and implemented. Where loss of ancient woods may occur, the only appropriate form of mitigation is avoidance.</p>	<p>The ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) assessed designated sites in line with industry standards and in consultation with Natural England. One ancient woodland was identified to be within the Order Limits: Graham's Gill/Jack Wood PAWS.</p> <p>Natural England were consulted regarding proposed works in proximity to Jack Wood PAWs (Evidence Plan, Table 2 Reference EclA 13, Document Reference 3.4, APP-146). An agreement was made which incorporates UK Government advice (2022) for ancient woodlands which is included within the EMP.</p> <p>This includes any construction activity must be at least 15m from the boundary of the site, or low pressure vehicles and vehicle mats/pads are to be used to avoid ground compaction (MW-BD-23, EMP, (Document Reference 2.7, APP-019). Proposed works in proximity to Chapel Wood are located 50m from the boundary of the ancient woodland, subsequently avoiding the potential for impacts to trees within the ancient woodland or for loss of or damage to ground flora (Paragraph 6.10.50-6.10.54 ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049).</p> <p>Following embedded mitigation no significant effects are predicted on these sites and this was agreed with Natural England for Jack Wood PAWs.</p> <p>Important individual trees to be protected within the order limits are shown on 2.8 Environmental Mitigation Maps (App-041). 7.3 Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (REP1-009) agenda item 3.5 confirms the commitment D-LV-01 contained in the REAC tables in the first iteration EMP (Document Reference 2.7, APP-019), which secures the production of an AIA prior to the start of the construction of the main works. In addition, the EMP secures Tree Protection Plans to be prepared for the protection of trees retained in line with relevant British standards within and immediately adjacent to the Order limits.</p>

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				National Highways considers that these points are also addressed in the Applicant's Response to Relevant Representations (Document Reference 6.5, PDL-012).
REP1-045	The Woodland Trust	Design, Engineering and Construction Environment and EMP	<p>We consider that the proposed Rokeby Junction should be re-configured to ensure that a 30m buffer zone can be provided to Jack Wood. This is to alleviate impacts such as dust, noise and light pollution, run-off containing pollutants, as well as to avoid damage to tree roots</p> <p>The 30m buffer zone should be kept free of development unless the proposed works would aid in further alleviating impacts on the ancient woodland, i.e., in the form of barriers, fencing, bunds, or embankments. In the case of the aforementioned features, it is important that such works remain 15m away from the ancient woodland, not only to prevent impacts on the root systems of the trees that make up the woodland edge, but also to prevent other indirect impacts associated with construction works. To this end, we recommend that the buffer zone is planted prior to construction, to create a phased habitat to the ancient woodland that absorbs the indirect impacts occurring during the construction and operational phase.</p>	<p>The ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) assessed designated sites in line with industry standards and in consultation with Natural England. The assessment relating to Jack Wood is provided in Paragraph 6.10.64-6.10.66 (Document Reference 3.2, APP-049).</p> <p>Natural England were consulted regarding proposed works in proximity to Jack Wood PAWs (Evidence Plan, Table 2 Reference EclA 13, Document Reference 3.4, APP-146). An agreement was made which incorporates UK Government advice (2022) for ancient woodlands which is included within the EMP (Document Reference 2.7, APP-019 and Paragraph 6.10.66 ES Chapter 6 Biodiversity, Document Reference 3.2, APP-049).</p> <p>This includes the requirement for any construction activity to be at least 15 metres from the boundary of the site. If machinery is required within 15 metres of the boundary of the ancient woodland, low-pressure vehicles and vehicle mats/pads are to be used to avoid ground compaction (MW-BD-23, EMP, Document Reference 2.7, APP-019).</p> <p>Following embedded mitigation, no significant effects are predicted on Jack Wood PAWs which was agreed with Natural England.</p>
REP1-045	The Woodland Trust	Air Quality	<p>Furthermore, we hold concerns with regards to potential nitrogen deposition to several ancient woodlands within the surrounding area. The Trust is of the opinion that all developments should ensure that the process contribution of ammonia/nitrogen does not exceed 1% of the critical level and load. The applicant should therefore seek to model the distance that the road would need to be located to achieve insignificant process contributions on the surrounding ancient woodlands.</p>	<p>All sensitive designated habitats, including statutory and non-statutory designations identified within 200m of the affected road network were included in the air quality modelling set out in Chapter 5 Air Quality, including transect receptors in some locations. This approach is in accordance with the applicable guidance, DMRB LA 105 (ES Chapter 5 Air Quality (Document Reference 3.2, APP-048)).</p> <p>The ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) (paragraphs 6.10.315-6.10.469) subsequently assessed designated sites where there was an increase in nutrient nitrogen deposition predicted to be above 1% of the lower critical load. The assessment was undertaken in line with industry standards. The assessment concluded no likely significant effects on designated sites due to changes in nutrient nitrogen as a result of the Project.</p>
REP1-045	The Woodland Trust	Biodiversity	<p>'BS5837:2012 – Trees in relation to design, demolition and construction' (the British Standard for ensuring development works in harmony with trees), construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction of any new infrastructure. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.</p> <p>While BS5837 guidelines state that trees should have a root protection area (RPA) of 12 times the stem diameter (capped at 15m), this guidance does recognise that veteran trees need particular care to ensure adequate space is allowed for their long-term retention. It is imperative that Natural England and Forestry Commission's standing advice on root protection areas for veteran trees is taken into account in planning decisions. This advice states: "For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area.</p>	<p>The ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) (paragraphs 6.10.79-6.10.81) assessed ancient or veteran and notable trees recorded within 200m of the Order Limits. No known ancient, veteran or notable trees were identified to be directly lost as a result of the Project. The anticipated construction related impacts include potential dust deposition and adjacent ground compaction. The EMP includes embedded mitigation including an Air Quality Dust Management Plan (D-AQ-01, EMP, Document Reference 2.7, APP-019) and the use of suitable buffer zones (D-GEN-08, EMP, Document Reference 2.7, APP-019) which will follow Natural England and Forestry Commission's standing advice for ancient/veteran trees (provided in UK Government advice 2022) (See Paragraph 6.10.66 ES Chapter 6 Biodiversity, Document Reference 3.2, APP-049) and BS5837 guidelines (See Table 3.2 Register of Environmental Actions and Commitments, reference D-LV-01). Following application of embedded mitigation, no significant effects are predicted on ancient/veteran/notable trees</p> <p>Important individual trees to be protected within the order limits are shown on 2.8 Environmental Mitigation Maps (App-041). 7.3 Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (REP1-009) agenda item 3.5 confirms the commitment D-LV-01 contained in the REAC tables in the first iteration EMP</p>

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			<p>Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone.”</p> <p>We also note the presence of numerous notable trees recorded on the Ancient Tree Inventory adjacent/within the DCO boundary. Although not afforded the same protection in planning policy as ancient and veteran trees, notable trees are likely to develop veteran features if afforded time and space. As such, we ask that these trees are identified, retained, and afforded suitable root protection areas in line with Natural England and Forestry Commission’s standing advice to ensure their future longevity and protection.</p>	<p>(Document Reference 2.7, APP-019), which secures the production of an AIA prior to the start of the construction of the main works. In addition, the EMP secures Tree Protection Plans to be prepared for the protection of trees retained in line with relevant British standards within and immediately adjacent to the Order limits.</p> <p>National Highways considers that these points are also addressed in the Applicant’s Response to Relevant Representations (Document Reference 6.5, PDL-012).</p>
REP1-085	Louis Martin	Development of the Project and Alternatives	<p>This is a written representation for the A66 Transpennine NTP dualling scheme. As a stakeholder I still strongly believe that the northern route should be considered so as to avoid local residents having their lives turned upside down</p>	<p>National Highways considers that these points are addressed in the response to RR-222 given in the Applicant’s Response to Relevant Representations Part 2 of 4 (Document Reference 6.5, PDL-011). Further information on the reasons why an alternative northern route in this location (Scheme 06 Appleby to Brough) was discounted, can be found under agenda item 2.2 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006).</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 (PDOR) (Document Reference 4.1, APP-244).</p>
REP1-063 REP1-064 REP1-065	Emma Nicholson	Development of the Project and Alternatives Consultation and Engagement	<p>EDC summarise within this paragraph the experience of working with NH encountered by everyone impacted by this scheme. The process of route selection was similarly impacted. The evidence that NH never departed from some of the conclusions reached in 2003, when dualling was last considered, is evident by the fact the 2003 statutory consultation was considered in meeting with the Planning Inspectorate in 2019. The drive for speed led NH to pick up where they had left, and advance routes based on old assumptions. The response to every obstacle had not been to reconsider but to state mitigation will address the problem. They have not worked openly with communities, Statutory Bodies or Landowners. Simply saying you have consulted is not the same as doing so with full information. Absent from the Route Selection Process and Statutory Consultation was information about</p> <p>Cost</p> <ul style="list-style-type: none"> • Environmental impact/mitigation • Length of route/journey time • Noise/air pollution • Junction location • Accurate plans depicting how each route would impact the village of Kirkby Thore • Design detail 	<p>National Highways considers that these points are addressed in the Applicant’s Response to Relevant Representations Part 3 of 4 (responses to RR-220 in Document Reference 6.5, PDL-012, Pages 189-193). Further information relating to the matters raised can be found in Agenda Item 2.3 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006).</p>
REP1-063 REP1-064 REP1-065	Emma Nicholson	Traffic and Transport Design, Engineering and Construction	<p>The Inspectors have commented on the scale of information which remains absent. Even now almost 5 months after the DCO was submitted key surveys and design work have not been completed.</p> <ul style="list-style-type: none"> • Arboriculture Assessment • Traffic Management Plan • Bridge Design 	<p>Arboriculture Assessment</p> <p>National Highways considers that this point is addressed in the ISH2 Post Hearing Submissions (REP1-009) under Agenda Item 3.5, pages 41-44.</p> <p>Important individual trees to be protected within the order limits are shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041).</p> <p>A tree loss and compensation planting report will be completed for Deadline 4. The report will quantify the total number of trees which could be lost to the Project and subsequently determine and set out the total number of trees which could be required to be replanted as part of the mitigation.</p>

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				<p>The replacement planting requirements are secured in the first iteration Environmental Management Plan (EMP) (DCO Document Reference 2.7, APP-019) in various commitments. This includes the relevant replacement ratios.</p> <p>Commitment ref. D-LV-01 requires and Arboricultural Impact Assessment (AIA) to be undertaken prior to the start of the main works for the Project.</p> <p>Traffic Management Plan</p> <p>The Environmental Management Plan Annex B13 Construction Traffic Management Plan (CTMP) (Document Reference 2.7, APP-033) is based on a preliminary design, with defined parameters, and assessments have taken (utilising the Rochdale Envelope approach) to ensure that the worst-case impacts are identified. This approach is entirely in line with accepted DCO process.</p> <p>Bridge Design</p> <p>National Highways considers that this point is addressed in the ISH2 Post Hearing Submissions (REP1-009) under Agenda Item 3.1, pages 29-34.</p>
<p>REP1-063 REP1-064 REP1-065</p>	<p>Emma Nicholson</p>	<p>Development of the Project and Alternatives Consultation and Engagement</p>	<p>Consider then the position in Autumn 2019 when the Preferred Routes for each scheme were selected. Only the briefest outline was provided. (see attached Inadequacies in Consultation Document). EDC hi-lights that significant information was not made available as part of the Statutory Consultation. How then can PINS be confident that robust route selection occurred. Information was not available to Statutory Consultees. AS an example, Natural England and the Environment Agency had not full information on route options at Kirkby Thore to include span of the bridge alternative, flooding, hydrology, noise, landscape or air pollution.</p> <p>The comments of EDC make it clear they did not feel able to come to informed decisions about the impact of the scheme. PINS is asked to consider the below comments when considering whether it is possible to have robust route selection given the following.</p> <ul style="list-style-type: none"> • the Council did highlight that significant information was not made available as part of the public consultation. • we would have preferred more detailed pre-application engagement in order to facilitate a fuller and more informed Section 42 response. • This absence of elements of information has not just created difficulties for the Councils but, we assume, for a wide number of consultees as well. • Whilst acknowledging that the Applicant has been developing its proposals throughout this period, it would have significantly helped the Councils if more information had been available earlier for the Council to be as fully informed as possible. There was an ongoing concern throughout each stage of public consultation that detail and evidence were missing from the consultations • The Council has consistently sought to receive more information from the Applicant in order to be able to come to more informed judgements about the impacts of the scheme and to allow them to work more effectively on any mitigation proposals. • We are aware that several statutory consultees are also concerned about the level of information that has been made available through the consultation exercises. 	<p>Information available at Statutory Consultation included the Route Development Report (Document Reference 4.1, APP-247, Appendix 3 to the Project Development Overview Report) and the Preliminary Environmental Information Report which included a chapter on alternatives (chapter 3). These documents outlined the route selection process to date, and the environmental assessment work undertaken to support this. The environmental assessment undertaken was determined to be appropriate for the Project stage (early Preliminary Design), with the level of information being commensurate with the objectives of the assessment. National Highways have engaged with Eden District Council and other stakeholders throughout this process, as highlighted in the Statement of Common Ground with Cumbria County Council and Eden District Council (Document Reference 4.5, APP-277).</p> <p>National Highways considers that the points raised are addressed in both Procedural Deadline Submission – 6.5 Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012, responses to RR-200 pages 189 to 193) and the Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013, responses to RR-127, pages 78 to 95).</p>
<p>REP1-063 REP1-064 REP1-065</p>	<p>Emma Nicholson</p>	<p>Development of the Project and Alternatives</p>	<p>Junction at Kirkby Thore</p> <p>The need for Junction locations to be resolved on each route prior to Statutory Consultation was emphasised to NH in meetings with PINS. This is clear in the PINS S51 advice. The relocation of the Junction at Kirkby Thore moving it closer</p>	<p>The development of the design for the Project, including alternative routes and junction arrangements considered and the decision-making process, is set out in the Project Development Overview Report (PDOR, Document Reference 4.1, APP-244). Specifically, Section 4.4 explains how proposals for each scheme</p>

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		Consultation and Engagement	to approx. 50 residential properties at Sanderson Croft was inevitable. The original design had safety issues. It seems improbable that the need for a junction redesign was not known at Statutory Consultation. Concealing this information will have impacted the responses of the village and in particular the resident of these 50 properties	<p>have evolved throughout Preliminary Design to reflect survey works, ongoing assessments and continuing stakeholder engagement; including having regard to responses received through Statutory and supplementary consultations.</p> <p>Statutory Consultation feedback received with regard to the Temple Sowerby to Appleby scheme demonstrated strong local support for an alternative location for the Kirkby Thore northern junction. As a result, proposals were developed by the design team and subsequently shared at further supplementary consultation prior to DCO application submission.</p> <p>Within the Project Development Overview Report:</p> <ul style="list-style-type: none"> • Paragraphs 5.4.47 to 5.4.49 outline the engineering factors that led National Highways to propose the northern Kirkby Thore junction be located at Fell Lane rather than Main Street. These included safety improvements, and improved visibility, having regard to feedback received from stakeholders during Statutory Consultation. • Paragraph 5.4.62 outlines potential environmental impacts of the junction move, including community impacts at Sandersons Croft and measures to mitigate these. Refer to Environmental Statement Chapter 13 Population and Human Health (Document Reference 3.2, APP-056) for further information. • Paragraphs 5.4.68 to 5.4.70 describe the traffic factors contributing to the junction design change, including acknowledgement of stakeholder feedback about congestion concerns and suitability of the Main Street junction for the traffic likely to be using it. <p>The Consultation Report (Document Reference 4.4, APP-252) sets out the consultation undertaken, with Annex N (Document Reference 4.4, APP-271) and Annex P (Document Reference 4.4, APP-273) containing tables evidencing regard had to consultation and supplementary consultation responses, respectively.</p>
REP1-063 REP1-064 REP1-065	Emma Nicholson	Development of the Project and Alternatives	<p>1.3. –Other routes/De Minimis</p> <p>NH have given conflicting answers to whether an upgrade to the existing A66 was considered. Initially they were incredibly open in saying that this was not considered as it was not a project objective. When they realised, they should have considered this alternative they began saying it had been considered but ruled out. All requests for them to provide evidence of the Sifting Process were refused. The existence of an Online Purple Route was never known about. It appears to have been ruled out in an Online Teams Meeting. The rigour applied to Route selections is evident.</p>	National Highways considers that these points are addressed in Agenda Item 2.3 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006).
REP1-063 REP1-064 REP1-065	Emma Nicholson	Cultural Heritage Development of the Project and Alternatives	<p>1.4-The Kirkby Throe Roman Viccus</p> <p>The Original two routes consulted on in 2019 included a Southern Route. Historic England were involved. In 2021 when NH formulated new routes, they changed the Southern Route so that it moved closer to the Viccus. The Sifting Minutes do not indicate why they did this but there is no suggestion within those sifting minutes that moving the southern route slightly north would be against National Policy. NH would presumably have known the boundary of the Viccus from their ongoing interaction with Historic England. There was an alternative southern Option which avoided the Viccus by maintaining the original alignment. Enquires have been made with Historic England who are clear that their referred route was the Northern Route because of the impact on the Viccus of the Southern Route but say it is for NH to weigh that harm against other interest and the public benefit of the scheme. They do not say it is against national Policy.</p>	National Highways considers that these points are addressed in Agenda Item 2.3 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006).

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			<p>NH are asked to provide evidence of how they compared this harm against all the other disadvantages including to the Troutbeck SAC.</p> <p>It is felt the decision was made prematurely to accommodate Project Speed as the proposed date for the Statutory Consultation was approaching</p>	
REP1-063 REP1-064 REP1-065	Emma Nicholson	Case for the Project Economics	<p>2.Each scheme judged on own merits</p> <p>PINS have repeatedly asked NH to explain the justification for one NSIP. The answers given by NH are inadequate. Taken on its own merits, the Temple Sowerby-Appleby scheme would not be advanced. It accounts for 27 percent of the budget meaning ultimately this short stretch is likely to end up costing half a billion pounds. It is by far the largest contributor to the carbon calculation. It also involves intrusion into the setting of an AONB, significant and permanent detriment to a village arising from noise, dust and air pollution and then cuts through a SAC and SSSI.</p> <p>NH have regularly updated the BCR and land costing for each scheme throughout each stage whilst all the time denying that such a calculation exists.</p> <p>The evidence that lands cost and BCR calculations were being conducted on a scheme-by-scheme basis was obtained by receipt of the Sifting Minutes obtained via a FOI request. NH's design lead MC-G now says the BCR for the Temple Sowerby –Appleby section cannot be released immediately as it is being updated and will be made available shortly.</p> <p>NH are asked to provide the BCR for the Temple Sowerby–Appleby scheme.</p> <p>NH are asked to confirm that the Calculation has been carried out using the most recent TAG V1.18 utilising updated Carbon figures</p>	<p>National Highways considers that some of these points are addressed in the Applicant's Response to Relevant Representations Part 1 of 4 (Document Reference 6.5, PDL-010) at pages 16-17.</p> <p>National Highways has updated the cost estimate of the Project throughout the lifecycle of the project and has in turn have updated the BCR for the whole project throughout. The Project is considered as a whole to realise efficiencies in delivery rather than delivering as scheme-by-scheme projects. As outlined in section 1 of the Case for Project (Document Reference 2.2, APP-008), in upgrading the A66, the Project is required to demonstrate that it can meet the specified Project Objectives as defined by the DfT within the RIS2. While each scheme contributes to the Project Objectives, they are achieved on a route wide basis with the principal strategic benefits of the Project being derived from the dualling of the entire length of the A66 as a whole as was identified in the Northern Trans Pennine Route Strategic Study (NTPRSS), the findings of which are summarised in the Project Development Overview Report (PDOR) (Document Reference 4.1, APP-244).The DCO application submitted is for the whole project and the economic benefits including the safety benefits have therefore been measured collectively for the whole project rather than on a scheme by scheme basis. The BCR for The Project should be considered as a whole, which is outlined in sections 5 and 6 of the Case for Project (Document Reference 2.2, APP-008).</p> <p>Non-monetised benefits for the project have been assessed qualitatively and are informed by the findings of the Environmental Statement. These are summarised in Case for Project (Document Reference 2.2, APP-008) and section 6.4 explains the benefits of the Temple Sowerby to Appleby section of the project and Table 6-3 summaries how this scheme supports and contributes to the Project Objectives. Non-monetised benefits are excluded from the BCR calculations, however they are also an important consideration in the case and need for the overall project.</p>
REP1-063 REP1-064 REP1-065	Emma Nicholson	DCO – Policy, Legislation and Guidance	<p>3.Scheme Objectives.</p> <p>Accommodating Freight and Tourism were considered as two of the main objectives when the A66 strategy was formulated in a 2014 strategic study. Those objectives have changed and the move into the NET ZERO legislative world means Government policy has developed since the formulation of those objectives. Government policy is that freight should shift to rail. The drive to NET ZERO also undermines the tourism objective. The LDNP wish to discourage tourists visiting by cars. Driving to the Lakes is the LDNP biggest contributor to its Carbon Calculation and the parks' policy is to reduce visits by car. The A66 scheme objectives are less relevant.</p>	<p>National Highways considers that these points are addressed in Agenda Items 2.0, 2.3 and 2.4 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions.</p>
REP1-063 REP1-064 REP1-065	Emma Nicholson	Traffic and Transport	<p>4.Kirkby Thore – Rat Run</p> <p>NH have finally acknowledged the likelihood that siting a junction at the north of KT will create a rat run. In the event of incidents on the stretch between Temple Sowerby to Appleby it now proposed to close the KT junction.</p> <p>1.Who will be responsible for effecting the closure? 2.How will they be notified?</p>	<p>The impact of the Project on the existing road network around Kirkby Thore is shown in Figure 8-12 of the Transport Assessment (Document Reference 3.7, APP-236).</p> <p>Table 8-3 shows that 23,000 vehicles per day will be removed from the existing A66 within the village, and 1100 vehicles per day on Main Street.</p> <p>In response to the queries around incident management, National Highways will enact Annex D Emergency Procedures of the EMP (2.7, APP-040).</p>

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			<p>3.How long is it predicted it will take from the time of the incident to junction closure being affected?</p> <p>4.How will local traffic enter the village in those circumstances?</p> <p>5.Given the tendency for drivers to divert well in advance of an incident using info on Google Maps will the junction also be closed to prevent the village being impacted by accidents beyond at other sites and if not why?</p> <p>NH do not consider traffic diverting through the village to access the Petrol Station or other locations will be an issue as they predict traffic will access the petrol station using the old trunk road.</p> <p>1.What evidence is there for this given Google maps is likely to be the main influencer of route choice?</p> <p>2.How can they control how people access the Petrol station or divert through village?</p>	<p>In response to point 4, traffic is likely to use the de-trunked A66 between Appleby and Temple Sowerby.</p> <p>In response to Point 5, in the event of an incident of such significance that both lanes of the proposed dual carriageway were to be closed between east of Temple Sowerby and north of Kirkby Thore, there is a small risk that traffic would be diverted through the village. National Highways' operations teams will continue to work with local authorities to understand the implications of such incidents as part of their incident management planning processes.</p> <p>The A66TM as described in the Combined Modelling and Appraisal Report (Document Reference 3.8, [APP-237]) has been used to measure the journey time between the Petrol Station and the A66 westbound merge at the Temple Sowerby Junction. The forecast journey time via the de-trunked A66 is 3 minutes and 11 seconds (a distance of 3.8km). The forecast journey time via the proposed Kirkby Thore Junction and the Dual A66 is 4 minutes and 23 seconds (a distance of 5.5km). National Highways therefore consider that the route planning software will direct traffic via the de-trunked A66.</p>
<p>REP1-063 REP1-064 REP1-065</p>	<p>Emma Nicholson</p>	<p>Biodiversity Flooding and Drainage</p>	<p>5-River Eden/Troutbeck SAC</p> <p>In responses to RR, NH state there will be no impact on the Troutbeck River Restoration Project (TRRP). They go further and say they are working with Eden River Trust to facilitate this scheme. This is a total fabrication. When NH shared the first version of the DCO line the TRRP was within the boundary and NH indicated a wish to fund the scheme presumably to assist with mitigation. This was not adding mitigation but appropriating a scheme that already existed adding nothing to biodiversity net gain. NH approached ERT without informing the Landowner. Despite apologies about the way it was handled and subsequently being told by the Landowner that ERT were clear the scheme would not proceed without landowner agreement, NH have continued to assert that the scheme is proceeding. NH have known and repeatedly been informed that is not. Correspondence from ERT to the Landowner confirms they are also sorry for the way in which the Landowner has been treated and no longer wish to progress the scheme. This has been shared with NH.</p> <p>Why NH continue to assert the project is going ahead cannot be understood. It is purposefully misleading to assert the TRRP is not impacted and will contribute to Biodiversity Net Gain. In reality the loss of the TRRP should contribute to the net loss calculation as the sole reason it is not progressing is the intrusion of NH into the project and the resulting loss of agricultural land.</p> <p>NH uncertainty over temporary land take/ agricultural land required for future mitigation is resulting in Farmer/landowners withdrawing from Environmental schemes as they do not know what will be taken and cannot take the risk of committing land to environmental schemes. This is impacting on the drive to Net Zero along the route and Land use and Soils are one of the biggest resources for sequestering carbon.</p> <p>NH are asked to address in responses to WR where they are relocating Flood storage. The Eden valley is an agricultural area with much of the Land being Grade 2. Where is this flood mitigation going to be located?</p> <p>NH are also asked to clarify its claim that the project will not produce a reduction in flood storage given the following.</p> <p>1.The planned TRRP (designed to restore river health but also assist with slowing flood water) will not proceed as a direct result of the project.</p>	<p>Potential impacts to the River Eden SAC (including Trout Beck) are assessed in Habitats Regulations Assessment (HRA) Stage 2 Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235). This document outlines mitigation (both in terms of the design of the road and construction mitigation) that will be used to avoid an adverse effect on the integrity of the River Eden SAC. Enhancement / restoration is not a requirement of the Project and is a condition of National Highways Designated Funds that funds cannot be used for mitigation purposes. At an organisation level National Highways worked with Eden Rivers Trust on their bid for the proposed river restoration scheme at Sleastonhow under National Highway's Designated Funds programme. This scheme can only proceed with land owner permission. As the scheme feasibility has not been undertaken, no calculations for biodiversity net gain have been undertaken and do not impact the any calculations undertaken for The Project. The Project will not prevent the Eden River Trust's scheme to restore Trout Beck in this location from going ahead or prevent wider restoration / enhancement of the SAC and are willing to work with yourself as the landowner if you wish for the scheme to proceed within your land.</p> <p>Flood compensation is likely to be required and is indicatively shown on Sheet 4 of General Arrangement Drawings Scheme 0405 Temple Sowerby to Appleby (Document Reference 2.5, APP-013). The flood compensation will be developed and refined at detailed design stage to ensure there is no increase in flood risk caused by the proposed structure and ensure the compensation is appropriate and in keeping with the current the landscape. This requirement is secured in clause 0405.04, 0405.10 & 0405.11 of document 5.11 Project Design Principles (Document Reference 5.11, APP-302) and commitment D-RWDE-02, D-RWDE-05 & D-RWDE-13 of Environmental Management Plan (Document Reference 2.7, APP-019). The Eden River Trust's scheme does not form any part of the proposed flood mitigation measures as it is a separate scheme.</p>

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			<p>2.The flood plain will be impacted, and it is recognised that replacement flood storage is needed to compensate.</p>	
<p>REP1-063 REP1-064 REP1-065</p>	<p>Emma Nicholson</p>	<p>Road Drainage and Water Environment Flooding and Drainage</p>	<p>6.Eden River/Troutbeck SAC –Road Run Off/Nitrous Oxide Road run off containing contaminants and microplastic are to be managed by balancing ponds which as described as reducing the pollutants to the required level.</p> <p>How will this increase pollution to the Eden/ Troutbeck. The required level is not the same as saying there will be no additional contamination due to the introduction of the project into the floodplain.</p> <p>1.The balancing ponds will drain straight into the Troutbeck SAC on the TS-Appleby section. What maintenance schedule will be necessary to ensure there is no risk of overflow.</p> <p>2.How will run off from the bridge be prevented? How can the Examiners assess this during the Lifespan off the Examination when there is no Bridge design to assess?</p> <p>3.The likelihood that Nitrous Oxide concentrations will increase is described as not adverse and at limited points. What is the increase to Nitrous Oxide depositions and at which locations?</p> <p>4.How does increase to Nitrous Oxide caused by the dualling of the A66in the Eden River Catchment basin, fit with EDC suspension of Planning permission due to the nitrification of the Eden Rive ad the urgent need to address this?</p>	<p>Potential impacts to the River Eden SAC (including Tout Beck) are assessed in Habitats Regulations Assessment (HRA) Stage 2 Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235). This document outlines mitigation (both in terms of the design of the road and construction mitigation) that will be used to avoid an adverse effect on the integrity of the River Eden SAC.</p> <p>The surface water collection system for the structure will be designed in accordance with the requirements set out in document CG501 of the Design Manual for Roads and Bridges. The surface water will be collected in v-channels, combined kerb drainage units or similar and conveyed via pipes or ditches to the attenuation ponds. The structure will also have a longfall so exceedance flows will flow along the bridge/road and will not overtop the edge of the structure during normal operation in accordance with the commitments in the Flood Risk Assessment and Drainage Strategy (Document Reference 3.2 Appendix 14.2, APP-221).</p> <p>Ponds have been designed to accommodate the design flows set out in the Flood Risk Assessment and Drainage Strategy (Document Reference 3.2, Appendix 14.2, APP-221). The maintenance requirements and schedules will be developed during the detailed design and construction phase and secured through the commitments contained in the Environmental Management Plan.</p>
<p>REP1-063</p>	<p>Emma Nicholson</p>	<p>Traffic and Transport</p>	<p>7 Construction Traffic Management Plan</p> <p>This plan has not been completed and will not be available until the 2nd iteration of the EMP.</p> <p>1.Why was this not completed in advance and available to Local Authorities at a much earlier stage?</p> <p>2.How will the findings of this study now be incorporated into Local Authorities Local Impact Re?</p> <p>3.Is this one of the missing studies that cause EDC to state that the Councils have been keen, at every stage, to progress with all the outstanding elements in a constructive way with all parties but are concerned that, with the substantial and complex work still to be done on the Statements of Common Ground, the s106 legal agreement and agreeing mitigation, there may not be adequate opportunity for the Examining Authority to undertake its work.</p>	<p>All of the required mitigation has been identified in the Environmental Statement (Document Reference 3.1 to 3.4, [APP-043 to APP-233] and is secured through either the Environmental Management Plan (EMP) (Document Reference 2.7, [APP-019] or the Project Design Principles (PDP) contained within the Project Design Report (Document Reference 2.3, [APP-009). The current, first iteration of the EMP, defines the outcomes that must be achieved by the mitigation and these are specified in the commitments included. The detail of how those outcomes will be achieved is dependent on the detailed design and detailed construction planning, and will be provided through the detailed management plans, to be produced as part of the second iteration of the EMP. The local authorities will be consulted on these plans prior to approval by the Secretary of State.</p> <p>The required mitigation has been established and is committed in the EMP (Table 3.2 REAC reference D-GEN-10) and the outline Construction Traffic Management Plan (Annex B13) (Document Reference 2.7, APP-033), the detail will be developed as part of detailed design/construction planning and the local authorities will be consulted upon it as part of the approvals process.</p> <p>Annex B13 of the Environmental Management Plan sets out an extended essay plan for a Construction Traffic Management Plan (CTMP) (APP-013). The CTMP is to be produced in substantial accordance with the outline plan included at Annex B and once finalised will establish a structure to facilitate further development of the management plan as the detailed design of the Project is developed Future versions of the CTMP for the Project shall be informed by detailed design, detailed construction planning and consultation with local highways authorities. Major local businesses and other stakeholders that are likely to be impacted by the proposed traffic management will also be consulted regarding this CTMP</p>

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REP1-063	Emma Nicholson	Climate Traffic and Transport	<p>8-Lake District National Park /Conflict with Traffic /Carbon reduction plan</p> <p>An increase to tourism in the World Heritage Site is in direct conflict with the LDNP plan.</p> <p>1.How do NH reconcile their assessment that a key benefit of the project is improved access for tourist, with its claim that the percentage increase of trips to the park will be only 0.5% of park visitors. In those circumstance how is this a key benefit</p> <p>2.How will the LDNP objection to increased tourism by car and request for a World Heritage Impact Assessment be factored into the cost benefit ratio. If previously assessed as a positive to tourism, will it now be assessed as a negative given the Parks objection and impact on World heritage Site that changing climate is having?</p> <p>3.Will a Word heritage Impact Assessment be conducted?</p> <p>4.When did NH invite LDNP to attend focus group. The chief Executive and transport lead advise that they were never consulted about NH claiming an increase to tourism as a key benefit of the scheme.</p>	<p>National Highways considers that these matters are addressed in the following documents</p> <ul style="list-style-type: none"> • PDL-011 Procedural Deadline Submission – 6.5 Applicant's Response to Relevant Representations Part 2 of 4 (page 103-1040) • REP1-006 Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions under agenda item 2.4 <p>In addition, we have provided a response to the outstanding matters here.</p> <p>Paragraph 3.5.2 within the Case for the Project (Document Reference 2.2, APP-008) highlights that improving access to key tourist destinations <i>such as</i> the North Pennines and Lake District is one of the benefits of the Project.</p> <p>The 350 trips per day refers to additional vehicle movements travelling into Lake District only (that would not have travelled into the Lake district without the Project in place) and does not include all additional trips that are undertaken by tourists to other destinations within the north of England and the rest of the UK.</p> <p>The 350 trips per day are additional to those that are currently accessing the National Park. Therefore, the Project will also save time for people who are currently expected to use the A66 to access the National Park, or other tourist destinations without the Project in Place.</p> <p>Chapter 6 of the Combined Modelling and Appraisal Report (Document Reference 3.8, APP 237) describes the calculation of the Project BCR. Paragraphs 6.11 to 6.14 describe the principles of cost benefit analysis since most aspects of transport and travel incur a monetary cost in terms of infrastructure provision and expenditure, vehicle use, time spent by transport users, accident injuries and damage, environment damage and mitigation, and 'externalities' (or costs not wholly born by the instigator).</p> <p>The time saved by all motorised users in completing their journeys both with and without the Project are therefore used within the cost benefit calculation regardless of the trip purpose or origin and destination of their trip, in line with the Principles of Cost Benefit Analysis as set out in TAG Unit A1.1 Cost Benefit Analysis (DfT July 2021). The findings from the transport modelling in relation to journey time savings is reported in the Combined Modelling and Appraisal Report (APP-237)</p> <p>Similarly the carbon assessment is undertaken in a similar manner considering emissions from all vehicles as they change their journeys, as discussed in paragraphs 6.1.30, 6.1.31, and 6.2.23 to 6.2.30.</p> <p>In relation to the fourth point the LDNP were invited to a series of project-wide environmental interest focus groups, that were held ahead of statutory consultation, as reported at paragraph 3.4.2 of the Consultation Report (APP-2520)</p>
REP1-063	Emma Nicholson	Project Speed and Programme	<p>9.Project Speed</p> <p>The project speed pilot combined with time lost due to Covid (surveys were delayed) has led to chaos and inadequate consultation. To compensate for the lack of surveys and design, the NH team have adopted a Worst-Case Scenario Approach which is applied to land take and environmental mitigation. It has left the impression that the initial proposed land take was nothing more than guess work. There has been everchanging boundaries.</p> <p>The failure to frontload the survey and design work before submission of the DCO means the observation of EDC that it may not be possible to complete the examination due to the lack of important information is accurate.</p>	<p>Project Speed aims to deliver public investment projects strategically and efficiently.</p> <p>National Highways' approach to Project Speed, including regular and early engagement with the Planning Inspectorate, Local Authorities and Statutory Environmental Bodies to support this, is outlined in paragraph 1.3.5 of the Project Development Overview Report (Document Reference 4.1, APP-244). Section 1.4 of the Case for the Project (Document Reference 2.2, APP-008) provides further information on this point.</p> <p>Public consultation and engagement formed a critical part of the preparation of the DCO application and has been underpinned by the Government's</p>

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			<p>The Statutory Environmental Bodies all raise concern about the lack of information and are waiting for a comprehensive detail to allow response.</p> <p>Landowners are particularly impacted as Environmental mitigation is still not calculated with efforts now being made by the design team to scale back the project and get the BCR under control. NH acquisition team are trying to resolve this with hastily arranged meeting applying pressure to accept offers before June to ensure benefit from the 20% uplift but unable to place offers about what land take, they want on either permanent or temporary basis.</p>	<p>Consultation Principles. Many consultation events and engagement activities over several 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>Regarding the Project BCR, value for money has 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. 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. 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. 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 decisionmaking, 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> <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'. 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 respect of the comment re the worst case approach -as presented in REP1-007 Deadline 1 Submission— 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19</p>

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				of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.
REP1-063	Emma Nicholson	Biodiversity	<p>9.NoNet Loss. Net Gain</p> <p>The phrases are used interchangeably. EDC makes clear the project should achieve net gain. Which is NH seeking to achieve? They are asked to clarify.</p>	To confirm with respect to Biodiversity Net Gain, the Project is aiming to achieve a minimum of no net loss , however opportunities to maximise biodiversity enhancements have been sought where possible.
REP1-063	Emma Nicholson	Biodiversity Landscape and Visual	<p>10-EMP –Landscape and Ecological Plan</p> <p>AS no Arboriculture assessment has been prepared how will plan for Tress subject to TPO be conducted? Why is species rich grassland the default treatment for all verges. Why are trees or scrub not being used. Get Cumbria buzzing is being asked to provide native grass seed local to the project. Is this realistic to expect a small project to provide all the seed? When will detailed management plan for each Habitat type be completed?</p> <p>Open grassland B.1.9.1-Land will be returned to owner with appropriate open grassland mix if required. No detail about the site land will returned and what future management will be required. NH ecologists indicate it will take e81fect. 20 years for soil to recover.</p> <p>B1.10.7 What is likelihood of tress that are translocated being successful. What evidence is her of this working from other projects and what is the failure rate</p> <p>It states Woodland Trust guidance will be followed. Are Woodland Trust participating in the working group. Will charities such as Woodland Trust be funded for the advice they provide?</p> <p>B.1.10 What is likelihood of achieving a closed tree canopy within 5 years. What evidence exists that this is realistic?</p> <p>B1.10.11 –Herbicide is given a management plan to prevent trees being overcome by weeds. What is management plan for trees in Troutbeck SAC given other area are to be sprayed 3 times a year?</p> <p>B.1.10.23 What specification of tree guards are to be used. It is disingenuous to state planning to use biodegradable as trial by Woodland trust is ongoing to find a successful biodegradable guard</p> <p>,B.1.14 how much native hedgerow will be removed by project and is the level of mitigation to replace this already known?</p> <p>Drystone wall. Will this be used on Sleastonhow lane where it is a feature of the landscape as with the village of KT</p> <p>Otter/badger-Will Sleastonhow require particular fencing to address badgers and Otter. The Otter Holt is in very close proximity to the viaduct piers. What mitigation is planned for the Otter Holt?</p> <p>Barn Owls –What mitigation is being planned for breeding barn owls at Sleastonhow and what is evidence of success from previous schemes.</p> <p>Bats-- The TS-Appleby recommends 3 green bridges due to density of bat population due to hedgerow. The ecologist who attended meeting at Sleastonhow confirmed there was very little evidence to indicate that bat mitigation was successful</p>	<p>To confirm, Get Cumbria Buzzing will be consulted on the seed mix, they will not be expected to provide all the seed.</p> <p>Relating to B.1.9.1, open grassland will be returned to the landowner. The detail of how temporary works areas will be restored will be provided in the subsequent iterations of the EMP/LEMP during detailed design.</p> <p>Relating to B1.10.7, the LEMP recommends trees, shrubs and hedgerows are translocated where suitable and where the opportunity is present (Document Reference 2.7, APP-021). Certain species such as hazel and hawthorn are known to translocate successfully as long as translocation is undertaken in accordance with the guidance provided in subsequent iterations of the LEMP. Currently there are no individual mature trees earmarked for translocation. The Woodland Trust has provided written representation to the DCO application which the Project team have responded to.</p> <p>Relating to B.1.10 re closed tree canopy, planting densities have been designed in accordance with current best practice with the aim of achieving the required closed canopy within five years.</p> <p>Relating to B1.10.11, herbicide use will be managed appropriately near designated sites and near to watercourses in accordance with guidance set out within the Environmental Management Plan (Document Reference 2.7, APP-019).</p> <p>Relating to B1.10.23, it is the intention to use biodegradable tree guards where these are available. The detailed specification will be decided during detailed design using information drawn from the latest trails.</p> <p>Relating to B1.1.14, sections of hedgerow being lost will be replaced on a 1:1.59 ratio as a minimum. New sections of hedgerow will be native species rich hedgerow with trees. This commitment is secured under Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05 (Document Reference 2.7, APP-019). The indicative locations of proposed hedgerow planting showing how mitigation relating to hedgerows could be achieved are illustrated in the outline Environmental Mitigation Maps (Document Reference 2.8, APP-041). These will be further refined during detailed design.</p> <p>The commitment to incorporate drystone walls is embedded in the Project Design Principles (Document Reference 5.11, APP-302) in the project wide sections LC08 and LI11 and specifically for this section in 0405.01.</p> <p>Relating to otter and badger mitigation, otter and badger proof fencing extends from the viaduct over Sleastonhow Lane to the edge of Kirby Thore as shown on the outline Environmental Mitigation Maps (Document Reference 2.8, APP-041). As outlined in the Environment Management Plan (Document Reference, 2.7, APP-019), the artificial otter holt will be re-surveyed during pre-construction surveys and if found to be in use will be covered under a Natural England otter licence /method statement to prevent disturbance to otters. It should also be noted that the holt is located outside the indicative site clearance</p>

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				<p>boundary/working area (Document Reference 3.3, APP-062 Figure 2.2 Indicative Site Clearance Boundary).</p> <p>Relating to barn owls, the proposed barn owl mitigation is set out in the Environment Management Plan (Document Reference, 2.7, APP-019) and includes:</p> <ul style="list-style-type: none"> • protection of retained breeding sites from disturbance by timing or distance of works; • destruction of breeding sites under licence and method statement to safeguard barn owls, • contribution to the Barn Owl Trust to provide compensatory nesting sites; • providing tree planting along the road to encourage barn owls to fly at height and avoid risk of collision with traffic, • confirmed barn owl breeding locations which will be directly impacted by the works will be closed by a licenced barn owl ecologist; • replacement barn owl boxes will be provided at some distance from the scheme; and • barn owl boxes will be monitored to determine the success of the boxes. <p>Evidence of success from relevant projects will be used to help inform the detailed specification of proposed barn owl mitigation provided within subsequent iterations of the Environmental Management Plan.</p> <p>Relating to bats, there is little evidence that bat gantries are successful therefore proposals include greening of bridges with hedgerow planting which is considered to be best practice. A programme of monitoring has been outlined within the Environmental Management Plan (Document Reference, 2.7, APP-019) to monitor the success of the bat mitigation feature once in use. This will be used to inform future bat mitigation designs.</p>
REP1-063	Emma Nicholson	Impacts to Land Land Negotiations	<p>9. Test for Compulsory Acquisition of Land</p> <p>NH have to demonstrate, having regard to s122(3) of the PA2008, that there is a compelling case in the public interest for the land to be acquired compulsorily and the public benefit would outweigh the private loss. The scheme design is not sufficiently advanced such that NH can demonstrate with any certainty that there is a compelling case for the acquisition of the freehold of all the land shown in the DCO. By way of example at Sleastonhow Farm, they have identified all the land under the viaduct as land to be acquired permanently when, in reality, all they require (and all they actually want) is:</p> <ol style="list-style-type: none"> a) the freehold to the land on which the bridge piers are constructed, b) right to access the bridge piers and any flood attenuation, and c) an easement for the bridge deck. <p>As such there is no compelling case for the acquisition of the freehold of all the land shown in the DCO. Furthermore given there is no compelling case it manifestly cannot be in the public interest to require a greater interest (at a greater cost) than is required.</p> <p>The scheme design is not sufficiently advanced such that NH can demonstrate either</p> <ol style="list-style-type: none"> a. a rationale for the temporary acquisition of land or b. say with any certainty that there is a compelling case for the temporary acquisition of any of the land identified as being required temporarily <p>In respect of land to be acquired temporarily</p>	<p>The Applicant has set out in its Statement of Reasons (Document Reference 5.8, APP-299) (see in particular section 5.4) the compelling case in the public interest for the authorisation of the compulsory acquisition powers that it seeks through its application for development consent.</p> <p>In relation to the comments regarding the interests in land required to delivered the Trout Beck viaduct. The Applicant seeks the authorisation of compulsory acquisition for the land that is required to safeguard the delivery of the Scheme and as a last resort. It is the Applicant's preference wherever it is able to do so to acquire the interests it needs by agreement with the relevant affected persons.</p> <p>As is common with all major road schemes, whether or not they are proceeding under the Project Speed initiative, the Applicant has prepared a design that is sufficiently detailed to enable it to identify its land requirements and to carry out environmental assessment on a 'Rochdale envelop' basis to ensure that a reasonable worst case may be assessed. On a typical scheme detailed design would only be progressed if development consent was granted. As part of the Project Speed initiative the detailed design is progressing earlier than would normally be the case albeit that it is not be expected to be completed until after the close of the examination. Consequently, to facilitate that ongoing detailed design it is essential for the delivery of the Project that there remains a degree of flexibility in both design and land acquisition and use powers.</p> <p>As the Applicant submitted at Compulsory Acquisition Hearing 1 and as is recorded in its Post Hearing Submission [REP1-007] under agenda item 2.2, the compulsory acquisition powers in the draft DCO are structured such that the acquisition power can be 'rolled back' to a lesser power such as the acquisition if rights if that is what is required. This is mirrored in the drafting of the DCO which</p>

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			<p>i. There is no binding commitment to return land.</p> <p>ii. There is no indication as to when the land will be returned; and</p> <p>iii. There is no clarification as to the condition of the land that may be returned.</p> <p>It is for National Highways to make their case for the acquisition of land and rights in land –not for those affected to demonstrate why those interests are not required. In circumstances where NH major justifications for the scheme are diminishing (no economic gain as minus 1 BCR shows the benefit will never outweigh costs) and major obstacles emerging(Had NH completed a Cumulative Carbon assessment the outcome would be Major Adverse, and the scheme would fail the NPSNN 5.18 test).</p> <p>The test for Compulsory Acquisition of Land to achieve Public benefit is not met.</p>	<p>permits the Applicant only to acquire so much of the Order land as is required for the authorised development.</p> <p>In relation to the return of surplus land, the Applicant follows the Crichel Down Rules which make provision for surplus land to be offered back to its previous owner in the first instance. The Crichel Down Rules also make provision for land that has been altered as a consequence. Indeed, and as is explained in the CAH1 Post Hearing submission under agenda item 2.4, in some instances, it is because the Applicant cannot be confident that it is feasible to return land in a condition that would be reasonably acceptable to its owner, that it is instead seeking the power of acquisition rather than temporary possession.</p>
REP1-066	<p>Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd</p>	<p>Noise and Vibration Air Quality</p>	<p>Noise and Air quality</p> <p>Bringing the A66 closer to our homes, and the surrounding farmland, as proposed on the route NH have selected will result in unacceptable harm during the construction phase and post construction once the proposed 70 mph highway is open. This is because it will result in increased in the number of vehicles coming closer much to our properties leading to unacceptable noise and air pollution.</p> <p>NH have continuously failed to engage with us on grounds of noise, air quality and dust control both during and the construction stage and on completion. We made representations about our concerns at the statutory consultation stage and also at meetings in person. Thus far they have failed to offer any re-assurance. If this route is to be selected then why is it that other sections, such as the Brough horse fair section, has planned mitigation with noise bunding and screening for an event which doesn't even always happen and at peak about 6 caravans turn up for 2 days a year? This is very inconsistent approach to mitigation on the route. Why haven't NH offered bunding on all the sections across ours and other peoples' land where there are dwellings affected?</p> <p>We have asked for bunding to screen the HGV lights as they cross the proposed Troutbeck bridge and the land that is shown as "at grade" to the north side of the highway after the bridge and also as the road passes under Sleastonhow Lane where the road will be very high in the landscape. From Hare Cottage and from our elevated land this section will be very damaging to our views and well-being but also it will bring the road light and noise impact much closer to the North Pennines AONB.</p> <p>Not bunding or lowering the level of this section will also impact on the large s41 wading bird population on the area known as "The Moss" or "Mire". Research has shown the impact that light and noise pollution from roads can have on breeding success of birds. Why can't this be addressed by NH? In their documents it is shown as not to be screened in order "to preserve the fine view of the Pennines for the road users"!! Seriously? What are our priorities here. These roads should not be trying to provide fine views for drivers at 70mph, landscape, wildlife and local residents should take priority</p>	<p>In terms of construction dust, the Environmental Statement has carried out a thorough and robust assessment of this potential impact (see ES Chapter 5, Document Reference 3.2, APP-048). Overall the assessment of effects from the construction phase are assessed as being temporary and not significant. With the implementation of best practice mitigation measures outlined in the EMP, impacts in relation to construction dust would be negligible (paragraph 5.10.12 of Chapter 5 of the ES, Document Reference 3.2, APP-048).</p> <p>During the operational phase, Chapter 5 of the ES has carried out an assessment and has concluded that no likely significant effects are predicted at any location, with all pollutants predicted to be below the relevant Air Quality Objectives for nitrogen dioxide (NO2) and particulate matter (PM10 and PM2.5).</p> <p>Paragraphs 5.9.1 – 5.9.2 of Chapter 5 of the ES (Document Reference 3.2, APP-048) identify the specific measures which are considered essential to mitigate the potential changes in air quality due to dust emission from temporary construction activities. These measures do not include the use of bunding or dense planting as a means of mitigating these potential temporary effects.</p> <p>Furthermore, as stated in paragraph 5.9.5. of Chapter 5 of the ES (Document Reference 2.7, APP-048), no specific mitigation or Project Air Quality Plans (in accordance with DMRB LA 105) are required for the operation of the Project. The use of bunding or dense planting is therefore not required for either the construction phase or the operational phase.</p> <p>Mitigation measures have been considered throughout the Project and applied where sustainable to mitigate and minimise adverse impacts on health and quality of life. Decisions on the provision of mitigation have considered the minimum height and length of barrier (noise barrier fence or earth bund, or a combination of these) required to mitigate each adverse likely significant effect. Any resulting adverse effects that would be introduced by the required scale of a barrier (such as landscape and visual impacts, severance, access restrictions), the engineering practicability of providing a barrier and the value for money in terms of costs and benefits have then been considered in reaching a final decision on whether such a measure is sustainable. The mitigation approach is set out in section 12.9 of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055). In many cases, due to the distance from the route alignment, the length and height of barriers have to be substantial for them to be effective. Noise mitigation for the Brough Hill Fair site has been proposed because the current Brough Hill Fair site will be used for the Project mainline alignment. Noise mitigation for the proposed Brough Hill Fair site would be designed to ensure that incident traffic noise levels at the new site are not worse than those experienced on the current site.</p>

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REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Landscape and Visual	<p>Landscape Impact</p> <p>National Planning Policy Framework paragraph 176 states: "176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues..... development within their [AONBs] setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas"</p> <p>The proposed route will take the proposed A66 closer to the North Pennines Area of Outstanding Natural Beauty, harming the setting of this nationally designated landscape. The National Planning Policy Framework places great weight to conserving and enhancing these designated landscapes. As a result of taking the route closer to and through undeveloped open countryside (a new landscape) it will result in greater landscape harm than the orange route which follows the existing route and will therefore be seen in the context of this existing route.</p> <p>The additional junctions at Kirkby Thore will further exacerbate the harm to the setting of the North Pennines AONB.</p>	<p>National Highways considers that these points are addressed in Table 2.14 of the Applicant's Response to Relevant Representations, (Document Reference 6.5, PDL-010).</p> <p>The response to RR60 notes <i>A full assessment of the likely significant environmental effects of the Project is provided within the Environmental Statement (Document Reference 3.2, APP-043 to 049) with mitigation proposals detailed within each topic assessment. Chapter 10 Landscape and Visual (Document Reference 3.2, APP-053) assesses the impacts of the project upon the local landscape. Section 10.10 states that the effects upon the North Pennines Area of Outstanding Natural Beauty for both construction and operation has been assessed as slight adverse (not significant).</i></p> <p>National Highways can confirm that the topic assessments:</p> <ul style="list-style-type: none"> i) did consider the additional junctions, and ii) were undertaken in accordance with national policy
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Biodiversity Environment and EMP	<p>Ecology</p> <p>Following The Environment Act greater consideration needs to be given the impact of route on biodiversity and air pollution. The chosen route will result in permanent and unacceptable habitat loss and loss of habitat corridors that are so crucial for the movement of wildlife. One of Government's priorities is to improve biodiversity:</p> <p>Biodiversity 2020: A strategy for England's wildlife and ecosystem services: "By 2020, we will see an overall improvement in the status of our wildlife and will have prevented further human-induced extinctions of known threatened species."</p> <p>We note that in the PEI report Chapter 6.6.78 the surveys have not been completed for all routes and alternatives for this scheme and there is no recent information on which National Highways could possibly make an appropriate assessment of the impact on biodiversity. We know what species are in our immediate area around Kirkby Thore and few of these have been recorded by the surveys. It is hard to see how this section of the project can be ready for DCO approval with such scant data. The PEI refers to records taken from the Biological Records Centre which are very out of date and rely on sightings being reported. For example it states that there are 3 records of Brown hare in the area. Our farm alone has as many 20-30 brown hares on 300 acres most years.</p> <p>Many Section 41 species will be significantly affected by the chosen route at Kirkby Thore including:</p> <ul style="list-style-type: none"> • Breeding Barn Owl • Breeding Brown Hare • Wintering and Breeding Lapwing • Golden Plover • Curlew • Breeding Snipe • Breeding Redshank • Grey Partridge • Linnets • Breeding Skylark • Breeding Tree Sparrow 	<p>A full assessment of the likely significant effects of the Project is provided within Environmental Statement (ES) Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and the Habitat Regulation Assessment (Document Reference 3.5, APP-234). This has been informed by a suite of species-specific surveys undertaken in accordance with industry standards and/or through consultation with Strategic Environmental Bodies, including Natural England where a bespoke approach has been taken (full survey results and methodologies are detailed in Technical Appendices Document Reference 3.4 APP-155 to APP-175). This has included all relevant protected and S41 species. This has ensured a sufficiently robust baseline was collected to inform the impact assessment, which has been undertaken in accordance with industry accepted CIEEM guidelines, and associated mitigation design.</p> <p>National Highways have developed appropriate mitigation to ensure any impact upon brown hare, red squirrel, hedgehog, otter and badger are minimised. This is outlined within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and the LEMP (Document Reference 2.7, APP-021) and includes, but is not limited to, the provision of:</p> <ul style="list-style-type: none"> • Otter and badger fencing to direct these animals (and other non-target mammal species) to safe crossing locations underneath the carriageway to minimise road mortality on mammals • Otter ledges, underpasses and artificial otter holts as required. • Crossing points for red squirrel at appropriate locations where surveys have indicated red squirrel presence. • Greening of proposed overbridges near to bat crossing points to maintain north-south connectivity for bats and other species and reduce the risk of collision mortality. • Inclusion of crossing points suitable for badgers along new road alignments. These crossing points may include culverts with terrestrial mammal ledges, badger underpasses, overpasses and tunnels at appropriate locations. • Inclusion of cuttings or mounds to increase the flight height of barn owls at areas identified as likely crossing points. • Provision of suitable barn owl foraging habitat and nest boxes in areas which have been identified as being suitable through survey work.

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			<ul style="list-style-type: none"> • Starling • Yellowhammer • Bat species, Soprano Pipistrelle and Daubenton's bat • Red squirrel • Hedgehog • Badger • Otter • Beaver <p>Barn Owl –In recent decades we have been provided increasingly more suitable habitat to support barn owls and they have returned to this area and now are seen regularly hunting along the hedgerows, especially along Sleastonhow Lane. They have regularly bred in two of our barns, successfully fledging young. The numerous young broadleaf woodlands and field margins have provided ideal hunting grounds for them. The biggest killer of these birds are trucks. Dead barn owls are readily seen on the existing A66. Moving the route of the road into a new alignment in the landscape will undoubtedly lead to more road deaths and it is likely that our local population will wiped out. The plans provide for “owl crossings” and “bat crossings” over the proposed new dual carriageway! Honestly, how can they seriously suggest that these species will follow these routes and not be hit by trucks? The damage to these species would be limited if the route was in the existing A66 corridor. This proposal will create a wide zone of certain death for these and other species between the old A66 and the new A66.</p> <p>Brown Hare – we have one of the highest densities of brown hare in the country, often we can count 20-30 hares on the farm, again the habitats we have created are ideal for them.</p> <p>Lapwing – Whilst not breeding on own fields they do breed (8-12 pairs each year) on adjacent land (location 54.62266730739888, -2.5474902731055677) which will be part of the road construction area and when operational the noise and light disturbance will almost certainly reduce breeding success as evidence now shows that artificial light and noise affects their circadian rhythm leading to poor breeding success. Once fledged they birds are regularly seen feeding with their young on our fields where the proposed route would go through. The breeding site is also a very significant winter roost, supporting 400+ pairs of lapwing all through the winter months. This site is crucial in supporting the breeding lapwing population in the North Pennines AONB. If this site is disturbed or destroyed the implications for the local and national population of lapwings are extremely serious for these populations. These 400+ birds are a high percentage of England's breeding population.</p> <p>Golden Plover – whilst this is not a breeding site it is a later winter, early spring staging post for approximately 100 golden plover, these are crucial feeding grounds which allow the birds to gain body condition before they head further up onto their higher breeding grounds in the North Pennines AONB. This is a very significant population both locally and nationally which, if further reduced due to disturbance, may never recover. Both of these migrating species are already at their tipping point and have become locally extinct over most of England, with this area being one of the last refuges. Once the number fall below a critical mass they will almost certainly be lost from this area. We should be doing everything we can to allow this population to expand, not gambling with the future of these last strongholds with ill-considered infrastructure projects.</p> <p>Curlew – This area was once a stronghold for curlews. The number of breeding sites are now very much reduced to the AONB and fell edge. Whilst they haven't recently nested on our land they do annually visit to feed on adjacent land which</p>	<ul style="list-style-type: none"> • Existing fallen or standing deadwood will be retained where reasonably practicable for the purpose of enhancing the existing habitat for invertebrates. • No specific brown hare mitigation is proposed but fencing aimed at preventing badger road mortality will help minimise the road mortality risk upon brown hare and direct them to the safe crossing points. Pre-construction surveys for protected/notable species as required. <p>Specifically relating to bats along Sleastonhow Lane, bat surveys undertaken recorded use by both pipistrelle species and myotis species, however no bat roosts were recorded within the mature trees. The stated mitigation has been designed to retain the existing flight route over the proposed A66 route to continue connectivity along the lane between the Sleastonhow farm complex and Kirby Thore. Invertebrate diversity as bat prey will be promoted through the proposed planting scheme that accompanies the greening of the proposed overbridge (See ES Chapter 6 Biodiversity for further details (Document Reference 3.2, APP-049)).</p> <p>In more detail relating to birds at Kirkby Thore, National Highways undertook extensive barn owl, winter bird and breeding bird survey effort within the Kirkby Thore area to understand the impact the project may have on bird populations present within the area (See Appendix 6.13-6.15, Document Refence APP-166-APP-168). Winter bird surveys were undertaken in winter 2020 and 2021. Due to access constraints, updated winter bird surveys were undertaken in and around the Kirby Thore area including routes through The Moss in winter 2021 and 2022. Breeding bird surveys were also carried out in spring 2021. Barn owl surveys undertaken by licensed barn owl ecologists were undertaken in late summer 2021. This information has been used to input into the impact assessment relating to protected and notable bird species and also to develop suitable mitigation measures to minimise potential adverse effected on birds as a result of the Project (ES Chapter 6 Biodiversity, Document Reference 3.2, APP-049).</p> <p>Approximately nine barn owl roost/nest sites were recorded in this area. Winter and breeding bird surveys identified good numbers of golden plover and lapwing. Replacement habitat for ground nesting birds have been provided as well as notable planting within the locality to provide additional nesting opportunities (See Environmental Mitigation Maps, Figure 2.8.3 Scheme: 0405, Temple Sowerby to Appleby, Document Reference 2.8, APP-041). Barn owl boxes will be provided at a safe distance from the road to encourage barn owl to disperse away from the road (See Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05, Document Reference 2.7, APP-021)). Mitigation for barn owl shall include construction of cuttings or mounds to increase the flight height of barn owls at areas identified as likely crossing mounds to minimise the risk of barn owl mortality through collisions with vehicles (See Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05, Document Reference 2.7, APP-021).</p>

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			<p>will be impacted by the proposed route. They are regularly seen and heard crossing our land in the spring time, something that is unlikely to continue with a 70mph dual carriageway going right through it. This continued degradation of our landscape and habitats and species is not acceptable and runs contrary to the Government policy of reversing biodiversity declines under The Environment Act.</p> <p>Common snipe – Snipe feed and breed in the same location as the other wading birds and feed in several areas on our farm.</p> <p>Redshank – We have seen 3 or 4 breeding pairs of redshank on this area every year.</p> <p>Grey Partridge – 25 years ago there was a thriving population of grey partridge on our farm. We regularly counted up to 50 birds. The local population has been devastated by changes in modern agricultural practices, especially multiple cuts of silage. None-the-less with a decade of effort to provide the habitats and food sources they need, they are making a return to the land in the proposed new A66 corridor. This species needs landscape connectivity, especially linear hedgerows and areas of scrub. The proposed route would sever the hedgerows and the road will be a death-trap for these birds which fly low across the ground. They will stand no chance with a 70mph dual carriageway going through their territories.</p> <p>Linnet – large flocks of linnets use our land in the winter. Loss of connectivity in the habitats will be detrimental to this species</p> <p>Skylark – We regularly have skylarks displaying over our fields. This species will not be able to tolerate the disturbance, noise and light and they nest in the middle of larger, more open fields. These are our south facing fields which the proposed route would carve up into odd shapes, rendering them useless for skylarks.</p> <p>Tree sparrow – We have a thriving local population of tree sparrows. They rely heavily on mature hedgerows and trees and are regularly seen along Sleastonhow Lane.</p> <p>Starling – There are often large spectacular murmuration's in the area and starlings are seen flocked up with foraging field fares and redwings through the winter.</p> <p>Yellow hammer – another species that use mature hedgerows, regularly seen along Sleastonhow Lane</p> <p>Bats – Sleastonhow Lane is a favourite foraging lane for bats. The double hedged lane creates a microclimate for invertebrates which attracts the foraging bats at dawn and dusk. Removal of these ancient diverse hedgerows and the old ash and oak trees in which they will roost will inevitably have an impact on these species. Light, noise and air pollution will threaten their survival in this area.</p> <p>Red squirrels – 6 years ago we had a population of red squirrels on the farm, perhaps 3 or 4 breeding pairs. Sadly, we think that they have been impacted by rising numbers of buzzards (with 12 birds on the farm some years), however we have been creating areas of new woodland that will suit reed squirrels with birch, hazel, sweet chestnut and scots pine. We have recently recorded red squirrels on a camera trap so they seem to be making a come back. The linear hedgerow corridors are crucial for red squirrels to move across the landscape between small farm woodlands, without being seen or predated. The proposed route will sever these linear connections and prevent red squirrels from moving across from the SSSI river corridor to the woodlands on the north side of the farm. Again, their survival and spread will be impacted by the proposed new road</p>	

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			<p>corridor. Hedgehog – Hedgehogs also rely on hedgerows for moving about the landscape. Busy roads will be the death of them. Badgers – We regular see badger dung pits and have two sets on the farm. They are often seen using the route along our private track down to the river Troutbeck. This will be another loss due to severance.</p> <p>Otter – This species has made a come back to this area. We have camera trap recordings of them using our otter holts along the River Trout beck and also coming across the farm where the proposed route would be. This will be the death of them once the road is operational, if the survive the construction stage. The disturbance will be sufficient to eradicate them from this reach of the SSSI/SAC area.</p> <p>Beaver – No we don't have beaver here yet but we are going to applying to have them here. We have spent the last 25 years establishing suitable tree habitat for them on the Keld Sike. The sike has been identified as providing suitable habitat for them by Eden River's Trust. We hope to introduce them within 5 years. The proposed route would make this introduction very hard.</p>	
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Landscape and Visual	<p>Light Pollution</p> <p>Due to their encroachment further towards the AONB and their high position in the landscape relative to the existing A66 all proposals on the Temple Sowerby to Appleby will have a significant impact on light pollution. We currently have excellent dark skies which will be lost with the proposed route. Beyond the Long Marton road end the proposed route rises up in the landscape which will cause light pollution all along the valley impacting the villages of Bolton, Colby, Temple Sowerby and Kirkby Thore. It will no longer be possible to see stars and the milky way around the village of Kirkby Thore. This is a great loss to humanity. PINS should be challenging the erosion of dark skies when there is no need to take this route into a new landscape setting.</p>	Effects on the night sky and light pollution 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. The night sky and light pollution assessment has concluded that there would be no significant effects from lighting during the operational phases of the scheme.
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Climate Development of the Project and Alternatives Case for the Project	<p>Climate impact</p> <p>It is widely accepted that we are in a climate emergency. The weight attributed to different constraints in determining the preferred route was wholly inadequate. The chosen route is putting the past before the future. The proposed route between Temple Sowerby and Appleby is estimated to produce 177,289tCO₂e GHG emissions while NH estimated that the proposed route will to produce over 600,000 tCO₂e GHG emissions more than the southern (orange) route. The chosen route also locks us into further emission in the future as it is longer with steeper gradients leading to higher emissions in operation. In addition to this there are many more structures to maintain which will contribute to future emissions and on-going public costs. Money that should be spent on projects which tackle our GHG emissions. The climate impact of highway construction must be the primary consideration in the Development Consent process. The GHG emissions of this project could be further reduced if the southern (orange/direct) route were to be built properly on-line utilising the existing road as one half of the dual carriageway and building a minor local access road to one side. Building the local access road first would make building the new road much simpler, diverting traffic to the local access road whilst the road was built. The orange route proposed could also be built off-line.</p> <p>The need for increase speeds on the A66, and especially the Temple Sowerby to Appleby section, has to be questioned. Increasing traffic speed will increase GHG emissions and harmful pollution of particulates and Nitrous Oxide. Speeding up this section will only lead to more traffic backing up towards Penrith. Surely the solution is to manage the flow of traffic by controlling the speed through this and other sections, thereby reducing noise and air pollution</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 (PDOR) (APP-244). Climate impacts informed this process and were considered alongside a range of other factors, including policy conformance and engineering design. Refer to Section 4 of the PDOR for further information.</p> <p>Agenda item 2.3 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions provides further information about the route selection process for the Temple Sowerby to Appleby scheme, including the “Orange” route referred to by the Representors.</p> <p>The comment in the final paragraph regarding the reduced land take and Green House Gas emissions is noted. The GHG assessment took a conservative approach to assessing land use impacts by considering the loss of the full extent of the order limits to ensure that a reasonable worst case scenario is assessed. National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver the project, including required mitigation measures. The permanent land required to construct and operate the project is considered to be the minimum land required to construct the Project and has been determined through multidisciplinary design and assessment, including engineering and environmental considerations. For further details please refer to the Project Development Overview Report (Document Reference 4.1, APP-244), Environmental Statement (Document Reference 3.1-3.2, APP-043 to APP-059) and Consultation Report (Document Reference 4.4, APP-252).</p>

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			<p>and reducing GHG emissions, but also reducing the congestion at Penrith thereby making journeys quicker and safer? We believe that dualling is not the only solution to this issue. NH are adamant that the road that would encircle the village of Kirkby Thore should be a 70mph road, but why? Surely this section should be used to manage traffic flow with variable speed or reduced speed limits. Across England & Wales sections of dual carriageway are now restricted to 50 mph and this significantly reduces fuel consumption (as much as 20% reduction in fuel consumption), noise and air pollution. There are alternatives to this dualling project as Kirkby Thore doesn't need a by-pass, this isn't a by-pass as the road doesn't go through the village! NH have consistently failed to consider viable alternatives and road improvement over the last 40 years. If the 40mph average speed camera section were to be extended to Long Marton road end and to the Temple Sowerby bypass the road would be a lot safer. Blocking the access via Main Street junction and providing alternative access for local traffic via a junction to the A66 coming from the east north/east end of the village would solve the issue of British Gypsum and Cragg & Cuttress Coldstore trucks in the village issue at far less cost, destruction of habitats and local access route and disturbance to the village in construction. This option has not been explored as the design team have been told "the road must be dualled". Yes there is a need for improvements, but dualling is not the only answer.</p> <p>Any reduction in land take by the project would allow it to be managed to mitigate GHG emissions if it were to be managed with a focus on improving soil health. We are now 4 years into this process of regenerating our soils, including the very ones the proposed route would destroy!</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>
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Case for the Scheme DCO – Policy, Legislation and Guidance Design, Engineering and Construction Geology and Soils	<p>Loss of soils</p> <p>The loss of viable agricultural soils does not seem to have been seriously considered by this project. PINS seem to be fixated on loss of trees. Trees are easily replaced elsewhere and they are only one expression of what our soils can grow. People like trees but they are not the most important habitat that this route will destroy – SOIL! NH have neglected the loss of important agricultural soils. They hold more biodiversity than can ever be seen growing on their surface. They also hold huge potential to sequester carbon and provide us food. Once destroyed this asset is lost to the nation/planet. Covering more and more land in tarmac and concrete is the biggest climate crime. The most important consideration of any development should be to make plans that minimise the loss of soils. This project has completely lost focus on what is important and what is necessary for traffic management and road safety. We know that continuing on this trajectory of building more roads and infrastructure is not sustainable and PINS have a duty to raise this issue. The nation does not need this road to be a 70mph dual carriageway and the costs vs benefits are simply too high.</p>	<p>National Highways have outlined the Soil Handling Strategy within Annex B9 Soil Management Plan of the Environment Management Plan (Document Reference, 2.7, APP-019). A detailed version of this document must be developed, consulted on and approved by the Secretary of State prior to the start of works.</p> <p>Please also refer to National Highways' response to REP1-066 "3. Impact of Loss of land, soils and severance to farm business".</p>
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Cultural Heritage Development of the Project and Alternatives	<p>Impact on historic environment</p> <p>All routes will have an impact on the historic environment and cultural heritage. The National Planning Policy framework recognises harm to cultural heritage should be avoided and establishes principles and a hierarchy in order to protect the most significant assets. However, the National Planning Policy Framework recognises in paragraph 201:</p> <p>201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: ..</p>	<p>National Highways considers that these points are addressed in Agenda Item 2.0 and 2.3 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006).</p>

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			<p>The main reason given by NH for them rejecting the orange route is Scheduled Monument which is the former vicus for the Roman Fort. This area has already been desecrated by a silage pit, houses the existing A66 and being metal detected. The proposed orange route also looks to have been moved (from the earlier purple route alignment which avoided the SM) to an alignment that crosses the designates scheduled monument. This strikes me as intentional to make the monument a scape goat for their poor decision making process. The alignment could have been amended to reduce the impact on this monument. In reality there is unlikely to be much of interest in the vicus as it was an area of temporary huts for people who lived outside the fort walls.</p> <p>With regards to paragraph 201; there are a number of substantial public benefits associated with the A66NTP project. In the Temple Sowerby – Appleby section the greatest public benefits would be associated with the southern (orange) route by virtue of the carbon savings being orders of magnitude greater than for the chosen route. The orange route would also result in less harm to the local community, their lives and those of future generations, landscape harm and harm to the setting of the North Pennines Area of Outstanding Natural Beauty.</p>	
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Development of the Project and Alternatives Economics	<p>Other issues</p> <p>We urge PINS to seek more information from NH on the cost estimates for their chosen route in comparison to the orange/purple routes. We have asked on numerous occasions and under FOI for this information and still NH have not provided it. It is clear that their chosen route has a very high cost implication in both financial and environmental terms and it is one of the few sections where significant savings could be made if they were only challenged to consider the southern (orange/purple) route.</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 (PDOR) (Document Reference 4.1, APP-244). Potential economic and environmental impacts informed this process and were considered alongside a range of other factors, including policy conformance and engineering design. Please refer to Section 4 of the PDOR for further information.</p> <p>National Highways considers the points relating to the Orange and Purple routes being discounted, as being addressed in Agenda Item 2.3 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions.</p>
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Development of the Project and Alternatives	<p>Severance</p> <p>NH's chosen route will result in greater severance for Kirkby Thore as a result of all the arterial roads that lead to the village being severed by the dual carriageway. The whole village will be disconnected from the wider rural landscape by this project. How can this be an acceptable solution? This severance will leave the village with nowhere to develop new houses other than up to the new road. The area the road would destroy is the only logical area for such development of this village. Alternatively the southern (orange) route would not impact on the main village at all, only those few dwellings already on the A66 (about 12), How can this make sense? The village cannot develop to the south and east due to the floodplain, sewerage works and exiting road and it can't develop to south-east and north due to the mine workings. This really does only leave the area that the proposed road would develop. It would be a disaster for the local area and community, hardly a contribution to levelling-up! All the village of Kirkby Thore has needed is the Gypsum and Cold store trucks taken out of the village and this could easily be done as shown in the orange route option. This option was poorly developed by NH as they wanted to present it as a poor alternative by showing it with a shared junction with Temple Sowerby! How daft would this be when you see that tiny hamlets like Flitholme are given their own junction. We believe this was intentional to put the community off the orange route when NH had already committed to their preferred route. Clearly Kirkby Thore should have its own junction on the section between Temple Sowerby and Kirkby Thore and the chosen route was not the only viable solution to this issue. Even if the road wasn't dualled the Main Street junction could then be closed to traffic turning east (right) or closed entirely making all village traffic leave and arrive by a new road from the north of the village. No new bridges would be</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 (PDOR) (Document Reference 4.1, APP-244).</p> <p>National Highways considers the points relating to the route selection process for the Temple Sowerby to Appleby scheme as being addressed in Procedural Deadline Submission – 6.5 Applicant's Response to Relevant Representations Part 3 of 4 (RR-218 in PDL-012, pages 242 to 269) and Agenda Item 2.3 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions.</p>

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			<p>required as the local traffic volumes are low and the minor roads could be crossed safely, even have light control or mini roundabouts where the access road crossed the Priest Lane (Temple Sowerby road) and Station Road (Newbiggin road).</p> <p>NH's chosen route will also result in unacceptable severance with , our property, and the village of Kirkby Thore.</p>	
REP1-066	<p>Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd</p>	<p>Noise Air Quality</p>	<p>With regards to the proposals directly affecting the occupiers RK&GF Nicholson farm partnership and the owner occupiers of we make the following observations:</p> <p>1) Mitigation of noise, light and air pollution.</p> <p>The proposed mitigation (no mitigation has been detailed) is wholly insufficient to mitigate the impact of noise and light on the occupiers, their houses and protect their amenity of the land.</p> <p>Before at and after the statutory consultation stage we requested:</p> <p>that there should be soil bunding on any sections where the proposed road is less than 6m below the current level we sufficient to screen light and noise pollution. We have received no response to this request.</p> <p>that behind the bund we would want 30-50m of land to be planted with dense shrubs and trees to include some dense evergreen shrubs such as gorse, holly and juniper to help absorb some of the sound and air pollution as well as provide a good source of food for nectaring invertebrates and nesting for birds. We have had no response to this request.</p> <p>We stated that the timber sound boarding shown on one set of "detailed" plans was wholly unacceptable and not a sufficiently permanent solution. The panels on the Temple Sowerby by-pass have already disintegrated, rendering them fairly useless and scattering glass fibre insulation into the environment.</p> <p>Specifically; from chainage 33710 to 33900 the height of the road below the existing ground level is between 0 and -6m and we wanted a commitment from NH to soil bund this section as it is directly in front of both . They have not addressed this issue at all.</p> <p>This section also has a layby right in the line of sight of our properties. This layby will lead to litter blowing across our land towards our houses putting livestock constantly at risk of ingesting it, we therefore requested that the location of this layby be moved and it is still on the plans, nothing has been done to address this.</p> <p>Where the road crosses a long span of bridge to cross the Troutbeck we requested some sound and headlight mitigation on the bridge crossing. Headlights will be shining directly towards our houses and sound will travel across the valley with the prevailing winds.</p> <p>We requested general arrangement drawings for the alternative routes "consulted on". Only providing them for their preferred route demonstrates their lack of serious consideration of any alternative route and it was extremely unhelpful. I showed an obvious bias towards the preferred blue route and in reality they weren't consulting on alternative route options as they didn't present them in any detail.</p>	<p>In terms of air pollution, the Environmental Statement has carried out a thorough and robust assessment of potential air quality impacts (see ES Chapter 5, Document Reference 3.2, APP-048). Overall, the assessment of effects from the construction phase are assessed as being temporary and not significant. During the operational phase, the same assessment concluded that no likely significant effects are predicted at any location, with all pollutants predicted to be below the relevant Air Quality Objectives for nitrogen dioxide (NO2) and particulate matter (PM10 and PM2.5).</p> <p>However, the mitigation being proposed in response to the temporary risk of construction dust is set out in the EMP (Document Reference 2.7, APP-019 and Annex B4 of Document Reference 2.7, APP-024). Specifically, paragraphs 5.9.1 – 5.9.2 of Chapter 5 of the ES (Document Reference 3.2, APP-048) identify the measures which are considered essential to mitigate the potential changes in air quality due to dust emission from temporary construction activities. These measures do not include the use of bunding or dense planting as a means of mitigating these potential temporary effects.</p> <p>Furthermore, as stated in paragraph 5.9.5. of Chapter 5 of the ES (Document Reference 2.7, APP-048), no specific mitigation or Project Air Quality Plans (in accordance with DMRB LA 105) are required for the operation of the Project. The use of bunding or dense planting is therefore not required for either the construction phase or the operational phase.</p> <p>Chapter 12 of the Environmental Statement (Document Reference 3.2, APP-055) identifies likely significant effects from noise and vibration following inclusion on embedded mitigation within the design (see paragraph 12.4.44 of Document Reference 3.2, APP-055). This embedded mitigation includes a low noise road surface on any new highway to be constructed as part of the Project, which is committed to in the Register of Environmental Actions and Commitments reference D-NV-06 within the Environmental Management Plan (Document Reference 2.7, APP-019). Commitment reference D-NV-05 is intended to ensure that the operational noise meets the design specifications.</p> <p>In locations where adverse likely significant effects of noise are identified, despite the embedded mitigation, further mitigation through the use of additional screening has been considered.</p> <p>Noise barriers are solid structures (e.g. wood fences, walls or earthwork 'bunds'). Whilst what people see may influence their perception of what they hear, and being visually screened from a road may increase people's sense of environmental mitigation, all typical and generally practicable forms of planting between the road and receiver have no effect on noise levels until trees are mature.</p> <p>The use of trees for acoustic screening to minimise noise is therefore generally not effective in providing substantive, consistent noise mitigation.</p> <p>Research has shown that the use of shrubs or trees as a noise barrier is effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation.</p>

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				<p>For individual scattered receptors, e.g., those not within the residential area of Kirkby Thore, consistent with Government policy on noise, mitigation measures in the form of additional barriers have been investigated as part of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055) as noted in section 12.9 of the ES. The scattered nature of the receptors means that any barrier would only benefit a very small number of properties. Furthermore, in general, the distance of receptors from the road means that, to be effective, barriers would need to be very long and tall. Other resulting adverse impacts that could arise from their provision have been considered and assessed as not sustainable by reference to the value for money assessment, i.e. comparison of the monetised noise benefit of the mitigation measure against the cost for installing and maintaining the scale of measures required.</p> <p>Additionally and in part also related to the cost, to be effective, a barrier to protect some of the receptors would require substantial additional engineering to be included in the design of the viaduct over Trout Beck to accommodate the effects of wind loading.</p>
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Design, Engineering and Construction	<p>2) Farm access</p> <p>We are the host farm for) which requires us to hold regular farm events on Regenerative agriculture and an annual 2 day conference. The first conference was held in June 2022. Any disruption to the access for these events due to the construction phase will have a severe impact on our ability to host these events.</p>	Comment duly noted.
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Design, Engineering and Construction Agricultural land	<p>3) Impact of loss of land, soils and severance to farm business</p> <p>The proposed route would 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 (permanent or temporary) for construction compounds, the road, a 400m bridge over Trout beck, 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. We find the loss of high quality agricultural cropping land to be socially and morally unacceptable and it is hard to see how the farm will be an economic agricultural unit with this loss of land. The land is being farmed regeneratively with a focus on building soil health. The rich floodplain land (some of which is grade 2) was until recently in the arable rotation but it is no longer considered viable due to the impacts of more frequent and prolonged flooding. This only realistically leaves the 100 acres of land to the south and west of the farm, most of that land would be destroyed or damage by siting large compounds on.</p> <p>The farm is currently 300 acres with the farm yard and house in the centre. By splitting the farm in two the farming operations will be severely limited. The road proposals destroy all our best south facing and free draining sandy loam soils which is where we grow cereals for grain and bedding straw. These fields will be rendered unusable for arable with all the awkward triangular field shapes that would be left by the severance. The one arable field left out of the proposed scheme (location) cannot be accessed by a combine harvester if there is no access provided to the gate at location . Equally the track is required to access the fields in and around location . It is not practical or safe to access these fields with large machinery down the steep banks from the east side of the farm yard. Leading bales up steep angled slopes is dangerous and with round bales this leads to bales falling off the trailer which is both dangerous and causes delays when time is at a premium</p>	<p>National Highways considers that these points are addressed in the response to Relevant Representations (Part 3 of 4), document PDL-012 at pages 255-256 and 263-264.. We will continue to meet with the Nicholson Family throughout the Examination of the DCO Application.</p> <p>National Highways will shortly be holding a statutory consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. Following careful consideration of the responses to statutory consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.</p> <p>Response to agricultural elements.</p> <p>The Legislation and Policy Compliance Statement (Document Reference 3.9, APP-242) describes how the Project complies with paragraph 5.168 of the NNNPS by considering the economic and other benefits of the best and most versatile agricultural land. It states: "The Applicant has identified where it encroaches into areas to be classed as best and most versatile ('BMV') agricultural land. The Applicant has considered the requirements of paragraph 5.168 as set out in Table 9.2 of Chapter 9 (Geology and Soils) of the ES (Document Reference 3.2, APP-052). Natural England Strategic Agricultural Land Classification ('ALC') Maps and Ministry of Agriculture, Fisheries and Food ('MAFF') Provisional ALC Maps have been consulted for the study areas, giving an indication of the likelihood of BMV agricultural land, that is, better quality land (Grade 1 to Grade 3a) and lower quality land (Grade 3b to Grade 5). For areas of temporary development, ALC grade as determined from the soil survey will be used to inform the restoration criteria; BMV is to be returned to the same quality as far as reasonably practicable to minimise BMV losses and limit permanent impacts. Further details are set out at section 9.9 (Essential Mitigation and</p>

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				<p>Enhancement Measures) in Chapter 9 (Geology and Soils) of the Environmental Statement (Document Reference: 3.2, APP-052).</p> <p>An assessment of likely significant effects that could arise because of the Project has been undertaken and is set out at section 9.10 (Assessment of likely significant effects) of Chapter 9 of the ES. This confirms that a greater amount of poorer quality land will be lost (Grade 3b, 4 and 5) at 163.5ha compared to Grade 1-3a which results in 144ha lost. The Applicant has therefore sought to use areas of poorer quality land where this has been possible in lieu of higher quality land."</p> <p>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 and what the effect upon them would likely be. 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 including those impacting the loss of good quality agricultural land as far as practicable. National Highways recognises that the Project may impact on businesses. Where this is the case, it will work with the relevant owners of the land affected to minimise disruption.</p>
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Design, Engineering and Construction	<p>4) We object to being responsible for the fencing of proposed new linear hedges along dual carriageway. We have raised this concern with NH and they have failed to provide any detail specification for this fencing which could be badger fencing. Their plans introduce and unreasonable length of fencing which we do not want to have to maintain. We think it must be over 2 km of additional fencing and similar length of hedgerows. We will incur unreasonable costs in maintenance in the future.</p> <p>This same issue to relate to the 2 outfall ditches from the pollution prevention ponds which are shown to drain directly into the SSSI/SAC river! NH haven't been able to provide any detailed design and can't even tell us if these would also need to be fenced. If they are ditches, not piped drains, then they almost certainly will need double fencing or they'll be death traps for livestock.</p>	<p>National Highways have developed appropriate mitigation to ensure any impact upon brown hare, red squirrel, hedgehog, otter and badger are minimised. This is outlined within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and the LEMP (Document Reference 2.7, APP-021) and includes, but is not limited to, the provision of:</p> <ul style="list-style-type: none"> • Crossing points for red squirrel at appropriate locations where surveys have indicated red squirrel presence. • Otter and badger fencing to direct these animals (and other non-target mammal species) to safe crossing locations underneath the carriageway to minimise road mortality on mammals <p>The design of fencing will be developed following approval of the DCO application. However, National Highways will continue to liaise with the landowner through-out each design phase to minimise the impact.</p>
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Road, Drainage and the Water Environment	<p>5) Water supplies.</p> <p>We have told NH on numerous occasions that their proposed route will impact on our mains and private borehole supplies. The mains supply to the farm comes location under the Trout Beck to location where it meets the borehole. The electricity cable for the borehole pump and water pipe then run up the fields to location. The construction of the road will cut these supplies and will almost certainly cause contamination of the borehole supply. It's possible that piling for the bridge will damage the aquifer around the borehole, polluting it and rendering the borehole inoperable. They have not addressed this issue at all to date.</p>	<p>National Highways considers that the point regarding the water supply is addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012. Page 264, RR218).</p> <p>In addition to the specialist agreement outlined in document PDL-012, mitigation outlined within Table 3.2 Register of Environmental Actions and Commitments (within the EMP), reference M-RDWE-03 and M-RDWE-09, provide mitigation to protect groundwater and unlicensed supplies.</p> <p>The potential effects on private water supplies and groundwater affected by the Project are assessed in the Road Drainage and the Water Environment Chapter of the Environmental Statement (Document Reference 3.2, APP-057) and Environmental Statement Appendix 14.6 Hydrogeological Impact Assessment (Document Reference 3.4, APP-225).</p> <p>Mitigation to address pilling works includes a Method Statement being prepared that will include a site-specific foundation works risk assessment., This is presented within Table 3.2 Register of Environmental Actions and Commitments, reference MW-RDWE-04.</p>

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REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Design, Engineering and Construction	<p>6) Power supply and generation.</p> <p>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. It would also impact on our ability to feed power into the grid via the 54kwp of solar panels we have on the buildings.</p>	National Highways consider these points addressed in the Applicant's Response to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-012 response to RR-218, pages 254 and 255).
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Biodiversity	<p>7) 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 that the proposed route would carve its way through will 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>	National Highways considers that these matters are addressed in the Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL -013).
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Design, Engineering and Construction	<p>8) Re-alignment of Sleastonhow Lane.</p> <p>The re-alignment of Sleastonhow Lane seems excessive, destroying more good sandy loam soils and destroying an ancient trackway and ancient, species rich hedgerows. A more ecological approach would be to cross the new highway with a longer span of bridge and keep the currently alignment, biodiversity and character of Sleastonhow Lane as in tact as possible. We have told NH at Statutory Consultation that it is important that this bridge has a load capacity in excess of 50 tonnes so that articulated grain wagons and wagon and drag timber wagons can access the farm buildings. It is imperative to the business here that access to the farm by 45t wagons and large agricultural machinery is maintained at all times throughout the construction phase, failure to do this will lead to business interruption and loss of earnings. Building a newly aligned road would effectively lead to a redundant lane next to the new one. To remove it would be more loss of habitat and destruction of an ancient routeway which is understood to have been a track to a lookout tower over the Roman road, Roman camp and the Roman fort. With views in all directions this seems logical. They have failed to offer any assurances about the capacity of the bridge or access.</p>	National Highways will shortly be holding a consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. The proposed changes being considered include a potential change to the proposed alignment of Sleastonhow Lane. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd		<p>9) Loss of habitats and habitat connectivity.</p> <p>The proposed route does not take consideration of the existing habitats and linear features. The plan shows excessive lengths of ancient hedgerow removal. If these aren't retained connectivity of habitats in the landscape will be severed. We have spent a lot of time and effort in the last 25 years to manage the hedgerows to their best potential with many being laid and re-stocked then managed on a long laying cycle. The difference in quality between our hedgerows and those in the surrounding landscape are notable. NH have still not considered how to reduce impact on the local hedgerow network. Their plan shows linear hedges along the route of the road only which does nothing to retain the connectivity in the landscape, although this is hard when the route bisects the landscape in such an awkward way paying no regard to the existing landform.</p>	Hedgerows within the temporary works areas (defined in Figure 2.2 Indicative Site Clearance Boundary, Document Reference 3.3, APP-062) will be retained where possible during detailed design. Where hedgerows lost within the temporary works area is unavoidable, hedgerows will be largely replanted in the same position and translocation will be used where feasible to re-establish mature hedgerows as soon as possible, as outlined within the Environmental Management Plan (Document Reference, 2.7, APP-019). Also outlined within the Environmental Management Plan, sections of hedgerow being lost will be replaced on a 1:1.59 ratio as a minimum. New sections of hedgerow will be native species rich hedgerow with trees. This commitment is secured under Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05 (Document Reference 2.7, APP-019). Crucially however, it should be noted, that the outline Environmental Mitigation Maps (Document Reference 2.8, APP-041) illustrate the indicative locations of proposed hedgerow planting to show how mitigation relating to hedgerows could be achieved. These will be further refined during detailed design.

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REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Landscape and Visual	<p>10) Impacts on local landscape value, amenity and fine vistas.</p> <p>The proposed route carves its way through an ancient agricultural landscape with 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 striking that the road designers who have visited us have (until those visits) never set foot on the land and haven't appreciated the fine landscape setting. In fact, Alfred Wainwright wrote in "Westmorland Heritage" 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. You can understand why Wainwright was so taken by it. PINS should ask themselves how this landscape setting can be so desecrated by people behind computer screens that have no relationship to or understanding of the local area?</p>	<p>National Highways considers that these points are addressed on page 257 of the Applicant's Response to Relevant Representations (Document Reference 6.5, PDL-012).</p>
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Biodiversity	<p>11) Loss of biodiversity</p> <p>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 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. We question how this is acceptable with a route has such a poor benefit to costs ratio.</p>	<p>A full assessment of the likely significant effects of the Project is provided within Environmental Statement (ES) Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and the Habitat Regulation Assessment (Document Reference 3.5, APP-234). This has been informed by a suite of species-specific surveys undertaken in accordance with industry standards and/or through consultation with Strategic Environmental Bodies, including Natural England where a bespoke approach has been taken (full survey results and methodologies are detailed in Technical Appendices Document Reference 3.4 App-155 to APP-175). This has ensured a sufficiently robust baseline was collected to inform the impact assessment, which has been undertaken in accordance with industry accepted CIEEM guidelines, and associated mitigation design.</p> <p>National Highways have developed appropriate mitigation to ensure any impact upon protected/notable species recorded within the Order Limits are minimised. This is outlined within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and the LEMP (Document Reference 2.7, APP-021) and includes, but is not limited to, the provision of:</p> <ul style="list-style-type: none"> • Crossing points for red squirrel at appropriate locations where surveys have indicated red squirrel presence. • Greening of proposed overbridges near to bat crossing points to maintain north-south connectivity for bats and other species and reduce the risk of collision mortality. • Otter and badger fencing to direct these animals (and other non-target mammal species) to safe crossing locations underneath the carriageway to minimise road mortality on mammals • Otter ledges, underpasses and artificial otter holts as required. • Inclusion of crossing points suitable for badgers along new road alignments. These crossing points may include culverts with terrestrial mammal ledges, badger underpasses, overpasses and tunnels at appropriate locations. • Inclusion of cuttings or mounds to increase the flight height of barn owls at areas identified as likely crossing points. • Provision of suitable barn owl foraging habitat and nest boxes in areas which have been identified as being suitable through survey work.

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				<ul style="list-style-type: none"> Existing fallen or standing deadwood will be retained where reasonably practicable for the purpose of enhancing the existing habitat for invertebrates. Pre-construction surveys as required.
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson Cactus Tree Guards Ltd	Biodiversity	<p>12) Shooting and fishing rights and general amenity.</p> <p>The proposed route will lead to a loss of our sporting rights on the farm. The DCO line shows the riverbank on our side being acquired. This effectively prevents any use of sporting fishing rights we hold. 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 proposed route will lead to us not being able to see the night sky with all its constellations and The Milky Way. 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 Troutbeck. 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. How will wildlife be able to cross the road? This is all an unnecessary loss of s41 species when the alternative Orange route could be built online, not severing another landscape like the proposed route would.</p>	<p>A full assessment of the likely significant effects of the Project is provided within Environmental Statement (ES) Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and the Habitat Regulation Assessment (Document Reference 3.5, APP-234). This has been informed by a suite of species-specific surveys undertaken in accordance with industry standards and/or through consultation with Strategic Environmental Bodies, including Natural England where a bespoke approach has been taken (full survey results and methodologies are detailed in Technical Appendices Document Reference 3.4, APP-155 to APP-175). This has included relevant protected and S41 species. This has ensured a sufficiently robust baseline was collected to inform the impact assessment, which has been undertaken in accordance with industry accepted CIEEM guidelines, and associated mitigation design.</p> <p>National Highways have developed appropriate mitigation to ensure any impact upon protected/notable species recorded within the Order Limits are minimised. This includes brown hare, red squirrel, hedgerows, otter and badger. This is outlined within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and the LEMP (Document Reference 2.7, APP-021) and includes, but is not limited to, the provision of:</p> <ul style="list-style-type: none"> Crossing points for red squirrel at appropriate locations where surveys have indicated red squirrel presence. Greening of proposed overbridges near to bat crossing points to maintain north-south connectivity for bats and other species and reduce the risk of collision mortality. Otter and badger fencing to direct these animals (and other non-target mammal species) to safe crossing locations underneath the carriageway to minimise road mortality on mammals Otter ledges, underpasses and artificial otter holts as required. Inclusion of crossing points suitable for badgers along new road alignments. These crossing points may include culverts with terrestrial mammal ledges, badger underpasses, overpasses and tunnels at appropriate locations. Inclusion of cuttings or mounds to increase the flight height of barn owls at areas identified as likely crossing points. Provision of suitable barn owl foraging habitat and nest boxes in areas which have been identified as being suitable through survey work. Existing fallen or standing deadwood will be retained where reasonably practicable for the purpose of enhancing the existing habitat for invertebrates. Pre-construction surveys as required. <p>Relating to deer, the impact of the scheme upon them has been considered and no specific hotspots where identified where specific mitigation was considered to be required (See Appendix 6.12, Document Reference 3.4, APP-165). No specific brown hare mitigation is proposed but fencing aimed at preventing badger road mortality will help minimise the road mortality risk upon brown hare and direct them to the safe crossing points.</p>
REP1-066	Felicity Nicholson, RK and GF Nicholson, Tim Nicholson	Impacts to Land Development of Project and Alternatives	<p>Lack of certainty</p> <p>Due to the rushed nature of this application we are left with no certainty about what land NH which to acquire permanently and temporarily. They don't know themselves. In the plans submitted they show the whole DCO area as being permanent land take but this is clearly not the case. They have land under the</p>	<p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO")</p>

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	Cactus Tree Guards Ltd	Case for the Project	<p>bridge structure which they wouldn't want to own, they show linear strips for power lines as permanent land take. All this uncertainty and yet they are pressurising owners to enter into contracts and options early. This is creating huge amounts of stress in an already stressful process.</p> <p>It is hard to see how this scheme is ready for DCO approval and we urge PINS not to recommend this scheme, or at least the worst planned sections of it, to the Secretary of State. The Temple Sowerby to Appleby section is by far the worst thought through section on this project. The route selection and design process has been, without doubt, an utter shambles. NH clearly made their route selections without gathering sufficient (any?) information and are now determined to make it fit at any cost. They have followed a flawed process (if indeed they have even followed a process) which needs to be called out. They need to be challenged to think again about the short, medium and long-term impacts of their proposals, not just keep pushing ahead because of the pressures of "Project Speed". Zero consultation before they designed this section of the scheme will lead to poor decision making, poor costly delivery and a poor end product. The British tax payer deserves much better than this. The global community needs our Government to scrutinise our GHG emissions and Biodiversity impact on every National Infrastructure project.</p>	<p>(Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</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 (PDOR) (Document Reference 4.1, APP-244). Please refer to Section 4 of the PDOR for further information, alongside Agenda Items 2.0, 2.3 and 2.4 of Deadline 1 Submission – 7.2 Issue Specific Hearing 1 (ISH1) Post Hearing Submissions.</p>
REP1-128	Tyson Family	Land Negotiations	<p>The Tyson Family own the property known as , which is a smallholding situated to the southern side of the A66 at the western end of Brough bypass. Our clients have 2 main concerns with the proposed scheme in its current format. The amount of land to be taken by the scheme is more than 50% of the current land holding. No details of whether the land is to be taken permanently or temporarily have been forthcoming. We have requested that the area of land take is reduced but have not received any confirmation as to whether or not this can be achieved</p>	<p>As presented in REP1-007 Deadline 1 Submission - 7.4 Compulsory Hearing 1 (CAH1) Post Hearing Submissions the pink land shown on Land Plans (Document Reference 5.13, APP-304 to APP-311) denotes a worst-case scenario, but land being marked as pink does not necessarily mean that it will be acquired. The articles within the draft Development Consent Order (the "DCO") (Document Reference 5.1, APP-285) have been drafted to allow the pink land to be "rolled back" to blue (i.e. land which is proposed to be subject only to the compulsory acquisition of new rights) so that the acquisition of rights can take place, as an alternative to the acquisition of land. Furthermore, where land is shown pink or blue on the Land Plans, the power of Compulsory Acquisition can be downgraded to the power of Temporary Possession, if the Project can be delivered through the lesser power. CA remains a last resort, where acquisition by agreement is the preference, and with the detailed design work still to be done, the Land Plans inevitably represent the worst case scenario. This is necessary in order to ensure the deliverability of the Project, should development consent be granted. Similarly, the Order limits represent the full extent of land, but if all of this land is not needed, it will not all be acquired.</p> <p>The approach is necessary because flexibility is needed to accommodate the sequence of developing a preliminary design, applying for consent, and then developing a detailed design. Ultimately the Applicant only seeks to acquire land needed for the Project, which is mirrored within the specific wording of Article 19 of the draft DCO (Document Reference 5.1, APP-285). The drafting is specific, in that it permits the Applicant to only acquire compulsorily so much of the Order Land as is required for the authorised development. This analysis will be done at a later stage, once the detailed design has been fully developed.</p>

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REP1-128	Tyson Family	Design, Engineering and Construction	The second problem is the impact that a proposed flyover which will be located next to the property will have. Discussions have been held as to whether the flyover could be moved away from the property in an easterly direction. We understand that the property known as Croft Cottage may be acquired by the scheme to allow the flyover to be moved. If this was to occur and the flyover was re-located away from Foxtower View this would reduce the impact of the flyover and also reduce the amount of land take. Our clients would then be in a position to withdraw any objections they have to the scheme	National Highways will shortly be holding a consultation on some proposed changes to the preliminary design of the Project, as presented in the DCO application. The proposed changes being considered include a potential change to the proposed West View Farm overbridge. Following careful consideration of the responses to consultation, National Highways will decide: (i) whether to submit a request to the Examining Authority to accept all, some or none of the proposed design changes for inclusion in the DCO application being examined, and (ii) what form the proposed changes will take.
REP1-118	Mrs S Strong	Flooding and Drainage	Mrs Strong is the owner /occupier of . The project will cut the farm into 2 sections. The new road will be built on a bridge/viaduct type structure in an attempt to reduce the risk to the flood plain on which sits. We have been assured that the scheme will be designed so that water is attenuated in ponds to prevent flooding of the farm house but we are still concerned that the scheme will cause increased risk of flooding. None of the design we have seen so far fully addresses the potential for increased flooding risk.	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 refined at detailed design stage, 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 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, 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. National Highways will continue to engage with the landowner on this matter.
REP1-118	Mrs S Strong	Land Negotiations	In addition current land take plans show in excess of 10% of the farm being taken by the scheme. The amount of land take is excessive and will bring the future viability of the farm into question in the future. We have requested that the area of land take be reduced. If sufficient information is forthcoming in the future and Mrs Strong's fears are allayed we should then be in a position to withdraw any objections to the scheme.	Should there be a case for compensation due to the effect of the Project this would be reviewed under the usual compensation procedures and legislation, i, e, Land Compensation Act 1973.
REP1-112	Mr Keith Steadman	N/A	We no longer wish to submit a representation	Comments duly noted.
REP1-125	Atkinson Family	N/A	We no longer wish to make a representation	Comments duly noted.