

A66 Northern Trans-Pennine project

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7.9 Applicant's Comments on Local Impact Report

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CONTENTS

1.	Introduction	9
1.1.	Purpose of this document	9
1.2.	Structure of this document	9
2.	Cumbria County Council and Eden District Council	10
2.1.	Background	10
	Overview	10
	National Highways Comments	10
2.2.	Overview of Planning and Highway Policy Context	11
	Overview	11
	National Highways Comments	11
2.3.	Clear and Effective Junction Connectivity Strategies	13
	Overview	13
	National Highways Comments	13
2.4.	De-Trunking	23
	Overview	23
	National Highways Comments	23
	De-trunking Principles Document	23
2.5.	Active Travel (including Appleby Horse Fair)	26
	Overview	26
	National Highways Comments	26
	Appleby Horse Fair	30
	Brough Hill Fair	31
2.6.	Diversions and Network Resilience	32
	Overview	32
	National Highways Comments	32
2.7.	Improved Facilities for HGVs	33
	Overview	33
	National Highways Comments	33
2.8.	Maximising Socio-Economic Benefits	35
	Overview	35
	National Highways Comments	35
2.9.	Environmental Mitigation	38
	Overview	38
	National Highways Comments	38
2.10.	Environmental Mitigation - Biodiversity	42
	Overview	42

National Highways Comments	42
2.11. Habitats	44
Overview	44
National Highways Comments	44
2.12. Species	49
Overview	49
National Highways Comments	49
2.13. Provision of Biodiversity Net Gain	50
Overview	50
National Highways Comments	50
2.14. Climate Change	51
Overview	51
National Highways Comments	51
2.15. Cultural Heritage	53
Overview	53
National Highways Comments	53
2.16. Geology and soils	55
National Highways Comments	55
2.17. Landscape and visual	58
Overview	58
National Highways Comments	58
2.18. Materials and Waste	62
Overview	62
National Highways Comments	62
2.19. Noise and Vibration	66
Overview	66
National Highways Comments	66
2.20. Population and Human Health	72
Overview	72
National Highways Comments	72
2.21. Road Drainage and the Water Environment	73
Overview	73
National Highways Comments	73
2.22. Appendix A: The Council's Assessment of Departures from Standards	76
Overview	76
National Highways Comments	76
2.23. Appendix B: Technical Assessment of Project Impact on Appleby Horse Fair	77
Overview	77
National Highways Comments	77

2.24. Appendix C: Assessment of Potential Diversions Route	77
Overview	77
National Highways Comments	77
3. Durham County Council	78
3.1. Introduction and Description of the area	78
Overview	78
National Highways Comments	78
3.2. Relevant Planning History and Planning Permissions	78
Overview	78
National Highways Comments	78
3.3. Relevant Development Plan Policies and other relevant documents	78
Overview	78
National Highways Comments	79
3.4. Assessment of Impacts: Principal of Development	81
Overview	81
National Highways Comments	81
3.5. Assessment of Impacts: Highways	82
Overview	82
National Highways Comments	83
3.6. Assessment of Impacts: Access and Rights of Way	83
Overview	83
National Highways Comments	84
3.7. Assessment of Impacts: Cultural Heritage	84
Overview	84
National Highways Comments	85
3.8. Assessment of Impacts: Landscape and Visual Impact	86
Overview	86
3.9. Assessment of Impacts: Drainage and Coastal Protection	86
Overview	86
3.10. Assessment of Impacts: Ecology	87
Overview	87
National Highways Comments	87
3.11. Assessment of Impacts: Contaminated Land	90
Overview	90
National Highways Comments	91
3.12. Assessment of Impacts: Population and Human Health	91
Overview	91
National Highways Comments	91
3.13. Assessment of Impacts: Air Quality	91

Overview	91
National Highways Comments	91
3.14. Assessment of Impacts: Noise and Vibration	92
Overview	92
National Highways Comments	92
3.15. Assessment of Impacts: Climate	93
Overview	93
National Highways Comments	93
3.16. Assessment of Impacts: Geology and Soils	95
Overview	95
National Highways Comments	95
3.17. Assessment of Impacts: Cumulative Effects	97
Overview	97
National Highways Comments	97
3.18. Other Matters	99
Overview	99
3.19. Adequacy of the DCO	101
Overview	101
4. North Yorkshire County Council and Richmondshire District Council	104
4.1. Introduction	104
Overview	104
National Highways Comments	104
4.2. Scope	104
Overview	104
National Highways Comments	104
4.3. Planning Policy	104
Overview	104
National Highways Comments	104
4.4. Assessment of Impacts	107
Overview	107
4.5. Description of the Area	107
Overview	107
National Highways Comments	107
4.6. Local Highways Authority Overview	107
Overview	107
National Highways Comments	107
4.7. Detailed Design	109
Overview	109
National Highways Comments	109

4.8. De-trunking	109
Overview	109
National Highways Comments	109
4.9. Diversions and Network Resilience	113
Overview	113
National Highways Comments	113
4.10. Active Travel	114
Overview	114
National Highways Comments	114
4.11. Drainage Strategy	114
Overview	114
National Highways Comment	115
4.12. HGVs	115
Overview	115
National Highways comments	115
4.13. Scheme 9 – Moor Lane	117
Overview	117
National Highways Comments	117
4.14. Socio Economic Impact	118
Overview	118
National Highways Comments	118
4.15. Landscape	119
Overview	119
National Highways Comments	119
4.16. Ecology and Biodiversity	124
Overview	124
National Highways Comments	125
4.17. Cultural Heritage	127
Overview	127
National Highways Comments	127
4.18. Environmental Health	128
Overview	128
National Highways Comments	128
4.19. Public Rights of Way	129
Overview	129
National Highways Comments	129
4.20. Minerals and Waste	130
Overview	130
National Highways Comments	130

4.21. Adequacy of the DCO	133
Overview	133
National Highways Comments	133
5. Conclusion	136

1. Introduction

1.1. Purpose of this document

1.1.1. This document sets out the comments of National Highways (the Applicant) on the Local Impact Reports (LIRs) (REP-019, REP-021, REP-042) submitted by the 'hosting authorities' (Cumbria County Council and Eden District Council, Durham County Council and Yorkshire County Council and Richmondshire District Council) to the Examination of the A66 Northern Trans-Pennine Project.

1.1.2. The LIRs were submitted to the Examining Authority (ExA) at Deadline 1 of the Examination on 18 December 2022. This document does not seek to respond to every element of the LIR but rather to focus on the pertinent points cited by the Councils and respond to any important and relevant matters raised. It also seeks to comment on any matters that may require clarification or correction where it may assist the ExA and Interested Parties.

1.2. Structure of this document

1.2.1. This document presents National Highways comments on all three LIRs in the following sections,

- Section 2 of this document responds to the LIR submitted by Cumbria County Council and Eden District Council.
- Section 3 of this document responds to the LIR submitted by Durham County Council.
- Section 4 of this document responds to the LIR submitted by North Yorkshire County Council and Richmondshire District Council.

1.2.2. For ease of reference, this document is structured to replicate the topic headings within each of the LIRs. Each section provides an overview, detailing the sections of the LIR that National Highways have commented on, which is followed by National Highways comments concerning the details contained within the LIR for each topic. In some cases, the content of the LIR is replicated in the document (in italics) to assist with referencing between the LIR and National Highways comments. The LIRs should be read alongside this document using the references provided to provide clarity on the content that National Highways have provided comments.

2. Cumbria County Council and Eden District Council

2.1. Background

Overview

2.1.1. This section sets out National Highways' comments on the Background provided by Cumbria County Council and Eden District Council (CCC and EDC) which is set out in paragraphs 2.1 – 2.18 of the Local Impact Report (LIR) (REP1-019).

National Highways Comments

2.1.2. National Highways considers that the Background provided by CCC and EDC in paragraphs 2.1 – 2.12 provides an appropriate summary of the Project, the site, and its surroundings. National Highways welcomes the strong support for *“the principle of dualling the remaining single carriageway sections of the A66 between Penrith and Scotch Corner as well as the proposed improvements to key junctions along the route”* and the acknowledgement of the benefits that the Project will provide (as set out in paragraph 2.13).

2.1.3. National Highways have responded to the issues raised in paragraphs 2.14 -2.17, through the Applicant's Response to Relevant Representations Part 4 of 4 (PDL-013) as set out below, and/or within other sections of this report:

- 2.14 Page 59 of the Applicant's Response to Relevant Representations (Part 4 of 4) – RR-123.
- 2.15 Page 59 and 66 - 67 of the Applicant's Response to Relevant Representations (Part 4 of 4) – RR-123.
- 2.17 Page 59 – 96 of the Applicant's Response to Relevant Representations (Part 4 of 4) – RR-123 and RR-127 with further detail provided to respond to specific aspects associated with these matters within the sections below (3.2-3.8).

2.1.4. Paragraph 2.16 requests that the Project considers existing public transport provision available along the route with a view to identify and support opportunities for improvements to the public transport network. National Highways and the DIPs, who will be undertaking the detailed design and construction of the Project, will continue the engagement with CCC and EDC on public transport provision along the route.

2.2. Overview of Planning and Highway Policy Context

Overview

- 2.2.1. This section sets out National Highways' comments on the Overview of Planning and Highway Policy Context provided by CCC and EDC which is set out in paragraphs 3.1 – 3.12 of the LIR (REP1-019).

National Highways Comments

- 2.2.2. National Highways considers that this section of the LIR provides an appropriate overview of local policy and relevant local documents for Cumbria County Council (CCC) and Eden District Council (EDC). National Highways acknowledge the importance of continuing to work with the Councils to address the opportunities and challenges of the Project, as expressed at paragraph 3.1.
- 2.2.3. The Legislation and Policy Compliance Statement (LPCS) (APP 242), submitted with the DCO application, provide an assessment of the Project against relevant legislation and policy (both local and national) in line with the requirements of the Planning Act 2008 (PA 2008). The PA 2008 requires that an application for a DCO is determined in accordance with the relevant National Policy Statement ('NPS'). In this case the National Networks NPS (NNNPS) is the relevant NPS and therefore the primary basis for decision making. The Applicant has carefully considered the policy requirements and referenced legal obligations set out in the NNNPS, including the Habitats Regulations and Water Framework Directive (WFD), within the LPCS.
- 2.2.4. In addition, the LPCS sets out and discusses 'other matters which the SoS [may] think are both important and relevant to its decision' on the DCO application (section 104(2) (d) of the PA 2008). This includes the Project's conformity with the adopted development plan policies, as defined by section 38(6) of the Planning and Compulsory Purchase Act 2004, including development plan policies of CCC and EDC. The Project's conformity with their adopted development and local transport plans have therefore been assessed in the LPCS as well as other local strategies and plans of the local authorities, which may be relevant to the decision making.
- 2.2.5. Paragraph 3.8 of the LIR refers to Transport for the North's (TfN's) Electric Vehicle Charging Infrastructure (EVCI) Framework 2022, that sets out a whole network; whole system approach to Electric Vehicle (EV) charging across the North of England. The paragraph concludes that the Project 'must include provision of EVCI as part of its design to future proof the Project, in line with the Government's Transport Decarbonisation Plan'.
- 2.2.6. The Project is part of the Road Investment Strategy 2 (RIS2), which is fully integrated into government objectives to decarbonise road transport including efforts to deliver a network of electric vehicle charge points along the Strategic Road Network (SRN). National Highways have published a 'Net Zero Highways: our 2030 / 2040 / 2050 plan' which sets out how National Highways will support making every journey on our

network emission free and National Highways will be publishing a blueprint for EV charging services and energy storage by 2023. EV charging is therefore not within the scope of this Project but is to be dealt with on a Strategic Road Network basis through the plans described above.

2.2.7. With respect to other local policy and strategy documents referred to in section 3 of the LIR, National Highways can confirm, as set out in the LPCS that:

- The Project aligns with the Cumbria Transport Infrastructure Plan's medium to long term priority in bringing forward road improvements to the A66 (see paragraphs 4.5.1 - 4.5.6 of the LPCS). The LPCS concludes that the Project meets this aim of this Plan through bringing forward a package of schemes which will enhance the capacity and reliability of the A66.
- The LPCS concludes that the Project aligns with and is in conformity with Transport for the North's (TfN's) Strategic Transport Plan, with respect to the vision and ambitions set out in the Plan for the strategic road network (as set out in paragraphs 4.1.1 – 4.1.5 of the LPCS). Conformity with the Plan's pan-northern transport objectives are considered in detail within Appendix B of the LPCS.
- The plans relating to specific topics associated with the local authorities' responsibilities, such as the Asset Management Strategy 2020-25 and the Penrith Local Cycling and Walking Infrastructure Plan, will be considered as part of the detailed design process.

2.2.8. With respect to the relevant local policies within the Eden District Plan that are referenced National Highways confirm that they are addressed in Appendix D Local Policy Accordance Table of the LPCS as follows:

- Policy COM2: Protection of Open Space, Sport, Leisure and Recreation Facilities; How the Project conforms with this policy is set out in Appendix D (page 297) and further details on the protection of open space, sport, leisure and recreation facilities is set out in relation to NNNPS policy on Land use open space and green infrastructure (policies 5.165 – 5.185) at Appendix A: NNNPS Conformity table of the LPCS (pages 190-202).
- Policy ENV3: The North Pennines Area of Outstanding Natural Beauty: How the Project conforms with this policy is set out in Appendix D (page 316-318) and further details on conformity with NNNPS policy on AONB (policies 5.150 – 5.155) at Appendix A: NNNPS Conformity table of the LPCS (pages 178-186).
- Policy ENV1: Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity: How the Project conforms with this policy is set out in Appendix D (page 311-314) and further details on conformity with NNNPS policy on biodiversity (policies 5.22 – 5.38) at Appendix A: NNNPS Conformity table of the LPCS (pages 122-139).

2.3. Clear and Effective Junction Connectivity Strategies

Overview

- 2.3.1. This section sets out National Highways' comments on the Clear and Effective Junction Connectivity Strategies which is set out in pages 16 – 21 and paragraphs 4.1 – 4.22 of the LIR (REP1-019).

National Highways Comments

- 2.3.2. National Highways acknowledge the concerns raised by the Councils regarding the robustness of the forecast capacity demands at junctions and loss of connectivity, including of cycling and walking, to local communities, including Penrith and refers to the responses provided in Procedural Deadline Submission – Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013) pages 59 - 63 for further information on and responses to matters raised.
- 2.3.3. The concerns raised in paragraphs 4.1 – 4.2 of the LIR (REP1-019) that the proposed grade separated junction at Kemplay Bank will not accommodate the forecast increase in traffic levels and the potential traffic congestion that could arise around Penrith and need to maintain uninterrupted access for blue light services are acknowledged. As per Procedural Deadline Submission – Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013) pages 59 - 61, further traffic surveys at Junction 40 and Kemplay Bank were completed in September 2022. This data has been processed by National Highways and will be presented and discussed within the planned meetings with the councils.
- 2.3.4. Paragraph 4.3 of the LIR refers to the highway maintenance depot from Skirsgill Lane which CCC operates and indicates that the current design compromises access to the depot. National Highways highlights that Access to the Skirsgill Depot is currently via a left in/left out arrangement on the A66 westbound carriageway between Kemplay Bank and M6 J40 and an access on the M6 southbound onslip. The proposal is for the slip road access to be retained as is and the A66 access is to be repositioned approximately 100m east of its current location. The repositioning enables the access to be upgraded to have more suitable merge and diverge tapers, providing a better quality access. Complementing this is an additional lane between Kemplay Bank and M6 J40, taking the carriageway from 2 lanes to 3. It has not been stated by the Councils within the LIR how they believe the current design compromises access to the depot. However, it is believed the better quality access arrangements proposed and the significant additional capacity provided to the carriageway itself would support access to the depot.
- 2.3.5. In response to paragraph 4.6 of the LIR which requests that the further traffic modelling to be undertaken should show that current and forecast traffic demand from the Project can be accommodated, National Highways can confirm additional traffic surveys have been undertaken and that further traffic modelling is being undertaken. The modelling will show forecasted highway network conditions arising from demand in the

Do Something scenario (with Project) relative to the Do Minimum scenario (current highway network).

- 2.3.6. In response to paragraph 4.7 of the LIR which requests that there should be no loss of connectivity for communities and key destinations across the route. National Highways can confirm that walking, cycling and horse-riding is accommodated throughout the route and proposals include upgrading the current facilities in and around M6 J40, Kemplay Bank and Skirsgill as well as provision of an east west walking and cycling route, see Walking, Cycling and Horse-riding Proposals (Document Reference.2.4, APP-010) and the Rights of Way and Access Plans (Document Reference 5.19, APP-342, 343, 344 and 345). Paragraphs 4.8 - 4.9 of the LIR raise concerns around connectivity for vehicle movements. Whilst it is appreciated that right turn movements from and onto the new A66 will be prohibited, this is ultimately a much safer solution for motorists and is one of the key benefits of the Project. As stated in paragraph 4.9, a number of grade separated junctions are proposed along the route to facilitate all movements. By providing grade-separated crossing points, closing gaps in the central reservation, and providing the additional parallel shared-use paths, the A66 NTP Project would provide improvements for WCH users in the vicinity of the new dual carriageway sections. This meets the WCH Project Objectives set out in the A66 NTP WCH Strategy, and our guiding principles set out in the document “*Cycling Strategy, Our Approach*” (Highways England, 2016).
- 2.3.7. **M6 J40 to Kemplay Bank Roundabout (and the A6 south)** Paragraph 4.10 of the LIR states that: *“There is a ‘blue light hub’ comprising both fire and ambulance services located at Kemplay Bank Roundabout. The emergency services directly access the A66 from this facility as a means of providing the fastest response. There is potential for the construction period to have a detrimental impact on the traffic flow and accessibility of the hub from the Kemplay Bank Roundabout. It is vital that access is maintained to this facility at all times and the Councils need assurance from NH that robust mitigation plans are put in place and agreed with Cumbria Ambulance Service and Cumbria Fire and Rescue Service prior to the construction period commencing.”* Prior to commencing any construction work in this area, National Highways and their Contractor will engage with the ‘blue light’ services that are in the vicinity to ensure that impacts to their access and operations are kept to an absolute minimum. In addition, we will work with these services to more effectively programme and plan the construction activities to minimise or mitigate disruption. As stated in our response to Eden District Council RR-127, (Applicant’s Response to Relevant Representations (Part 4 of 4) (Document Reference 6.5, PDL-013) page 91 - 92) The Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) confirms that no part of the project can start until a Construction Traffic Management Plan (CTMP) (Document Reference 2.7, APP-033) is developed (post any decision to grant the DCO) which will include (amongst other requirements) the following: • Details of proposed traffic management measures, including phasing plans, route restrictions and

speed limits • Details of planned carriageway and local road closures, including proposed stakeholder and community engagement protocols in advance of closures. • Details of proposed diversion routes, durations of use and proposals for encouraging compliance with designated diversion routes (with consideration for potential noise impacts).

A66 / Brougham Junction

- 2.3.8. Paragraph 4.11 of the LIR states that: *“The Project proposes the removal of right turn movements at the Brougham junction, resulting in vehicles travelling from Brougham to the Centre Parcs junction having an additional distance of approximately 4.6km to travel (via Kemplay Bank). Vehicles travelling eastbound from the Kemplay Bank Roundabout will no longer be able to turn right into Brougham and instead will have to access Brougham via the A6 Eamont Bridge and the B6262 or via the Center Parcs junction”*. Improving road safety is one of the core Project objectives, as set out in the Project Design Principles (Document Reference 5.11, APP-302). Since 2017, we have been working hard to deliver a safer, more connected A66 for local people, businesses, tourists and other road users between Penrith and Scotch Corner. We will remove potentially hazardous turnings as part of the Project, providing new links – via the local road network – to safe junctions to provide safer journeys on the newly-dualed sections of the A66. To reduce risk, we have designed the improvements so there are no gaps in the central reservation, removing right turns. We have included junctions, connected to the local road network, which enable drivers to safely join and leave the route in the direction of travel only. The proposals will be designed to the latest standards within the Design Manual for Roads and Bridges (DMRB) and subject to Road Safety Audits commensurate with preliminary and detailed design stages.
- 2.3.9. Paragraph 4.12 of the LIR states that: *“Although the settlement of Brougham is not considered to contain any ‘essential’ services or facilities used by the wider community, the village does house a small community as well as tourist attractions including Brougham Castle and Brocavum Roman Fort. Therefore, there is a potential for local people and visitors to be impacted by these proposals.”* Brougham Castle is currently sign posted with brown signs as part of the qualifying status as a tourist attraction. These are located at Kemplay Bank and on the A66 in proximity to the junction to Brougham. As this access will be modified, especially when travelling eastbound from M6 J40 and access will be via A6 Eamont Bridge and the B6262, the location of the existing signage will be amended where it is situated on our network as part of the signage strategy. As part of the de-trunking proposals, the signage strategy will be developed with each local authority during detailed design. Additional brown signs are already located on A6 and are the responsibility of the local authority. In terms of access to the tourist destinations, paragraph 3.5.2 within the Case for the Project (Document Reference 2.2, APP-008) highlights that improving access to key tourist destinations such as the North Pennines and Lake District is one of the benefits of the Project. It should also be recognised that the project will improve access for visitors

that use the A66 regionally to access all tourist sites, as evidenced by the travel time savings on the A66 shown in table 5-47 to 5-49 in the Combined Modelling and Appraisal Report (Document Reference 3.8, APP238), which will provide benefits to the local economy and tourist related businesses in these areas.

- 2.3.10. Paragraph 4.13 of the LIR states that: *“This currently all-movements junction is used as a temporary diversion route during flood events and the banning of those movements will cause a reduction in network resilience. This is not acceptable unless there is alternative mitigation in place.”* To reduce risk, National Highways have designed the improvements so there are no gaps in the central reservation, removing right turns. Resilience is provided in the upgraded Kemplay Bank junction and whilst it is appreciated that there will be an extra distance for traffic wishing to travel east from the B6262 (to turn at Kemplay Bank junction) this should be a relatively infrequent event.

J40 and Kemplay Bank Roundabout

- 2.3.11. Paragraph 4.14 of the LIR notes that: *“There is an existing capacity problem at M6 J40, Kemplay Bank and the linking section of the A66, which results in congestion in these areas with a knock-on effect on the local highway network.”* National Highways acknowledges and understands the presence of existing congestion issues and its impact on the local network. This understanding is discussed in general terms in paragraphs 2.3.12 and 2.3.13 and in the context of journey times in paragraphs 2.4.13 and 2.4.15 of the Combined Modelling and Appraisal Report (ComMA) (Document Reference 3.8, APP-237) respectively.
- 2.3.12. The congested nature of the junctions, along with the complex interaction between strategic and local traffic, led to the junctions being modelled in detail in a microsimulation (operational) model. This is in addition to the junctions being modelled as part of the strategic model of the wider scheme. Section 6.2 of the Transport Assessment (Document Reference 3.7, APP-236) details the development of the microsimulation model, along with the data collected to develop the model. The suitability of coding of the junctions within the strategic model was also checked, as detailed in paragraph 8.2.4 and 8.2.5 of the ComMA Appendix C (Document Reference 3.8, APP-239).
- 2.3.13. Paragraph 4.15 of the LIR states: *“As calculated from the figures in table 7-2 of [APP-236] growth between J40 and directly east of Kemplay Bank is shown to be 50% between 2019 and 2044 with the Project in place.”*
- 2.3.14. Table 7-2 of the Transport Assessment (Document Reference 3.7, APP-236) shows the forecast growth in two-way AADT (24 hour daily) flow at 15 locations near to and along the extent of the proposed A66NTP scheme. The relevant location referenced is *“Between M6 J40 and Kemplay Bank”*. Background traffic growth between the 2019 Base to the 2044 DM is shown to be 31%. This is traffic growth that is forecast to be experienced on the road network in its present condition with no change to the A66. Additional traffic growth resulting from introducing the scheme

(2044 DM vs 2044 DS) is forecast to be 13%. Whilst overall traffic volumes are higher in the DS as compared to the DM, this is on a road network with Kemplay Bank grade separated, the capacity of M60 J40 enhanced and the number of lanes per carriageway between the two junctions increased from 2 to 3. Traffic volumes in 2044 with the scheme compared to that in the 2019 base (2019 Base vs 2044 DS) represent a 49% increase, which includes the 31% background traffic growth between the 2019 Base and 2044 DM scenarios.

- 2.3.15. Paragraph 4.16 of the LIR refers to the Vissim base model and states that *“it is not clear whether the model fully represents the current congestion at M6 J40 and Kemplay Bank and the relationship these junctions have with alternative routes through the centre of Penrith.”*
- 2.3.16. No information has been provided within the LIR as to the nature of the stated discrepancies with the operational model's validation. For the existing operational model at J40 / Kemplay Bank, paragraph 6.2.16 of the Transport Assessment (Document Reference 3.7, APP-236) describes how the model meets the GEH criteria for turning movement flows as set out by TAG in both the AM and PM peak. In addition, Table 6-1 and Table 6-2 of the Transport Assessment (Document Reference 3.7, APP-236) show that 90% of the journey time routes in the AM and PM peak respectively validate according to TAG journey time criteria, exceeding the 85% guidance as set by TAG. As such, the model validates according to TAG criteria.
- 2.3.17. The level of congestion in the model can be understood through the presentation of journey time information. As discussed, Table 6-1 and Table 6-2 of the Transport Assessment (Document Reference 3.7, APP-236) display the observed journey times when the junctions were surveyed along with the modelled journey times. The validation of these journey times show the model suitably represents the congestion levels present at the time of surveying.
- 2.3.18. The purpose of the operational models is to understand how the junctions themselves perform under specific traffic demands, rather than to model the relationship between the junctions and the wider network (specifically alternative routes through the centre of Penrith). The modelling of traffic across different routes in / around Penrith is considered by the strategic model.
- 2.3.19. Whilst it is believed the model accurately represents the conditions that were surveyed in 2017, the operational model is currently being updated using September 2022 traffic data as outlined in Paragraph 4.6 of the LIR (duplicated in paragraph 2.4.6). National Highways propose to consult directly with the Councils about the outcomes of the model and discuss the associated key issues at forthcoming planned meetings with CCC and EDC.
- 2.3.20. Paragraph 14.17 of the LIR states that: *“The forecast Vissim model has been adjusted to represent a Friday, however this has not fully considered the build-up of traffic from mid-day and the full impact of Fridays in summer months and has not been applied to the base year*

model. There is also no indication of the induced demand that the Project may create given the current junction is at capacity at these times. This underplays the operational impact of the regular extra traffic demand on a Friday at this location.”

- 2.3.21. Figure 8-29 of the Transport Assessment (Document Reference 3.7, APP-236), along with paragraphs 8.2.7 - 8.2.9 of the same document describe National Highway's understanding of the difference in demand experienced on an average weekday Monday - Thursday as compared to a Friday. It is shown that peak demand is higher on a Friday than other weekdays, and that the higher level of demand results in a peak period lasting the whole afternoon. However, it also details that while on a typical Thursday in 2017 demand peaks at 3816 vehicles, the peak demand on a Friday is 4038 vehicles. This is an increase of only 5.8% - the difference is rather that the demand is sustained over a longer period of time.
- 2.3.22. It is also appreciated that demand on a Friday during peak holiday periods (i.e. the summer months referred to) can be higher than an average Friday. This point is specifically referred to in paragraph 8.2.8 of the Transport Assessment (Document Reference 3.7, APP-236), where it is explained that it is not usual practice to generate models for design flows within peak months as providing capacity for flows that occur on a limited number of days within a year would not be economically viable.
- 2.3.23. Whilst not specifically referenced to in any of the DCO documents, it is standard practice to include a “warm up” period in microsimulation models. Each of the models described in the Transport Assessment (Document Reference 3.7, APP-236) have a warm up period. This warm up period loads traffic into the model prior to the time period used for reporting (in terms of calibration/validation and forecasted performance) such that there is sufficient traffic in the model to represent conditions at the start of the reporting period. The warm-up period does not need to cover the full period in which congestion occurs, simply enough that a sufficient level of congestion has built up in the model before the reporting period begins.
- 2.3.24. Paragraph 8.2.4 of the Transport Assessment (Document Reference 3.7, APP-236) describes how the Do Minimum and Do Something forecast strategic model have been used to develop growth factors for the respective forecast operational models of M6 J40 / Kemplay Bank. Demand in the strategic models has been informed by a variable demand model, which accounts for the effect of “induced demand” through the introduction of additional capacity in a Do Something scenario. Therefore, the difference in growth factors applied to the demand in the Do Minimum as compared to the Do Something accounts for the effect of additional induced demand. It is therefore not considered that the model underplays the operational impact of the regular extra traffic demand on a Friday at this location.
- 2.3.25. Paragraph 14.18 of the LIR states that: *“Retention of only three lanes on the M6 J40 overbridges and the retention of traffic signals on the slip*

roads onto M6 north and A66 west will limit capacity of this junction despite the proposed Project providing additional lanes on the approaches. This will have a knock-on effect of more traffic congestion in Penrith and road safety implications of traffic queuing back onto the M6 southbound carriageway north of J40.”

- 2.3.26. At M6 J40, traffic signals over the M6 North onslip and A66 West WB are pedestrian crossings which are only activated when called by pedestrians. Paragraph 6.2.14 of the Transport Assessment (Document 3.7, APP-236) details that a survey of the crossings showed little usage by pedestrians, with the robust modelling assumption therefore applied that a maximum of between 8 and 20 pedestrians would use the various crossing per hour. On the day of survey (23/11/2017), 2 pedestrians crossed both crossings between 8:00-9:00 and no pedestrians crossed either crossing between 16:00 and 18:00. This volume of pedestrians would have a negligible impact on the operation of the junction, either in its existing or upgraded form.
- 2.3.27. As outlined by the Councils, the number of lanes on the M6 J40 overbridges is not proposed to be increased from 3 lanes. However, the number of lanes on the remaining circulatory carriageway is being increased to a minimum of 3 lanes (from 2 in places), with the circulatory sections between all arms of the junction increased to 4 lanes. This is in addition to each of the approaches to the junction having at least one additional flare added, with A66 East approach increased from 2 lanes to 3 from Kemplay Bank in both directions. This provides significant additional capacity to the junction. Specifically with regards to traffic congestion in Penrith (i.e. the A592 approach) and the M6 North SB offslip, the turning flows observed and used to validate the performance of the strategic model can be found in Appendix E (Junction Analysis) of the ComMA – Appendix C Transport Model Package (Document Reference 3.8, APP-239). The data has been condensed in Table 2 to provide an understanding of how much of the current demand from these arms of the junction are only using the additional capacity on the approaches/circulatory, and how much also requires the use of the overbridges.

Table 1: Proportion of traffic demand using M6 J40 overbridges from the M6 North southbound offslip and A592

	Travelling to A592, A66 East or M6 South SB Onslip (not using overbridges)		Travelling to other exits (using overbridges)	
	AM Peak	PM Peak	AM Peak	PM Peak
M6 North SB Offslip	85.1%	88.3%	14.9%	11.7%
A592	49.5%	56.6%	50.5%	43.4%

2.3.28. The table shows that the vast majority of demand from the M6 North SB offslip does not use the overbridges with only approximately half of the traffic from the A592 requiring their use. Unless blocking back were to occur on the circulatory carriageway (this itself is a function of the signal design rather than purely capacity), demand from these arms of the junction are largely unaffected by the capacity of the overbridges. This is supported by the operational model forecast performance results in Table 8-9, 8-10 and 8-11 of the Transport Assessment (Document Reference 3.7, APP-236) for the AM peak, PM peak and Friday peak respectively. The tables show that the proposed junction upgrades perform well in the Do Something scenario compared to the Do Minimum, mitigating the impact of the additional demand resulting from the wider schemes and reducing pressure on the local road network. When the A592 approach and the M6 North SB off slip are considered, the tables show that average and maximum queues are reduced in the Do Something in all three scenarios. This shows the scheme provides adequate additional capacity for demand arising from the wider project (quantified as a 13% increase on the Do Minimum scenario as detailed in the response to LIR paragraph 4.15) and also a proportion of the delay resulting from background traffic growth (quantified as a 31% increase from current levels of demand). We can therefore conclude that the scheme will not have a knock-on effect and result in an increase in traffic congestion in Penrith and will therefore have a negligible impact in terms of road safety implications resulting from traffic queuing back onto the M6 southbound carriageway (north of J40).

2.3.29. Paragraph 14.19 of the LIR states that: *“This section of the A66 is demonstrably worse for traffic speeds than the rest of the route and shows that demand is often in excess of the capacity of the two roundabouts. The average speeds need to be seen in relation to the posted speed limits on the A66 which are either 60mph or 70mph for this section. The capacity constraints are of equal concern for the local roads which also cross the route at these two roundabouts.*

2.3.30. Paragraphs 2.4.8 – 2.4.19 and Figure 2-11 to 2-13 of the Transport Assessment (Document Reference 3.7, APP-236) provide commentary on observed speeds along different sections of the A66 route. The section between M6 J40 and Kemplay Bank is covered by Scheme ID

02+. It should be noted that the route begins at J40 and continues through to the transition from dual to single carriageway east of Kemplay Bank. Therefore, the average speed also accounts for the time approaching and driving around Kemplay Bank roundabout itself, therefore reducing the average speed of the section. This approach has been taken as the grade separation of Kemplay Bank proposed within the scheme directly impacts the average speed experienced.

2.3.31. Figure 1 displays the average speeds experienced throughout the day Monday – Friday, with Figure 2 displaying the data for Friday only. This is the same data used to produce the scheme 02+ data in Figure 2-11 and Figure 2-12 from the Transport Assessment (Document Reference 3.7, APP-236) respectively, displayed as an average throughout the day rather than a daily average per month. They demonstrate that although speeds reduce during the congested periods previously discussed, speeds are well below the posted speed limit (70mph) throughout the entire day. This continuity of reduced average speed (as compared to the posted speed) is a result of Kemplay Bank being only 1km away from M6 J40. Grade separation of Kemplay Bank removes this physical restriction, as well as providing significant additional capacity to the junction itself by removing A66 through-traffic. The increase in lanes from 2 to 3 in both directions between M6 J40 and Kemplay Bank also provides additional capacity to the network.

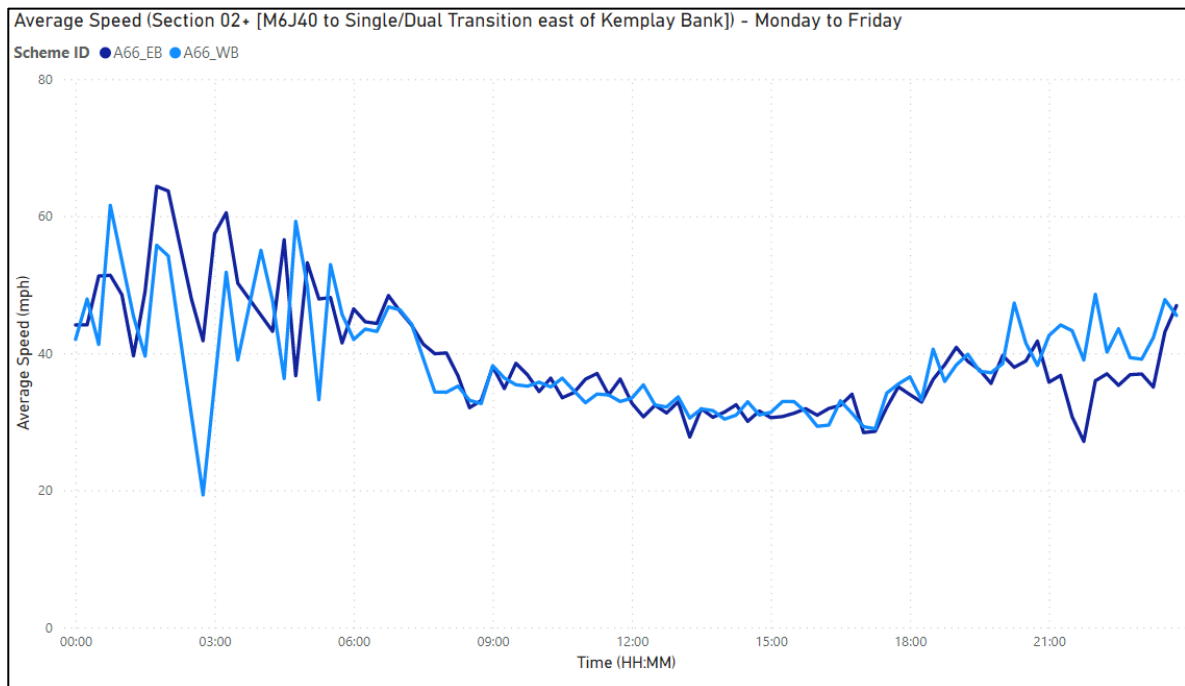


Figure 1: Average speed between M6 J40 to Single/Dual Transition east of Kemplay Bank - Monday to Friday

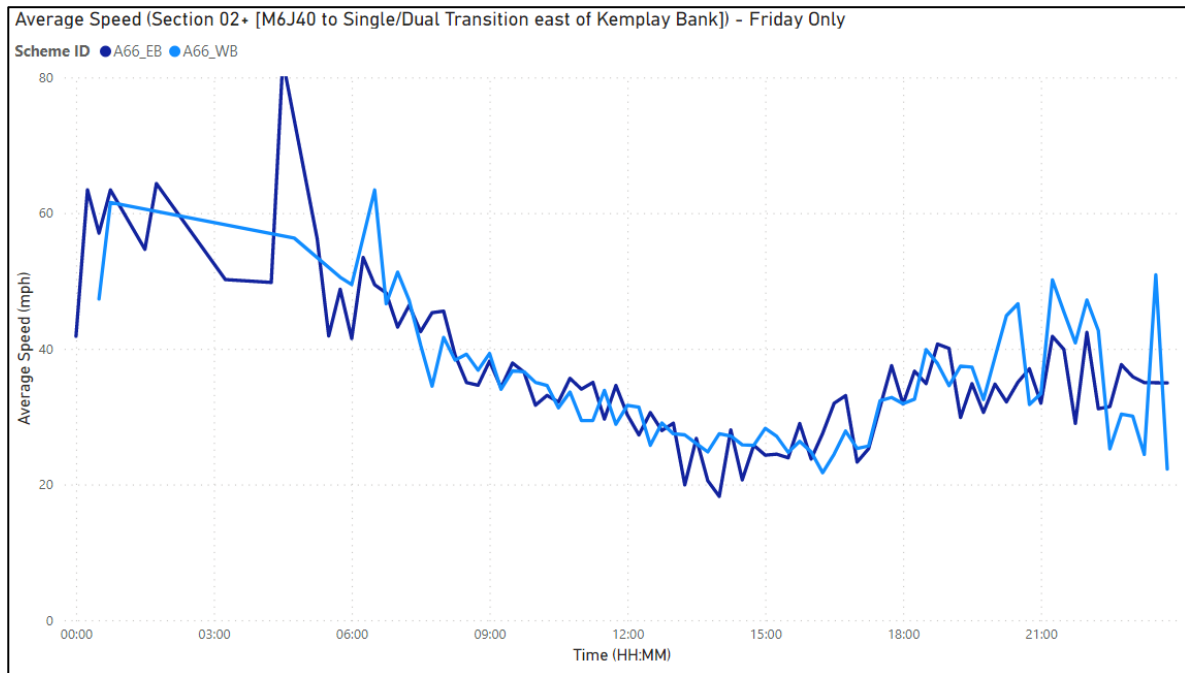


Figure 2: Average speed between M6 J40 to Single/Dual Transition east of Kemplay Bank – Friday only

2.3.32. When considered in terms of journey time, the extent of the dual carriageway from M6 J40 to the point east of Kemplay Bank (where it returns to single carriageway) is approximately 3.5km. Table 2 details the equivalent journey time if a vehicle were to travel at different average speeds. The difference in journey time between the highest average speed experienced daytime (07:00-19:00) of approximately 40mph and the lowest of approximately 20mph is approximately 3 minutes.

Table 2: Approximate journey times between M6 J40 to Single/Dual Transition east of Kemplay Bank at different average speeds

Speed (mph)	20	30	40	50	60	70
Journey Time (mins)	6.52	4.35	3.26	2.61	2.17	1.86

2.3.33. Paragraph 14.20 of the LIR states that: *“The daily two-way traffic flow between 2019 and 2029 is predicted to increase by 15% without the Project in place and with the Project in place by 29%. Between 2019 and 2044 there is a predicted increase of 32% without the Project and 49% with the Project. These predictions are significant and are at odds with the level of physical increases in capacity being provided by the Project at J40 in particular. Therefore, the models must be reviewed and agreed with the Councils to ensure the junctions work without congestion and delays, particularly at the seasonal peak.”* National Highways has agreed a meeting with Cumbria Council to review and agree the modelling.

Skirsgill Depot

- 2.3.34. Paragraph 14.21 of the LIR states that: *“The depot site is currently accessed solely from the westbound carriageway of the A66. This results in traffic entering the depot from the west or leaving the depot to travel east having to travel via the Kemplay Bank or M6 J40 roundabouts. During peak period congestion, this can cause very lengthy delays, particularly for site traffic approaching from the west. There is a gated access to the depot from the 21 southbound slip road onto the M6 at J40, which effectively provides direct access from the J40 roundabout. This avoids the need for a circuitous journey via Kemplay Bank for traffic approaching via J40 and must be secured as a regular access to the depot to ensure that it can operate effectively.”* National Highways confirms that it is proposed to retain the access onto M6 J40 southbound slip road (in a similar arrangement as the current situation).
- 2.3.35. Paragraph 14.22 of the LIR states that: *“Whilst this gated access has been used minimally in recent years, its proposed retention by NH is strongly supported and it is expected to be brought back into use by the Councils in due course.”* National Highways confirms that it is proposed to retain the access onto M6 J40 southbound slip road (in a similar arrangement as the current situation).

2.4. De-Trunking

Overview

- 2.4.1. This section sets out National Highways' comments on the De-Trunking topic which is set out between pages 21 – 25 and paragraphs 5.1 – 5.13 of the LIR (REP1-019).

National Highways Comments

- 2.4.2. The A66 Northern Trans-Pennine Project (NTP) will provide a continuous dual carriageway between M6 J40 and A1(M) J53, through a combination of on-line widening and local bypasses. The latter will result in lengths of the existing A66 being de-trunked, with these assets to be transferred to local authorities.

De-trunking Principles Document

- 2.4.3. A working draft of De-trunking Principles Document was issued by CCC to National Highways and separately by CCC to DCC and NYCC* in April 2022.
- 2.4.4. National Highways reviewed the working draft and advised CCC that:

- Aspects are unachievable.
 1. Residual serviceable life has been specified for assets, including those for which there is no recognised means of assessment e.g. gully system residual serviceable life is expected to be 6yrs
 2. Residual serviceable life has been specified that exceeds industry expectations e.g. 50 years for structures whereas the DMRB states the minimum life of elements such as waterproofing is 25 years (CCC are understood to assume 40 years).
 - Proposals do not represent value for taxpayers.
 1. The specification requested exceeds that on the lengths of the A66 that are not being improved by NTP project e.g. structures to have a load carrying capacity of 45 units HB loading or SV 196. Whilst the current minimum loading standard for new structures on All Purpose Trunk Roads (APTR) is SoV-196, the A66 Scotch Corner to M6 J40 is not currently part of the 'Grid' of Abnormal Indivisible Load (AIL) routes so the capacity of those structures (Smallways, Greta Bridge and Brougham) on sections of the A66 that are not being improved will remain at SoV-80.
 2. Residual serviceable life has been specified that would require early intervention(s). National Highways accepts that, at handover, some assets will be at or nearing (defined as less than half) the end of their serviceable life and it is appropriate that a commuted sum is provided to allow the local authority to fund renewal works at the optimal time for an intervention and not before. Assets, at handover, with more than half of their residual life remaining are expected to be inspected by the local authority and renewal works planned and funded through the uplifted central Government grant.
 3. A commuted sum for 60 years of future maintenance is sought, which appears to be in addition to the uplift in the annual central Government grant that is provided to fund the maintenance of the local highway network.
- 2.4.5. CCC advised that they were receptive to further discussions with National Highways to reach an agreed position. Discussions between both parties will therefore continue.

Inventory and condition report:

- 2.4.6. In June 2022, National Highways provided each of the local authorities an inventory of the assets to be detrunked along with condition reports, where records are available. National Highways requested workshops with the local authority subject matter experts, accepting that any agreement would need final sign-off by their senior leadership team. The following workshops were held.

Subject	CCC	DCC	NYCC
Structures	10th & 11th Aug 2022	30 June 2022 & 30 Aug 2022 & 16 Sept 2022	18 July 2022 5 Sept 2022 3 Oct 2022
Pavement	4th July & 30 Aug 2022		
Drainage	No Response		
Interface	No Response		
VRS	No Response		
Winter Maintenance	No Response		
Geotechnical	No Response		

Key areas still in discussion:

2.4.7. Structures - The retaining wall (Crackenthorpe bored pile wall) was constructed in 2009 with a 30-year design-life, so by OfT (2029) it will only have a certified residual life of circa 10 years. National Highways proposes that a prerequisite for de-trunking of this asset is a new structural assessment that certifies a minimum design life of 50 years.

National Highways proposal and CCC response:

2.4.8. The output from the workshops was formalised in the following detrunking proposals. This includes specific commitments for those asset types where inventories and / or condition surveys are incomplete, such as drainage.

Status	CCC (due to quantity, a separate paper was produced for each asset type)		DCC	NYCC
	Element	Date		
Draft – Version 00	Structures	14/09/2022	20/09/2022	5/09/2022
	Pavement	31/08/2022		
	VRS	18/08/2022		
	Drainage	8/09/2022		
	Other assets	21/09/2022		
Draft – Version 01	Structures	20/09/2022		10/10/2022
	Other assets	30/11/2022		
Draft – Version 02				30/11/2022

2.4.9. The above includes proposed amounts for commuted sums that have, where possible, been based on The Association of Directors Environment, Economy Planning and Transport (ADEPT - formerly the County Surveyors Society) which is endorsed by both CCC and NYCC. For those items that are outside the scope of ADEPT, rates have been based on recent similar local authority schemes.

- 2.4.10. CCC appointed the Consultant WSP to provide them with advice on the acceptability of the National Highways proposals, but despite several requests for comments and / or a workshop, it has not been possible to make any progress.

2.5. Active Travel (including Appleby Horse Fair)

Overview

- 2.5.1. This section sets out National Highways' comments on the Active Travel topic which is set out between pages 25 – 30 and paragraphs 6.1 – 6.24 of the LIR (REP1-019).

National Highways Comments

- 2.5.2. In response to Paragraph 6.1, National Highways acknowledge the concerns raised by the Councils regarding reduced connectivity and WCH routes, including an east-west corridor, all being designed to recognised standards and refers to the responses provided in Procedural Deadline Submission – 6.5 Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013) pages 62 - 63 for further information on and responses to matters raised.
- 2.5.3. Paragraph 6.2 of the LIR states that: *“There is a need for a continuous east-west route and the potential gaps in the network at Coupland and to the east of Kemplay Bank are not acceptable. The whole route must be legible, well-signed and easy for users to navigate, serve the main destinations and be appropriate for all types of users.”* National Highways are providing east-west connectivity within the DCO Order Limits of scheme 6 at Warcop. Where additional infrastructure may be required to tie into the local road network at, for example Coupland Beck, we seek to use designated funds within RIS3. National Highways have also begun engagement with the Yorkshire Dales National Park about how this potential scheme could be expanded to incorporate the Pennine Bridleway Northern Extension in this area. Other additional designated fund schemes could be required in other areas and we welcome engagement and cooperation with the local authority in order to deliver additional schemes.
- 2.5.4. Annex B6 Public Rights of Way (PRoW) Management Plan (Document Reference 2.7, APP-026) of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-030) provides an extended essay plan of the Public Rights of Way (PRoW) Management Plan that will be further developed as the project progresses through detailed design and will be implemented at construction stage. The plan will detail the proposed diversions and new routes before and during construction, which seek to mitigate impacts on the PRoW network. It will also set out a hierarchy of mitigation to help maintain access across the PRoW network during construction, for example through the use of appropriate signage, diversions and/or public liaison where necessary. The preparation and delivery of the detailed Public Rights of Way Management Plan will

incorporate inputs from the local community through the appointed Principle Contractor(s) Public Liaison Officer.

- 2.5.5. Paragraph 6.3 of the LIR states that: *“The proposed provision on the de-trunked A66 is narrow (less than 2m wide in places), unsegregated, does not include side road treatment or have appropriate crossing points. It crosses the old A66 in numerous places which should be avoided in order to make it coherent and attractive. The proposals as they stand, would create an unattractive and undesirable route for pedestrians and cyclists. The Councils require sight of the safety audit of the WCH facilities and the designer’s comments so that they can understand the risks associated with the departures from standards. Detrunked sections of the A66 must be designed appropriately for WCH to create a safe and attractive route connected to main settlements along the route.”* A Stage 1 Road Safety Audit was undertaken on the preliminary design proposals that were part of the November 2021 Statutory Consultation. This would not have covered all WCH facilities included in the project post statutory consultation, or as a result of further design development prior to submission of the DCO. The design of these facilities will be subject to a detailed assessment; this will include a review of how those lengths on the de-trunked A66 can be accommodated within the existing cross-section. Limits of deviation have been included to allow a level of flexibility in the design on the de-trunked sections. National Highways will continue to engage with local authorities as the design progresses in respect to providing appropriate WCH solutions on de-trunked lengths of the A66. A Stage 2 Road Safety Audit will be undertaken during the detailed design phase of the project and will be shared with the local authorities.
- 2.5.6. Paragraph 6.4 of the LIR states that: *“There is a lack of proper provision for pedestrians and cyclists at M6 J40 and through Kemplay Bank roundabout. The number of crossing points creates an unnecessarily complex junction for pedestrians and cyclists to navigate, which results in journey delay for active travel users. Provision at both roundabouts should be improved to align with LTN 1/20 guidance for facilities that can be used by all users. There are however, competing objectives and it is recognised that a balance needs to be struck between traffic capacity and the needs of WCH users. Proposals at the Kemplay Bank roundabout seek to achieve design synergy with the Bridge Lane proposals that are being developed as part of the Penrith Local Cycling and Walking Infrastructure Plan. It is required that NH assess options away from the M6 J40 roundabout for securing provision for NMUs across the M6 motorway.”* 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. Within this consultation, National Highways intends to consult on a change to the layout of Kemplay Bank junction.

We note the comments raised by the Council and would seek to continue engagement during the change consultation period to review how pedestrians and cyclists are accommodated.

- 2.5.7. Paragraph 6.5 of the LIR states that: *“The provision for NMU’s at J40 remains largely unchanged from the current situation, apart from the new proposals for those approaching the roundabout from the A66 westbound. To navigate the roundabout and continue their journey, these users will be required to use eight separate traffic light-controlled crossing points. Given the nature of the junction, this would ideally be a grade-separated facility, removing interactions with traffic, facilitating improved traffic flow and safe passage of NMUs in a convenient and efficient manner. However, it may be possible to look at other options, including provision of off-line enhancements to facilitate longer NMU journeys. The Councils require discussions with NH to review other options that may improve the connectivity of this route for NMUs.”* National Highways note the Council’s desire to improve NMU provision at J40 and welcome future discussions regarding a potential designated fund opportunity at or close to this location.
- 2.5.8. Paragraph 6.6 of the LIR states that: The proposed new junction arrangement at Kirkby Thore means that NMUs could come into conflict with vehicles (often large, given the proximity of the Gypsum plant). Further consideration must be given to resolving this conflict which is exacerbated by the proposed severance of Main Street. This will reduce connectivity for these users and compromise access to quiet local roads, PRoW network and NCN68 to the northeast is currently unsatisfactory. It is unclear whether the new route proposed near the existing bridleway (BW 336018) will be suitable for horse riders to use, and whether this will be an official diversion of the existing bridleway. The existing rights of way on Fell Lane will be maintained, via the overbridge that forms part of the junction. It is intended that the severed bridleway (BW 336018) will be redirected via Cross Street, over the A66 then via a new connection to re-join the existing bridleway north of the A66. It is intended that the alternative provision will be suitable for horses.
- 2.5.9. Paragraph 6.9 of the LIR states that: *“The Councils have been contacted by the British Horse Society regarding the lack of provision for horse riders. NH must engage with the British Horse Society and user groups to ensure no provision is lost or severed as a result of the Project and that (where practicable) provision for horse riders is made along the east-west corridor and north-south at key junctions”.* National Highways have actively engaged with the British Horse Society, with the objective of ensuring that horse-riding provision within the boundaries of the DCO is carefully considered as part of the detailed design process. National Highways have also been active in WCH Focus Groups whilst there have also been specific meetings with British Horse Society, the most recent being on 27th June 2022. We will continue to engage with them as the project moves into detailed design.
- 2.5.10. Paragraph 6.10 of the LIR states that: *“It is unclear how the active travel user can access the proposed provision or where the proposed*

infrastructure connects to. For example, there is no indication whether the east-west link on Roman Road and Priest Lane continues further along the B6412. Where routes have been severed alternative provision has been included in the DCO design. The east west provision has been included within the scheme extents, connecting to existing infrastructure at either end of each scheme. This is detailed in the Rights of Way and Access Plans (Document Reference 5.19, APP-342 to APP-349). Further details of the active travel connections, including the Roman Road and Priest Lane example, will be considered as part of the detailed design process.

- 2.5.11. Paragraph 6.11 of the LIR states that: *“Near Kirkby Thore, the WCH route crosses the proposed de-trunked road, however, no facilities appear to be provided to ensure safe crossing given the speeds and visibility. The level of segregation from traffic should be enhanced and the design controls should prioritise NMUs where highway standards allow. The design must be amended so that cycling and walking provision is continuous on the northern side of the road rather than switching sides several times.”* National Highways will continue to engage with the Council as the detail of the route is developed. Limits of deviation are included so as to allow flexibility in the design of the route in and around the existing constraints of the de-trunked road.
- 2.5.12. Paragraph 6.12 of the LIR states that: *“The Council are aware of potential ownership issues relating to the existing road outside New Hall Farm, Coupland. It is vital that this is resolved in a way that allows NMUs to utilise this road and connect eastwards to the proposed new provision that runs to the north of the A66. An alternative and preferred option for connection would be to continue the route from the local road staying to the north of the A66 and continuing onward to Café 66.”* National Highways are providing east-west connectivity within the DCO Order Limits of scheme 6 at Warcop. Where additional infrastructure may be required to tie into the local road network at, for example Coupland Beck, we seek to use designated funds within RIS3.
- 2.5.13. Paragraph 6.13 requests that *“NH must divert any PRow as close as possible to the original route. Where this is not feasible, full justification must be provided. It is specifically noted that Bridleway BW 350/021 near Warcop has proposed alterations resulting in the permanent diversion of the route by approximately 1km. This extension is likely to have a negative impact on residents and others”*. All existing Public Rights of Way (PRow) would remain. If a PRow is severed by the new A66 dualling scheme, it would be reconnected via the nearest grade-separated crossing. This may be at a proposed grade separated junction, a shared accommodation underpass or overbridge, or designated WCH underpass or bridge. Those PRows that terminated at the de-trunked A66, or that would otherwise terminate at the new dualling sections would also be routed to the nearest grade separated crossing. Crossing WCH paths at a grade-separated crossing provides a safe route away from high speed traffic. In addition to reconnecting the existing PRows, those schemes that are being dualled from single carriageway would have east-

west parallel WCH provision, either adjacent to the dual carriageway, or in the verge of the detrunked A66 where it will remain. Bridleway 350021 currently terminates at the A66. The DCO proposals would provide a new east-west connection from the Bridleway to an underpass to allow for connections to existing paths south of the A66. In addition, a shared cycleway/footway is proposed on the north side of the dual carriageway to facilitate onward journeys east and west.

Appleby Horse Fair

- 2.5.14. Paragraph 6.15 of the LIR states that: *“The Appleby Horse Fair Traffic Management Plan (“AHFTMP”) deals with three phases of activity: migration to the Fair - including encampment within Eden district; Fair activity in Appleby and the surrounding area; and departure from the Fair. It covers matters such as legal powers, traffic movements to the Fair, road closures, stopping places, one-way systems, traffic regulation orders and car parking.”* National Highways duly acknowledges this statement.
- 2.5.15. Paragraph 6.18 of the LIR states that: *“The Councils must see engagement from NH and their contractors to ensure that the AHFTMP can be updated and modified as appropriate to address the impacts of the Project, both during construction and operation. The CTMP for the Project must address provision for Fair traffic and ensure that impacts are properly managed and mitigated.”* National Highways will work with the Councils to understand and record how any impacts of the project, on Appleby Fair, both during construction and operation are provided for.
- 2.5.16. Paragraph 6.19.1 requests that: *“Ideally, non-motorised traffic should be discouraged from using the A66, and NH must consider how this can best be achieved, through Project design, traffic management and information systems, such as variable message signs.”* The design of the new A66 does not exclude non-motorised users. National Highways will continue to work with the Councils to understand and record how any impacts of the project, on Appleby Fair, both during construction and operation are provided for.
- 2.5.17. Paragraph 6.19.2 requests that: *“Measures in the CTMP must demonstrate how horse drawn traffic can safely access Appleby Horse Fair.”* National Highways will continue to engage with the Councils on the production of the CTMP to set out how Fair traffic will be coordinated and managed during construction of the Project. This engagement will take cognisance of the existing Multi-Agency Strategic Coordination Group (MASCG) Traffic Management Plan for Appleby Horse Fair.
- 2.5.18. Paragraph 6.19.3 requests that: *“As the A66 between Appleby and Kirkby Thore will be on a new alignment, the existing A66 will be de-trunked and downgraded to a local distributor road and will become an attractive alternative for equine traffic approaching or leaving Appleby to the west. This is welcomed and the design standards for the de-trunked road will need to take this into account”.* National Highways are keen to engage with the Councils in respect to the design standards to be applied the lengths of de-trunked road. A meeting is scheduled for 20th January 2023 to continue discussions in respect to design standards.

- 2.5.19. Paragraph 6.19.4 requests that: *“De-trunking of the existing A66 carriageway to a local road will create the opportunity for further stopping places in the vicinity of the Fair, which may require an extension of the AHFTMP to prevent this from happening or provide a new opportunity for managed parking areas in the run up to and during the Fair.”* National Highways will continue to work with the Councils to understand and record how any impacts of the project, on Appleby Fair, both during construction and operation are provided for.
- 2.5.20. Paragraph 6.20 of the LIR states that: *“The Councils require NH to provide either direct funding to provide stopping places, for horse drawn vehicles travelling to Appleby Horse Fair, on the de-trunked sections or ensure the work is undertaken by its Delivery Integration Partner (“DIP”) contractors prior to being de-trunked. Funding must be provided to install mitigation measures to prevent unsafe / illegal parking along the de-trunked sections”.* Off road parking provision on de-trunked sections of the A66 remains as per the DCO submission. As such, National Highways do not intend to fund or construct stopping places.
- 2.5.21. Paragraph 6.21 of the LIR states that: *“The Councils prepared a technical assessment (Appendix B) of the effects of the Project upon Appleby Horse Fair, which was shared with NH in January 2022. The junction arrangements at the west side of Appleby are very limited and do not provide for sufficient movement to and from the A66. This becomes critical during the holding of the Appleby Horse Fair contributing to major congestion in the town. As a minimum an eastbound access needs to be provided onto the A66 in this location to help manage traffic during the operation of the Fair. The Councils recommend a westbound exit from the A66 at the junction, so that fair-bound traffic does not need to travel through Appleby.”* National Highways acknowledge the concerns raised by the Councils but note that Appendix B of the LIR includes a report (dated 29 October 2021) on the Project’s potential impact on the Fair site relative to a junction which has now been removed from the Project.

Brough Hill Fair

- 2.5.22. Paragraph 6.23 of the LIR states that: *“Brough Hill Fair takes place annually on land near Eastfield Farm attracting a small number of travellers (less than ten caravans in recent years). It is being partially relocated by NH as a result of the Project. NH has asked CCC to consider taking ownership of the fair site and associated operational responsibilities. CCC is not willing to assume this responsibility which currently sits with the Ministry of Defence as landowner.”* National Highways acknowledges the position stated by CCC. Regarding the replacement site for the 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).
- 2.5.23. Paragraph 6.24 of the LIR states that: *“It is essential therefore that NH explores alternative options for the future management of the fair site to ensure its continuous operation.”* National Highways acknowledges the position stated by CCC..

2.6. Diversions and Network Resilience

Overview

- 2.6.1. This section sets out National Highways' comments on the Diversions and Network Resilience topic which is set out in pages 30 – 35 of the LIR (REP1-019).

National Highways Comments

- 2.6.2. Paragraph 7.1 of the LIR states that: *“Consideration should be given to enhancing the existing strategic diversion routes, specifically the A6 and A685. The impact of the Project on permanent diversion routes needs to be assessed and mitigated during the planning and construction phases. To increase the resilience of the route once operational and improve driver information, the Project should incorporate the use of more and smarter technology, for example variable message signs. The Councils have strong concerns that drivers with local knowledge will make use of local roads and may not use the official diversions. Therefore, the Councils require mitigation measures on these routes to prevent future maintenance liabilities, and to reduce the impact on local residents.”* National Highways acknowledge the Council's comments regarding diversion routes, and refers to the responses provided in Procedural Deadline Submission – Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013), pages 71, 72 & 74 where diversions and use of technology are considered.
- 2.6.3. Paragraph 7.2 of the LIR states that: *“The Councils have produced (and shared with NH) a Diversions Assessment report (Appendix C) which assesses suitability of potential diversion routes in Cumbria that may be utilised by the Project during its construction. Routes were identified in the report that could be made suitable if mitigation measures were applied, consisting of minor to moderate improvements. The Councils recommend that such mitigation works be undertaken before any route is required by the Project during construction.”* National Highways welcomes the provision of Diversion Assessment Report provided as an Appendix C to the LIR and will consider its content as the detailed design progresses and Traffic Management Plans evolve in consultation with Cumbria and Eden Councils.
- 2.6.4. Paragraphs 7.3 to 7.4 of the LIR provides a combination of concerns in relation to provision for diversions and alternative routes including; limitations in the current level of detail for the traffic management plans. It acknowledges that Appendix F of the Transport Assessment (Document Reference 3.7, APP-236) does provide a description of proposed diversionary routes around each scheme, but does identify some inconsistencies where Figure 12.9 does not reflect what is shown in Appendix F. National Highways will review any inconsistencies and issue errata where inconsistencies are present.
- 2.6.5. National Highways agree with CCC and EDC in Paragraph 7.5 of the LIR where they acknowledge that the level of detail required to agree local

routes and closures will not be anticipated before the end of the examination.

- 2.6.6. Paragraph 7.6 and 7.7 of the LIR identify concerns with potential diversion routes/rat-tuns and the current modelling of construction phases. National Highways will continue to engage with the Councils on the production of the CTMP to set out how diversions, including their suitability, will be coordinated and managed during construction of the Project.
- 2.6.7. Paragraph 7.8 to 7.12 of the LIR also provide the key metrics of concern that the Local Highways Authority would expect to be covered in the assessment of the schemes diversion routes as set out in paragraph 7.8. The subsequent paragraph (7.9) provides diversion concerns during operations, in terms of length, additional load, traffic frequency and the impacts to British Gypsum north of Kirby Thore. The final paragraphs (7.10 – 7.12) then go on to consider network resilience covering monitoring and messaging systems to warn drivers, EV charging points, CCTV, Air Quality management sites, enhanced variable messaging system and data sharing opportunities. National Highways will take these issues into consideration during the detailed design. Further detail and information needs to be developed in the CTMP and Traffic management plans during detailed design including consideration of any reassessment activities required prior to handover in order to mitigate risks and further consultation is required during detailed design to ensure diversions are appropriate.

2.7. Improved Facilities for HGVs

Overview

- 2.7.1. This section sets out National Highways' comments on the Improved Facilities for HGVs topic, which is set out between pages 35 – 38 and paragraphs 8.1 – 8.9 of the LIR (REP1-019).

National Highways Comments

- 2.7.2. National Highways acknowledge the Council's comments regarding HGVs, and refers to the responses provided in Procedural Deadline Submission – Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013), pages 72 - 74 where HGVs are considered.
- 2.7.3. National Highways acknowledge there may be demand for improved HGV facilities along the A66, but we consider this to be outside the current scope of the A66 NTP project. With regards improved HGV facilities, reference should be made to RR-123 (page 72) of The Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-012). Here it is noted that CCC will be consulted as part of a separate nation-wide freight study running in parallel with the DCO Examination. The aim of the study is to identify locations where new freight services and parking might be feasible on the Strategic Road Network. There is currently a £20m lorry parking improvement fund that is

available to improve existing facilities up until March 2025. Furthermore, laybys have been proposed in the preliminary design in accordance with DMRB standards. The General Arrangements Drawings (Document Reference 2.5, APP-011 to APP-018) show where proposed replacement laybys are located. It is not proposed to include new laybys on existing dualled sections of the A66 outwith the Order Limits of this project. Refer also to Responses to Deadline 1 Submission – 7.3 Issue Specific Hearing 2 (ISH2) Written Questions (REP1-005), pages 47 - 48.

- 2.7.4. National Highways have commissioned a study through the Customer, Strategy and Communications Directorate to identify interventions to improve the service we provide to our freight customers on the A66 Northern Trans-Pennine (NTP) route however this is separate from the A66 NTP project. A key driver for the NTP project is improving strategic regional and national connectivity, particularly for hauliers.
- 2.7.5. The study will identify solutions to mitigate HGV incidents, improve diversion routes and reduce the impact of illegal / antisocial HGV parking. The study will produce recommendations for implementation both during and post-construction of the A66 NTP project, however some recommendations may be made on the already dualled sections of the A66. Interventions may be required on other routes approaching / near to the A66 and will not necessarily be physical in nature. Provision of new freight facilities along the A66 is outside the project scope however the project will identify any existing facilities that could be improved to mitigate problems with HGV parking.
- 2.7.6. Interventions will be identified and prioritised based on deliverability, the expected costs / benefits as well as their impact on the A66 Northern Trans-Pennine Project programme.
- 2.7.7. Potential activities include: improving existing facilities, information provision by VMS (including the installation of new MS4s), better signing of diversions (including HGV restrictions), root-cause analysis of incidents and measures to improve customer experience at laybys. The study will also understand key issues impacting Kirkby Stephen (during construction and operation), review the effectiveness of the current HGV ban and proposing enhancements, review signage to deter HGVs using A685 and an analysis of the current traffic modelling.
- 2.7.8. Engagement with all of the 'hosting' local authorities is being undertaken as part of this survey and began in December 2022.
- 2.7.9. This study is a feasibility study, expected to be completed in February 2023. It is anticipated that this study will seek further future bids to the Users and Communities designated fund, particularly the freight and roadside facilities themes. The A66 Northern Trans-Pennine Project integrated project team will be working closely with the team undertaking the study in order to understand any potential impact on the A66 NTP project and where findings from the study can be applied to the project.
- 2.7.10. The study will take into consideration the issues raised within the LIR, especially those concerns raised in paragraphs 8.3 - 8.4 of the LIR. The study will consider unauthorised overnight parking and how this can be

addressed. The study has already undertaken analysis of existing facilities and has undertaken surveys to ascertain usage of these facilities as well as analysing forecasted growth; the study will go some way to addressing most points in paragraph 8.8 of the LIR. The study team will continue to engage with local authorities and Interested Parties throughout its development.

2.8. Maximising Socio-Economic Benefits

Overview

- 2.8.1. This section sets out National Highways' comments on the Maximising Socio-Economic Benefits topic, which is set out in pages 5 – 6 of the Executive Summary of the LIR and between 38 – 44 and paragraphs 9.1 – 9.16 of the main body of the LIR (REP1-019).

National Highways Comments

- 2.8.2. National Highways has first provided a response below to the 'Maximising Socio Economic Benefits' section in the Executive Summary on pages 5 – 6 of the LIR.
- 2.8.3. Annex B12 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-032) provides an outline Skills and Employment Strategy, which will set out measures to upskill and maximise the use of a local workforce and supply chains. Annex B10 of the EMP (Document Reference 2.7, APP-030) provides an outline Construction Worker Travel and Accommodation Plan, which will be developed in consultation with the Local Planning Authorities. It will ensure that additional demand created by non-home-based workers does not place excessive pressure on the local housing market and visitor accommodation supply. Both documents will be produced in consultation with the Local Planning Authorities during the detailed design stage of the Project.
- 2.8.4. National Highways duly notes that the legacy benefits to the community need to be maximised. The provision and repurposing of workforce accommodation will be the responsibility of National Highway's Delivery Infrastructure Partners (DIPs). The DIPs are yet to confirm whether workforce accommodation is needed to accommodate the construction workforce. If it is needed and provided then any re-purposing of the accommodation to provide local housing, if considered appropriate, will be subject to standalone planning applications, outside of the DCO.
- National Highways' comments on the 'Maximising Socio Economic Benefits' section of the main body of the LIR which is set out on pages 38 – 44 is below.
- 2.8.5. Paragraph 9.1 of the LIR states that the Project should include support for skills development and apprenticeship projects to enable local take-up of employment opportunities generated by the Project. National Highways confirm that Annex B12 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-032) provides an outline Skills and

- Employment Strategy, which will, once completed, set out measures to upskill and maximise the use of a local workforce and supply chains.
- 2.8.6. The context provided on Cumbria's Local Economy, Eden's Labour Market and Accommodation and Tourism at paragraphs 9.2 - 9.11, are duly noted by National Highways.
- 2.8.7. Paragraph 9.12 of the LIR refers to the absence of a robust Socio-economic Assessment and Health Impact Assessment within the Environmental Statement (ES). It states that '*the assessment should identify the impacts of the Project, proposals for mitigation of negative impacts and the approach to maximising and sustaining socio-economic and health benefits*'.
- 2.8.8. National Highways refer the local authorities to Chapter 13 Population and Human Health of the ES (Document Reference 3.2, APP-056). This chapter identifies the effects on the local population associated with the social and economic impacts of the project in accordance with the assessment guidance provided within DMRB LA 112. The chapter includes sections on the identification of impacts (Section 13.8), mitigation requirements (Section 13.9) and the identification of likely significant effects (Section 13.10). The scope of the Environmental Assessment was informed by the Planning Inspectorate's (on behalf of the Secretary of State) Scoping Opinion, as reproduced in the Environmental Statement Appendix 4.2 EIA Scoping Opinion (APP-149). The Planning Inspectorates comments on the Population and Human Health are set out in Table 4.9 of the Scoping Opinion. As all these comments have been addressed to provide the final scope for the Population and Human Health chapter, National Highways considers the chapter to provide a robust assessment of the Project in line with the requirements of the Planning Inspectorate.
- 2.8.9. It is noted that the Human Health aspect of the assessment does not assess the likely significant effects (as per DMRB LA 112). However, a supplementary statement of significance will be provided to support Chapter 13 in the form of an Erratum, which is anticipated to be completed in time for Deadline 3. The findings of the Erratum are not anticipated to alter the assessment findings or mitigation requirements outlined within the Environmental Statement.
- 2.8.10. National Highways notes the comment at paragraph 9.13 that the Councils and Cumbria LEP are working proactively to further define essential interventions that ensure potential harm is mitigated and economic opportunity is felt by the host communities and the points regarding maximising the socio-economic benefits of the Project, at paragraphs 9.14 - 9.16.
- 2.8.11. National Highways will seek to address the points raised in these paragraphs through the Strategies and plans identified at Annex B12 and B10 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-032). Annex B12 provides an outline Skills and Employment Strategy, which will set out measures to upskill and maximise the use of a local workforce and supply chains. Annex B10 of

the EMP (Document Reference 2.7, APP-030) provides an outline Construction Worker Travel and Accommodation Plan. This Plan will ensure that additional demand created by non-home-based workers does not place excessive pressure on the local housing market and visitor accommodation supply. Both documents will be prepared by the DIPs in consultation with the local planning authorities during the detailed design stage of the Project.

- 2.8.12. The requirements for plans and strategies listed under the first three bullet points of paragraph 9.16 of the LIR are therefore addressed, as set out above. With respect to the final bullet point of paragraph 9.16 National Highway can confirm that a socio-economics and benefits realisation plan is not proposed to be prepared, as this falls outside of the remit of the DCO application.
- 2.8.13. National Highways can confirm that the Project will deliver significant strategic economic benefit associated with supporting the economic growth objectives of the Northern Powerhouse and Government Levelling Up agenda. In this regard the project supports and delivers against the aspirations and objectives of plans and strategies, including transport and economic strategies at a regional level, such as the TfN Strategic Transport Plan 2019, The Tees Valley Combined Authority's Strategic Economic Plan: The Industrial Strategy for Tees Valley 2016-2026, and the Tees Valley Strategic Transport Plan 2020- 2030 and the Cumbria Strategic Economic Plan 2014-2024. Section 3.7 of the LPCS (Document Reference 3.9, APP-242) contains a detailed review of regional and county policy and an assessment of how the Project accords with this policy.
- 2.8.14. National Highways also commit to the mitigation measures outlined within the application documents to be delivered principally through the provisions of the EMP (Document Reference 2.7, APP-030). Any legacy benefits to the community beyond the significant socio-economic benefits and mitigation measures being delivered through the project will be considered, where these are appropriate and are needed to comply with the NNNPS.
- 2.8.15. With respect to opportunities to repurpose construction or accommodation facilities following their utilisation on the Project, as set out in the final bullet point of paragraph 9.16, these will be assessed individually and if progressed will be subject to a standalone Town and Country Planning Act (TCPA) application, outside of the DCO. Assessment of the development or re-purposing of worker accommodation has not been considered within the Environmental Statement submitted with the DCO application. If further environmental assessment is required for the construction and repurposing of accommodation then this will be provided within an Environmental Statement to support any future TCPA applications, as is required by those applications.

2.9. Environmental Mitigation

Overview

- 2.9.1. This section sets out National Highways' comments on the Environmental Mitigation topic, which is set out between pages 44 – 47 and paragraphs 10.1 – 10.14 of the LIR (REP1-019).

National Highways Comments

- 2.9.2. The second bullet point under environmental mitigation on page 6 of the LIR states that *“some assessments presented within the ES are not sufficiently progressed to the extent that the significant effects, that are predicted to be experienced by sensitive receptors within the statutory protection of the Councils, are not adequately and appropriately mitigated. This is due to an absence of survey information or an absence of design information that would remove or reduce any uncertainty as to the eventual effect.”*
- 2.9.3. In response to this National Highways considers that the environmental surveys and the likely significant effects reported across the Environmental Statement (ES) (Document Reference 3.2, APP-044 to APP-059) provide a robust assessment of the likely significant effects arising from the Project. Across each of the topic chapters, embedded and essential mitigation is reported in sub section 9 whilst likely significant effects are reported in subsection 10, accounting for the mitigation measures outlined. This is fully in line with the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and relevant guidance and policy, as reported in each topic chapter of the ES.
- 2.9.4. Any assumptions utilised to complete the assessment have also been described. As reported in the ES, any assumptions or limitations identified have not prevented the ES from reporting a reasonable worst case scenario, in line with the established 'Rochdale envelope' approach (and National Highways has had regard to PINS Advice Note Nine in this regard). This is the approach adopted on numerous DCOs where a level of flexibility is required and is by no means unusual.
- 2.9.5. Based on the likely significant effects reported in the ES, derived from this 'Rochdale envelope' approach, mitigation proposals have been developed and secured through the first iteration Environmental Management Plan, Project Design Principles or by way of, for example, the definition of the limits of deviation set out in the DCO. Where National Highways considers a likely significant effect needs to be mitigated, sufficient and effective mitigation has been developed and secured. In places, the 'outcome' of that mitigation has been secured, with the 'how' to come later, as part of detailed design. It is important to note that compliance with these documents would be legally enforceable commitments, should the DCO be made.
- 2.9.6. National Highways has had regard to a number of factors in developing these proposals, not least the various requirements throughout the National Policy Statement or National Networks. National Highways'

- commentary on its compliance with these policies is set out within the Legislation and Policy Compliance Statement (Document Reference 3.9, APP-242).
- 2.9.7. Ultimately, the Application including the ES, DCO and related Project Design Principles (Document Reference 5.11, APP-302) and Environmental Management Plan (Document Reference 2.7, APP-019) have been prepared on the basis that detailed design will be progressed and refined within the parameters set out and secured in these documents, and this will result in greater certainty at the final design stage and implementation (should consent be granted). Critically, any design details brought forward will be within the terms of any consent granted, order limits and within the extent of assessment. It will also be in conformity with the EMP (Document Reference 2.7, APP-019) and the PDP (Document Reference 5.11, APP-302).
- 2.9.8. Specific responses to the LIR comments from CCC regarding the adequacy of the Biodiversity, the request for further watercourse surveys, Cultural Heritage and Noise and Vibration assessments are provided within Section 3.9, Section 3.10, Section 3.14 and Section 3.18 of this document respectively. Where applicable the responses provided refer to survey and assessment methodology agreements made with the relevant statutory and non-statutory consultees.
- 2.9.9. National Highways will continue to engage with CCC on these points, with a view to reaching agreement that will be documented in the Statement of Common Ground.
- 2.9.10. Paragraph 10.4 of the LIR states that the modelling data indicates that the Project will have a range of impacts on air quality and lists the Council's identification of the primary impacts of the Project on the local area. In response to Paragraph 10.4, as per the standards outlined in DMRB LA 105, an AQMA is only required where the project has triggered a significant air quality effect. As no significant air quality effects have been predicted, a project AQMA is not required. There are no likely significant effects and no predicted exceedances in the opening year with the project.
- 2.9.11. Paragraph 10.5 of the LIR states that: *"EDC have considered and taken steps to declare an AQMA on Castlegate in Penrith due to monitored exceedances of the nitrogen dioxide objective level. EDC is statutorily obliged to put measures in place to remove exceedances. It is the intention that an AQMA will be declared on Castlegate in 2023."*
- 2.9.12. Paragraph 10.6 of the LIR states that: *"Whether a Project is: 'within or adjacent to an AQMA' or 'where changes are sufficient to bring about the need for a new AQMA or change the size of an existing AQMA' is a particularly relevant consideration, as identified in Paragraph 5.12 of the NN NPS."*
- 2.9.13. Paragraph 10.14 of the LIR states that *"The Councils require that human exposures at the Cromwell Road and Castlegate areas in Penrith (that are subject to a likely AQMA declaration) should have been included within the assessment of human exposure to nitrogen dioxide as this will*

inform the declaration of an AQMA and possibly affect EDC's ability to achieve their legal responsibilities."

- 2.9.14. In response to Paragraphs 10.5, 10.6 and 10.14 of the LIR, and as set out in page 5 of the Applicant's Responses to the Examining Authority's Issue Specific Hearing 2 Additional Questions (Document Reference 7.1, REP1-005), National Highways highlights that the Castlegate, Penrith specific area was not identified within our Affected Road Network (ARN), which are those roads meeting the assessment criteria set out in DMRB LA105. At the time of the Environmental Impact Assessment (EIA) and submission of the ES with the DCO application, whilst an AQMA was planned to be declared in 2013, it was not formally designated. At the time of writing, an AQMA does not exist on Defra's up-to-date AQMA register (available at <https://uk-air.defra.gov.uk/aqma/maps/> (link accessed at time of writing and as of 16 December 2022)). Based on the key fact that the proposed AQMA is not affected by traffic changes associated with the scheme, Castlegate was not considered necessary to be included as a receptor and assessed as part of the Chapter 5 Air Quality (Document Reference 3.2, APP-048) assessment.
- 2.9.15. Paragraph 10.7 of the LIR requests that a Project AQMA be submitted to the Examination in accordance with LA105. National Highways highlights that as per the standards outlined in DMRB LA 105, a project air quality action plan is only required where the project has triggered a significant air quality effect. As no significant air quality effects have been predicted, a project air quality action plan is not required.
- 2.9.16. Paragraph 10.8 of the LIR refers to the Councils' concern that construction compound locations lie adjacent to receptors that would be sensitive to emissions of dust and that limited information on the nature of operations has been provided. National Highways highlights that the location of compounds, internal material haulage and stockpile locations are outlined in ES Chapter 2 The Project (Document Reference 3.2, APP-045). This was addressed in the Responses to Relevant Representation Part 4 of 4 Page 31 - 50. The assessment of construction dust was undertaken in-line with this for the specific areas on the A66 where works will be undertaken which provided sufficient detail to determine risk from dust and is reported in the ES Chapter 5 Air Quality Section 5.10 (Document Reference 3.2, APP-048).
- 2.9.17. The outcomes that must be achieved through dust mitigation measures are specified and secured within the EMP and these apply to all locations, including compounds. The specific details of what mitigation will be implemented at which locations will be further developed by the appointed contractors as part of their detailed construction planning, when more information is available about specific activities that will occur at each location. This information will be included in the second iteration of the EMP, which will be consulted upon with the Local Authorities and approved by the Secretary of State. With the implementation of best practice dust mitigation measures for high risk sites, the impact of construction dust on nearby sensitive human and ecological receptors will be negligible and not significant.

- 2.9.18. Paragraph 10.9 of the LIR welcomes NH's undertaking of additional monitoring on Ullswater Road at the Councils' request, but questions whether further monitoring was undertaken to provide a more robust annualised average. National Highways highlights that monitoring was undertaken for four months between November 2020 and February 2021. The baseline monitoring survey and data annualisation were carried out in line with the guidance in Defra's Local Air Quality Management Technical Guidance (TG16) at locations along the A1(M), A66 and M6.
- 2.9.19. No further monitoring was undertaken, and post-scheme monitoring is not proposed at the current time as no significant effects have been identified in the air quality assessment. If further monitoring is proposed, final monitoring locations will be reviewed through the continued development of the EMP and the design.
- 2.9.20. Paragraph 10.10 of the LIR states that the Councils require a copy of the Combined Modelling and Appraisal Report for comment. The Combined Modelling and Appraisal Report (ComMA) (Document Reference 3.8, APP-236), and all its appendices are available to view on the National Infrastructure Planning website at:
- APP-237 Combined Modelling and Appraisal Report (Including Appendix A).
 - APP-238 Combined Modelling and Appraisal Report Appendix B - Transport Data Collection Package.
 - APP-239 Combined Modelling and Appraisal Report Appendix C – Transport Model Package.
 - APP-240 Combined Modelling and Appraisal Report Appendix D - Stage 3 Transport Forecast Package.
 - APP-241 Combined Modelling and Appraisal Appendix E Stage 3 Economic Appraisal.
- 2.9.21. Paragraph 10.11 of the LIR indicates that the ES does not provide information on NH's in-house method used to assess the contribution of ammonia emissions to nitrogen deposition. National Highways can confirm that the assessment of nitrogen deposition during the operational phase includes emissions of ammonia (NH₃) calculated using version 2 of the National Highway's Draft ammonia tool kit. The tool kit provides the latest industry information on ammonia emission factors. The assessment follows industry best practice methods set by the Joint Nature Conservation Committee for converting predicted concentrations to deposition.
- 2.9.22. Paragraph 10.12 of the LIR states that: *"The Councils are concerned that the redistribution of traffic during both the construction and operational phases of the Project, could compromise the ability of EDC to achieve its statutory obligations with regard to maintaining air quality within the objective levels defined by the Air Quality Standards (Amendment) Regulations (2016). As the ExA and NH are aware, EDC are likely to*

declare an AQMA) for nitrogen dioxide on Castlegate in Penrith in 2023. The Councils raised this in their S42 consultation and it is therefore of concern that the verification adjustment factor used is only derived from sites on Victoria Road (sites EB15, EB18, EB20, V1 and V3) because the monitors Castlegate (C1, GAF04, C30 and GAF05) were all excluded.”

- 2.9.23. Paragraph 10.13 of the LIR states that: *“EDC want to agree the location of these monitors in dialogue with NH so that they can be located and included within the verification accordingly. Without this information, the Councils are concerned that the verification factor may have been underestimated and could be under reporting the magnitude of impact and significance of the effect in Penrith.”*
- 2.9.24. In response to Paragraphs 10.12 and 10.13 of the LIR, National Highways highlights that Verification was undertaken for two zones based on the available monitoring data and the land-use data available for the project. This consisted of a single ‘urban’ zone around the large population centre of the Penrith area, comprising five monitoring sites, with all other locations (including those in DCC) considered to be a ‘rural’ zone. Model verification was carried out in line with the standards outlined in DMRB LA 105 and the guidance within LAQM TG.16. All monitoring sites within 200m of the ARN were reviewed and included where appropriate. National Highways also refers to the responses provided in Procedural Deadline Submission – Applicant’s Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013).
- 2.9.25. As set out in Environmental Statement, Appendix 5.3 Air Quality Baseline Monitoring (Document Reference 3.4, APP-152), the air quality monitoring sites within Castlegate were excluded from the model verification exercise because they were located more than 200m from the Affected Road Network using the criteria set out in DMRB LA105. The inclusion of these monitoring sites within model verification are not considered likely to result in any change in significance and therefore would not result in any change to the conclusions of the assessment.

2.10. Environmental Mitigation - Biodiversity

Overview

- 2.10.1. This section sets out National Highways’ comments on Biodiversity which is set out on page 48 and paragraphs 10.15 – 10.16 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

- 2.10.2. National Highways has first provided a response below to the ‘Environmental Mitigation’ section in the Executive Summary on pages 6 – 7 of the LIR (REP1-019).
- 2.10.3. The third bullet point under the Environmental Mitigation Executive Summary on page 6 of the LIR raises concerns that NH’s adoption of a ‘no net loss’ rather than ‘net gain’ strategy is inconsistent with the

Government's objectives on biodiversity and the Councils would like to see the target of 105 Biodiversity Net Gain (BNG) included within the Project requirements.

- 2.10.4. In response to this, National Highways highlights that the environmental mitigation design has been developed to ensure mitigation is provided for impacts on protected species and designated sites, and replacement habitats are provided for those lost, achieving a minimum of no net loss. Opportunities to maximise biodiversity enhancements have been sought where possible. For example, providing habitat linkages to increase connectivity to areas of semi-natural habitats within the wider area and therefore enhancing and tying into existing green infrastructure networks. The approach is compliant with the National Policy Statement for National Networks (NPSNN), as set out in Table 6-2 within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049), and the Natural Environment and Rural Communities (NERC) Act 2006 through the full regard of all habitats and species of Principle Importance. Whilst BNG is not currently a requirement within the policy set out in the NPSNN, opportunities to maximise biodiversity within the footprint of the Project has been sought.
- 2.10.5. In regard to the comment about the River Eden SAC please refer to National Highways' comments below in response to Paragraph 10.15 of the LIR.
- 2.10.6. The sixth bullet point under the Environmental Mitigation Executive Summary on page 7 of the LIR states that: *"Natural Flood Management is a key aspect for reducing the risk of flooding and the Councils would like to see a joined up approach to landowners affected by the new road network so that biodiversity is maximised for existing and potential new Department for Environment, Food and Rural Affairs agriculture farming projects soon to be replaced by Environment Land Management proposals."*
- 2.10.7. National Highways highlights that work is ongoing in collaboration with the Local Authority and the Environment Agency to investigate ways to reduce the flood risk, including NFM options.
- 2.10.8. National Highways comments on the 'Biodiversity' section of the main body of the LIR is set out below.
- 2.10.9. Paragraph 10.15 on page 48 of the LIR states that: *"NH has not provided adequate survey information that would ordinarily accompany an application such as the Project. NH has undertaken a number of surveys across the Order Limits and provided mitigation proposals, which are calculated and proposed on the basis of assumed worst case eventual findings. The Councils have concerns that the assumed worst-case may not be sufficiently robust to effectively mitigate for the eventual effects. Such an approach is of particular concern given the likely impacts to the River Eden SAC. A mechanism that allows NH to identify other mitigation measures that the Order Limits may not be able to accommodate should therefore be provided within the DCO."*

- 2.10.10. In response to paragraph 10.15 of the LIR, 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 Regulations Assessment (Document Reference 3.5, APP-234). This has been informed by a full suite of species-specific surveys undertaken in accordance with industry standards and/or through consultation with Statutory Environmental Bodies, including Natural England where a bespoke approach has been taken (see Table 3 References HRA04, HRA05, EclA01, EclA03, EclA04 and EclA11, Appendix 1.1 Evidence Plan, Document Reference 3.4, APP-146). 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.
- 2.10.11. Specifically relating to the River Eden SAC, the assessment of potential effects and mitigation is covered in the Habitats Regulations Assessment (HRA) Stage 2 Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235). The assessments and mitigation requirements have been used to develop the principles set out in the Environmental Management Plan (Document Reference 2.7, APP-019) and Project Design Principles (Document Reference 5.11, APP-302) to manage construction and operation related impacts, which will be included in Examination as part of the DCO submission and will become a certified document. Impacts upon the River Eden SAC, SSSI and the qualifying protected species is covered within Section 6.10 of Chapter 6 Biodiversity (Document Reference 3.2, APP-049). No likely significant effects upon the designated site are anticipated during construction or operation. Consequently, a mechanism that allows National Highways to identify other mitigation measures that the Order Limits may not be able to accommodate is not considered a requirement of the DCO submission.

2.11. Habitats

Overview

- 2.11.1. This section sets out National Highways' comments on Habitats which is set out on pages 48 – 50 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

- 2.11.2. In response to the first bullet point under the Habitats heading on page 48 of the LIR, which requests that further detail be provided on the impacts on watercourses, National Highways highlights that the impacts to watercourses (including shading as a result of the culvert extension and new watercourse crossings) are assessed in ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049), the Habitats Regulations Assessment (HRA) Stage 2 Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235), the Water Framework Directive

Compliance Assessment (Document Reference 3.4, APP-220) and the Hydromorphology Assessment (Document Reference 3.4, APP-223).

- 2.11.3. In response to the second bullet point on page 48 of the LIR, the potential effects to water quality of attenuation ponds collecting run-off from road salts and discharging into watercourses affected by the Project are considered in the Road Drainage and the Water Environment Chapter of the Environmental Statement (Document Reference, APP-057), Environmental Statement Appendix 14.3 Water Quality Assessment (Document Reference, APP-222) and Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy Reference (Document Reference 3.4, APP-221). Mitigation is included with the design to capture and treat road run-off, following assessment using National Highways' HEWRAT methodology outlined in the DMRB LA 113 – Road drainage and the water environment. Details of this mitigation are provided in and Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy Reference (Document Reference 3.4, APP-221), assessed in Environmental Statement Appendix 14.3 Water Quality Assessment (Document Reference APP-222) and secured within the DCO in the Environmental Management Plan (Document Reference 2.7, APP-019) and Project Design Principles (Document Reference 5.11, APP-302). Should any updates be required during detailed design, as the design of the Project develops, any changes will be subject to further HEWRAT assessments, as per commitment D-RDWE-03 of the Environmental Management Plan (Document Reference 2.7, APP-019).
- 2.11.4. The third bullet point on page 48 of the LIR requests that further reference should be provided as to how the mitigation and enhancement would directly link to the SAC restoration/ enhancement objectives.
- 2.11.5. National Highways highlights that information relevant to the assessment of potential effects on the River Eden SAC (including the Conservation Objectives Supplementary Advice and Site Improvement Plan) is included in Habitats Regulations Assessment (HRA) Stage 2 Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235); the conservation objectives and supplementary advice note that underpins the HRA. 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. Any necessary mitigation needs to be secured at a Project level, and such measures are then secured in the DCO.
- 2.11.6. At an organisational level and under National Highways' Designated Funds programme, National Highways worked with Eden Rivers Trust on their bid for the proposed river restoration scheme at Sleastonhow.. 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, but delivering such restoration / enhancement falls outwith the scope of the Project.

- 2.11.7. In response to the fourth bullet point, which is on page 49 of the LIR, the comment that the Councils would encourage the findings and conclusions of the HRA and WFD Assessment to lead and inform the development of the EMP and the LEMP is noted. The findings, conclusions and mitigation developed as part of the Habitat Regulations Assessment (Document Reference 3.6, APP-235), the Water Framework Directive Compliance Assessment (Document Reference 3.4, APP-220) and other relevant assessments have informed the development of the Project Design Principles (Document Reference 5.11, APP-302) and the Environmental Management Plan (Document Reference 2.7, APP-019) and its appendices, specifically Annex C1 Working in and near SAC Method Statement (Document Reference 2.7, APP-036).
- 2.11.8. In response to the fifth bullet point on page 49 of the LIR regarding the Project demonstrating Nutrient Neutrality, it has been agreed with Natural England that Nutrient Neutrality does not apply to the Project for the reasons outlined from paragraph 1.5.50 in the Habitats Regulations Assessment (HRA) Stage 2 Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235). Natural England have confirmed via email (received 28/11/2022) that *“their nutrient neutrality advice applies to all types of development that would result in a net increase in population served by a wastewater system, including new homes and student accommodation. Natural England would not expect a highways scheme to fall under the nutrient neutrality criteria as they would expect that the workforce either do not reside on site or are likely to be drawn from the local catchment; however, they did note that they would expect any surface water drainage to be treated through the usual EMP and CEMP criteria”*. Treatment of surface water drainage and mitigation measures aimed to protect surface and groundwater receptors are presented in the outline Ground and Surface Water Management Plan (GSWMP), (Document Reference 2.7, APP-027) EMP, Annex B7. National Highways does not intend to rely on any powers sought in the DCO application to construct and maintain temporary overnight worker accommodation as the requirements for such are not yet confirmed. Should such accommodation be required to facilitate the construction of the Project, National Highways would pursue a separate conventional planning application to the local planning authority (that would be accompanied by necessary assessments). In line with Natural England's view, nutrient neutrality issues are not relevant to the examination of the DCO application, given the nature of the powers sought (and Project assessed).
- 2.11.9. The request in the sixth bullet point, which is on page 49 of the LIR, that the results of all National Vegetation Classification surveys should be provided is acknowledged. The results of the National Vegetation Classification (NVC) surveys will be submitted at DL3 to the Examination in order to provide confirmatory support of the finding and assessment

reported in the ES (see Table 6-8 ES Chapter 6 Biodiversity, Document Reference 3.2, APP-049).

- 2.11.10. The seventh bullet point, which is on page 49 of the LIR states that: *“The Councils note that that Skirsgill Wood County Wildlife Site (“CWS”), Chapel Wood CWS and Ancient Semi-natural Woodland and Graham's Gill / Jack Wood Planation on Ancient Woodland, are directly impacted by the Project. These designated sites are the responsibility of CCC to maintain and safeguard and in order to demonstrate that the mitigation hierarchy has been considered, greater detail is required on what habitat (and associated condition) is expected to be lost and reasoning on why it cannot be avoided.”*
- 2.11.11. In response to this, all sites were subject to field surveys (Phase 1 Habitat survey - refer to Figure 6.3 of the ES (Document Reference 3.3, APP-071) to determine the habitats present on site. Any loss of habitat is taken account of within the assessment provided in ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049), indicative habitat creation areas illustrated within the Environmental Mitigation Maps (Document Reference 2.8, APP-041) and the habitat ratio provisions secured within Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05 in the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019). Additional embedded mitigation detailed within both ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and the EMP include measures such as the use of fencing to ensure no accidental encroachment on retained habitats, measures regarding dust emitting activities, measures for use of low pressure vehicles and mats/pads to avoid ground compaction and invasive species management plan (Document Reference 2.7, APP-019).
- 2.11.12. Additionally, Natural England were consulted regarding proposed works in proximity to Graham's Gill/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. 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 (see Table 3.2 Register of Environmental Actions and Commitments, reference MW-BD-23, Document Reference 2.7, APP-019).
- 2.11.13. Following embedded mitigation, no significant effects are predicted on Skirsgill Wood CWS, Chapel Wood CWS/ASNW and Graham's Gill/Jack Wood PAWs. Furthermore, commitments to ensure the use of the mitigation hierarchy in relation to Statutory, Non-Statutory and Ancient Woodland has been secured in Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05 (Document Reference 2.7, APP-019).
- 2.11.14. Relating to the Councils responsibility to maintain and safeguard these sites, it should be noted that the Councils and Statutory Environmental Bodies will be further consulted through the subsequent iterations of the

- EMP, including the Landscape and Ecology Management Plan (Document Reference 2.7, APP-021), during the detail design stage.
- 2.11.15. The eighth bullet point, which is on page 49 requests that *“details of other measures (e.g. grassland seed mixes) be seen at a later stage in the DCO process to ensure mitigation measures are appropriate throughout”*, is acknowledged. Further detail in relation to seed mixes, planting plans etc will be provided during the detail design stage as is secured through the EMP.
- 2.11.16. The ninth bullet point, which is on page 49 of the LIR states that: *“Species-rich marsh / rush grassland (for example: around unnamed tributary of Mire Sike 6.12), as recorded in detail in the River Corridor Survey are high priority/high value communities. The Councils are concerned about these impacts and request justification as to why these areas cannot be fully retained and maintained as part of the design.”*
- 2.11.17. In response to the ninth bullet point of the LIR, consultation has been undertaken with Natural England relating to the loss of high priority habitat, including the area of habitat surrounding the unnamed tributary of Mire Sike (See Evidence Plan, Table 2 Reference EclA 13, Document Reference 3.4, APP-146). During consultation with Natural England it was agreed to allow sufficient space within the Order Limits and limits of deviation to avoid the loss of high priority habitat through further design iteration in the first instance. However, for the purpose of taking a precautionary approach to the assessment as part of the DCO submission, it was assumed that degradation as a result of construction will adversely affect this area of habitat. Consequently, suitable areas for mitigation have been identified within the Order Limits and agreed with Natural England. This is described in ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and illustrated within the Environmental Mitigation Maps (Document Reference 2.8, APP-041). It was agreed with Natural England through the provision of this bespoke mitigation, no Likely Significant Effects were considered as a result of the loss of this habitat (See Table 6-8, Document Reference 3.2, APP-049).
- 2.11.18. Requirements to undertake further survey and assessment that may impact high priority habitat at Mire Sike prior to works through further consultation with Natural England has also been secured within the Environmental Management Plan, Table 3.2 Register of Environmental Actions and Commitments, reference D-RDWE-06 (Document Reference 2.7, APP-019) and in the Project Design Principles (Table 4-8 Reference 06.13, Document Reference 5.11, APP-302).
- 2.11.19. The Council's request in the tenth bullet point on page 50 of the LIR, to see proposals developed in future iterations of the LEMP prepared during the Examination, is acknowledged. National Highways confirms that the Councils will be consulted on the subsequent iterations of the LEMP during the detailed design stage.
- 2.11.20. In response to the eleventh bullet point on page 50 of the LIR, which requests that the non-targeted use of herbicides be avoided, rather than *“where possible”*, to avoid effects on pollinators in the long term, National

Highways will update wording to state that the general non-targeted use of herbicides will be avoided, unless for safety reasons there is no other option, limiting application to spot treatment when this is prescribed for the problem species.

2.12. Species

Overview

- 2.12.1. This section sets out National Highways' comments on Species which is set out on pages 50 – 51 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

- 2.12.2. The first bullet point on page 50 of the LIR indicates that *“The Application documents do not include detailed survey results for many of the species / species groups in the appended reports, [...] More information is needed on the surveys completed to date to determine their adequacy.”*
- 2.12.3. In response to the first bullet point on page 50 of the LIR, National Highways highlights that a full suite of species-specific surveys has been undertaken to inform the impact assessment and associated mitigation in accordance with standard industry guidance and/or through consultation with Statutory Environmental Bodies, including Natural England, where a bespoke approach was undertaken (for example it was agreed with Natural England that detailed reptile surveys will be undertaken pre-construction and that for the purpose of the assessment assumed presence of reptiles was used based on the reptile habitat suitability field surveys undertaken. In an agreement with Natural England, a District Level Licensing approach is being taken in relation to great crested newts) (see Table 6-8 ES Chapter 6 Biodiversity, Document Reference 3.2, APP-049). This has ensured a sufficiently robust baseline was collected to inform the impact assessment and associated mitigation design that is appropriate and proportionate relative to the assessed impacts. Survey methodologies, limitations and results are set out in full within the ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and supporting Technical Appendices (Document Reference 3.4, APP-155 to APP-175).
- 2.12.4. In addition, the Environmental Management Plan contains commitments to update surveys where required to inform Natural England licence applications, including for badgers, bats, barn owl and otter as a minimum (Document Reference 2.7, APP-019, Reference D-BD-08).
- 2.12.5. The second bullet point on page 50 of the LIR states that: *“The existing proposed mitigation should be reviewed when the detailed Project design is available and future iterations of the LEMP should state this commitment to ensure that it is appropriate and consistent. In particular, proposed mitigation relating to reptiles, bats and otters will need to be reviewed.”* National Highways notes this comment. Councils will be consulted on subsequent iterations of the LEMP during detailed design stage.

- 2.12.6. The third bullet point on page 50 of the LIR is related to amphibians and states that: *“it is understood that Natural England have agreed to mitigate for great crested newts under a District Level Licence, which can reduce the survey requirement. It is therefore assumed this is the case and that Natural England has this mechanism available. However, the Councils would wish to understand which areas of land are proposed to be used for compensation and enhancement.”*
- 2.12.7. National Highways consider this to be correct. National Highways have entered into an agreement with Natural England to mitigate for great crested newts under a District Level Licence. Detailed of this agreement are provided in Appendix 6.6 Amphibians (Document Reference 3.5, APP-157). As part of this agreement Natural England have not shared areas of land proposed to be used for compensation and enhancement with the Project Team therefore the Project Team cannot provide this information.
- 2.12.8. The fourth bullet point on page 50 of the LIR, regarding red squirrel mitigation, expresses that the Councils wish to see advance planting and habitat creation proposals to minimise the time lag.
- 2.12.9. National Highways note this comment. As detailed within the outline LEMP (Document Reference 2.7, APP-021), the use of temporary supplementary feeding stations will be required in selected red squirrel mitigation areas until new planting becomes established and natural food resources become available (Document Reference 2.7, APP-021). The Councils will also be consulted on subsequent iterations of the LEMP with further details relating to advanced planting and habitat creation proposals as part of the detailed design stage.
- 2.12.10. Paragraph 10.17 of page 50 of the LIR expresses that grey squirrel control needs to be part of the solution for environmental mitigation to protect the red squirrel population. National Highways considers that mitigation to avoid significant impacts on red squirrels has been included within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and outlined in the LEMP (Document Reference 2.7, APP-021). The Councils will be consulted on subsequent iterations of the LEMP once further detail is included as part of the detailed design stage. Where possible, opportunities to tie into existing, relevant initiatives will be explored with the Councils during the detailed design stage.

2.13. Provision of Biodiversity Net Gain

Overview

- 2.13.1. This section sets out National Highways' comments on the Provision of BNG which is set out on page 51 and paragraphs 10.18 and 10.21 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

- 2.13.2. Paragraph 10.18 of the LIR states that: *“The principle of a minimum requirement for 10% biodiversity net gain is included within the*

Environment Act . The requirement for biodiversity net gain in relation to NSIPs was introduced via the amendment of Section 103 to 105 and the insertion of a new Schedule 2A to the Planning Act (PA) 2008.”

- 2.13.3. Paragraph 10.19 of the LIR states that: *“The amendments to the PA 2008 provide that if a project is subject to a NPS and that NPS includes a “biodiversity gain statement” or if such a “biodiversity gain statement” otherwise applies to the project, the Secretary of State (SoS) must decide the application in accordance with the biodiversity gain statement. The minimum biodiversity net gain to be required is 10%.”*
- 2.13.4. Paragraph 10.20 of the LIR states that therefore the delivery of 10% biodiversity net gain should be included in the Project proposals in line with the Government’s objectives.
- 2.13.5. In response to paragraphs 10.18 to 10.21 of the LIR, National Highways highlights firstly that biodiversity net gain is not currently a requirement within the policy set out in the NPSNN, however, the Project is committed to biodiversity and opportunities have been sought to maximise biodiversity within the footprint of the Project. The environmental mitigation design has been developed to ensure mitigation is provided for impacts on protected species/designated sites and replacement habitats are provided for those lost, achieving a minimum of no net loss. Opportunities to maximise biodiversity enhancements have been sought where possible. For example, providing habitat linkages to increase connectivity to areas of semi-natural habitats within the wider area and therefore enhancing and tying into existing green infrastructure networks. The approach to the ES and the environmental mitigation design is therefore compliant with the NPSNN, as set out in Table 6-2 within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049), and the NERC Act 2006 through the full regard of all habitats and species of Principle Importance (Document Reference 3.2, APP-049).

2.14. Climate Change

Overview

- 2.14.1. This section sets out National Highways’ comments on the Climate Change topic which is set out between pages 51 – 52 and paragraphs 10.22 – 10.25 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

- 2.14.2. National Highways notes that the Local Impact Report states that the Project is likely to impact specifically upon local policy and climate commitments. It also requests that appraisal be carried out in line with recent IEMA guidance. Additionally, it seeks additional information to support mitigation opportunities for the project and in the Cumbria area.
- 2.14.3. Paragraph 10.22 indicates that the Councils have concerns regarding the Greenhouse Gas impacts of the Project, and notes that EDC declared both a climate emergency and an ecological emergency.

- 2.14.4. The declaration of the climate emergency by EDC is noted by National Highways as is the EDC policy for emissions to reach zero or near zero by 2030. The assessment of greenhouse gas (GHG) emissions and the potential GHG impacts arising from them has been undertaken in accordance with the NPSNN, which is the relevant national policy statement, and in accordance with applicable DMRB standards. The assessment considers the GHG emissions arising from the Project in the context of the UK Government's carbon budgets, a requirement of DMRB LA 114 and the NPSNN. In the absence of a local or regional baseline produced by UK Government, there is no reasonable basis upon which National Highways can assess the carbon emissions impact of the A66 Project at a local or regional level and it is not required by law or policy to do so.
- 2.14.5. Paragraph 10.23 states that the Councils would like to see the Institute of Environmental Management and Assessment's 'EIA Guide to Assessing Greenhouse Gas Emissions and Evaluating their Significance' method used. National Highways responds to state that the assessment of GHG impacts arising from the Project as set out in ES Chapter 7 Document Reference 3.2, APP-050), has been undertaken in accordance with law, the NPSNN and DMRB LA 114. The Applicant notes that the Secretary of State's decision letter for the M25 Junction 10 Order (which was granted development consent by the Secretary of State for Transport on 12 May 2022) confirms that the test of significance relates to materiality of impact on UK Government meeting its carbon targets (as is also required by the NPSNN and DMRB LA114) and that the Secretary of State considers this aligns with the approach to significance set out in the most recent IEMA Guidance.
- 2.14.6. Paragraph 10.24 of the LIR requests that further breakdown of the approximately half a million tonnes of CO₂e that the construction phase of the Project will emit. National Highways highlights that the status and development of the project Carbon Strategy, intended specifically to identify and implement strategies to reduce carbon emissions further, was discussed at the Issue Specific Hearing 2 (ISH2) and is captured in the ISH2 Post Hearing Submission, page 40 (REP1-009). In addition, Appendix 9 of the Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (REP1-006). The appendix contains the note providing an explanation of costs of Climate effects in the Combined Modelling and Appraisal Report (Document Reference 3.8, APP-237). Table 1 of this document identifies the data source used for the Social Cost of Carbon to be BEIS (Business, Energy and Industrial Strategy) (2021, as reported in TAG Databook v1.17 - Valuation of Greenhouse Gas in Appraisal). Also, Appendix 1 of Chapter 7 Climate Change (Document Reference 3.2, APP-050) provides a breakdown of CO₂e scheme by scheme.
- 2.14.7. Paragraph 10.25 of the LIR states that: *"The Councils require suitable mitigation opportunities that are available in the Cumbria area that could be supported by NH to mitigate the carbon emissions associated with the construction phase of the Project."*

- 2.14.8. National Highways understand this comment to relate to opportunities present within the Cumbria area that might offer potential to support carbon mitigation measures to reduce net impacts from the Project. If this is the correct interpretation then NH will seek to understand from the Councils the nature, scale and location of such opportunities and will include these within the range of measures considered for impact mitigation. This will be reflected in the project Carbon Strategy discussed at the Issue Specific Hearing 2 (ISH2) and is captured in the Post Hearing Submission.

2.15. Cultural Heritage

Overview

- 2.15.1. This section sets out National Highways' comments on Cultural Heritage which is set out on page 52 – 53 and paragraphs 10.26 – 10.29 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

- 2.15.2. There are a number of areas of historic interest along the route including conservation areas, Scheduled Monuments, and a large number of Grade I, II* and II listed buildings. Some of these, including the Countess Pillar near Penrith, lie in close proximity to the A66. There are also a number of Roman remains in the area, some of which are close to the route of the Project.
- 2.15.3. Paragraph 10.26 of the LIR states that: *“While appropriate intrusive surveys have been undertaken with the results included in the application documents, there is no holistic assessment of the results to allow real understanding and focus of the nature, depth and importance of the archaeology that is likely to be present within the Order Limits.”*
- 2.15.4. National Highways highlights that the surveys undertaken to inform the assessment of the likely effects on archaeology from the proposed Project were not confined to intrusive trial trenching but included non-intrusive surveys comprising aerial photographic and LiDAR assessment, geophysical survey (magnetometry and earth resistance) and, in some scheme areas, geochemical survey. The surveys were supported by 3.4 Environmental Statement Appendix 8.3 Geoarchaeological Desk Based Assessment (Document Reference 3.4, APP-180) and 3.4 Environmental Statement Appendix 8.9 Historic Environment Research Framework (Document Reference 3.4, APP-186).
- 2.15.5. The archaeological features identified within the study area are described within the relevant survey report (Environmental Statement Appendix 8.4 AP and Lidar Assessment (Document Reference 3.4, APP-181), Appendix 8.5 Geophysical Survey Report (Document Reference 3.4, APP-182), Appendix 8.6 Trenching Report (Document Reference 3.4, APP-183), and Appendix 8.7 Geochemical Survey Report (Document Reference 3.4, APP-184). The results of the surveys are collated and summarily described in Environmental Statement Appendix 8.8 Gazetteer (Document Reference 3.4,- APP-185) and the value of the features

- presented in Appendix 8.10 Environmental Impact Tables (Document Reference 3.4, APP-187). Taken together these documents provide a comprehensive assessment of features affected and the impacts upon them as set out in Paragraphs 5.126 and 5.127 of the NN NPS.
- 2.15.6. Paragraph 10.27 of the LIR states that: *“The mitigation strategy is light on detail and therefore it is difficult to provide qualified consideration on its adequacy. For example, it is not clear what mitigation techniques will be employed in which locations, or why the categories for proposed intervention have been chosen.”*
- 2.15.7. The Overarching Written Scheme of Investigation (OWSI) (APP-023) included within the first draft Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) sets out the principles and parameters within which all archaeological mitigation will be carried out. The Archaeological Contractor will produce scheme specific Written Schemes of Investigation (SSWSIs) to provide the details of individual elements of the work. The works described in the OWSI are designed to provide an appropriate level of archaeological mitigation as required by the DMRB LA 106 Cultural heritage assessment (DMRB LA 106) (Highways England, 2020)³ and the NPSNN.
- 2.15.8. The EMP (Document Reference 2.7, APP-019) is a live document. The outline mitigation strategy and the associated Register of Environmental Actions and Commitments (REAC) presents an initial approach which has been developed using information presented in the ES. National Highways is committed to developing the EMP as part of on-going engagement with relevant parties. Following Issue Specific Hearing 2 National Highways stated that it intends to submit a revised draft of the first iteration EMP at Deadline 3, to ensure it has sufficient time to consider and action (as appropriate) relevant comments made in any written representations, LTR's and as part of on-going engagement with various parties.
- 2.15.9. The EMP and its associated Annexes will in due course be updated by the Principal Contractor when preparing the second iteration EMP (construction stage) and then as required as the Project progresses. Ultimately, detailed and appropriate mitigation in line with the NPS will be ensured by scheme specific Written Schemes of Investigation, as required by commitment D-CH-01 within the EMP Table 3.2 Register of Environmental Actions and Commitments.
- 2.15.10. Paragraph 10.28 of the LIR states, *“related to this, it is not clear as to why the strategy for each type of site (high, medium and low) has been chosen, or the extent of mitigation within those areas.”*
- 2.15.11. The reasoning behind the allocation of risk ratings in the mitigation strategy is explained in 2.7 Environmental Management Plan Annex B3 Detailed Heritage Mitigation Strategy (Document Reference 2.7, APP-023) paragraph B3.2.17 (noting that risk does not reflect the potential archaeological significance but is given as an indication of the likely time and resource required to ensure any archaeological remains can be

excavated and recorded to the highest possible standard). Risk is categorised as low, medium, or high as follows:

- High – areas where extensive and significant archaeological remains are anticipated. Likely to require considerable time and staffing in advance of construction
- Medium – areas where some archaeology has been identified but which are unlikely to require more than two months to investigate and/or where no geophysics/trial trenching has been undertaken, meaning that archaeological potential is not confirmed. Should be programmed in advance of main construction phase but potentially less resource required than 'high'
- Low – areas where no or very limited archaeological remains have been identified, or where individual archaeological features do not coalesce into a definable 'site'. To be carried out in advance of construction but sign off and handover unlikely to require more than one month from the start of archaeological excavation. Additional time may be required to produce the SSWSI in advance of the excavation.

2.16. Geology and soils

Overview

- 2.16.1. This section sets out National Highways' comments on the Geology and Soils which is set out on page 53 and paragraphs 10.30 – 10.32 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

- 2.16.2. Paragraph 10.30 of the LIR highlights that the Councils would like to work with National Highways to identify suitable receptor sites in their control or influence that could receive excess fill material, The Councils also state that they *“require a commitment from NH in APP-019 2.7 EMP that they will engage with them to ensure that disposal of fill material is only permissible once all opportunities for re-use have been exhausted.”*
- 2.16.3. As secured in the EMP (Document Reference 2.7, APP-019), the project-wide principle is that topsoil and subsoils that will be permanently displaced for the construction of the Project shall be re-used within the Project in mitigation areas, verges and batters as close to their source as feasible (EMP, Annex B9 Soil Management Plan (Document Reference 2.7, APP-029)). The following management plans are annexed to, and secured by, the EMP:
- APP-021 2.7 EMP, Annex B1 Outline Landscape and Ecological Management Plan (LEMP) (Ref: D-BD-01).
 - APP-022 2.7 EMP, Annex B2 Outline Site Waste Management Plan (SWMP) (Ref: D-MAW-01).
 - APP-028 2.7 EMP, Annex B8 Materials Management Plan (MMP) (Ref: D-GS-01).

- APP-029 2.7 EMP, Annex B9 Soil Management Plan (SMP) (Ref: D-GS-02).
- 2.16.4. A Soil Resource Plan, as outlined in the Soil Management Plan (Document Reference 2.7, APP-029), will be further developed and shall endeavour to demonstrate good and best practice in material resource use and waste minimisation and management. The role of the Principal Contractor (PC), as defined in the EMP, shall be to endeavour to return topsoil, stripped during the construction of the Project, as close to its source of origin as possible during restoration. Also refer to Materials and Waste section below.
- 2.16.5. A Soil Resource Plan will inform pre-construction soil statements with the intention to provide for soil restoration post construction.
- 2.16.6. A Site Establishment Plan (Document Reference 2.7, APP-034) requires the PC to seek to avoid Best and Most Versatile agricultural land when finalising land required temporarily to facilitate construction. This will be informed by the Final Factual Agricultural Land Classification Report and Soil Resource Plan. The Final Factual Agricultural Land Classification Report, will be submitted at Deadline 3, and forms Appendix 9.5 of the Environmental Statement.
- 2.16.7. The EMP (and MMP and SWMP) commits to managing waste by applying the waste hierarchy. Measures shall be implemented to encourage the options that maximise reduction of waste, reuse or recycling (in that priority order) over disposal of waste. Landfilling being the final options. There is commitment to ensure that re-use and handling of site won materials are managed in accordance with Contaminated Land: Applications in Real Environments (CL:AIRE) Code of Practice. Excess materials shall be registered with CL:AIRE on the register of materials to identify sustainability located donor sites. The SWMP must be consulted upon with the Local Authorities (as set out in the EMP, Section 1), and includes commitments to ensure disposal of materials is a last resort, as set out in EMP Table 3-2 Commitment reference D-MAW-01 (Document Reference 2.7, APP-019).
- 2.16.8. Paragraph 10.31 of the LIR states that: *“The Councils note and agree that the risks to human health and groundwater from the Project are not significant, but that suitable management of the risks still needs to be secured through the EMP.”*
- 2.16.9. National Highways highlights that the risks to human health and groundwater from the Project are not assessed as significant. However, mitigation measures are in place to manage risks and are secured through the first iteration of the EMP and its associated annexes will in due course be updated by the PC when preparing the second iteration EMP.
- 2.16.10. The mitigation measures aimed to protect human health receptors are in accordance with Construction Industry Research and Information Association (CIRIA) C741 4th Edition Environmental Good Practice on

Site (Construction Industry Research and Information Association, 2015).
Measures include:

- Measures to minimise dust generation.
- Provision of PPE, such as gloves, barrier cream, overalls etc. to minimise direct contact with soils.
- Provision of adequate hygiene facilities and clean welfare facilities for all construction site workers.
- Provision of occupational health care.

2.16.11. Mitigation measures aimed to protect to surface and groundwater receptors are presented in the outline Ground and Surface Water Management Plan (GSWMP) (Document Reference 2.7, APP-027). A detailed GSWMP will be based on the outline plan and will be written in accordance with CIRIA Guidelines and the Environment Agency's approach to groundwater protection and groundwater protection guidelines.

2.16.12. In addition, if contamination, not identified within the Environmental Statement (Document References 3.1 to 3.4, APP-043 to APP-233) or subsequent Ground Investigation (Document Reference 3.4, APP-189 to APP-193), is encountered during works, it must be reported as soon as practicable to the planning authority and Environment Agency, and the PC must complete a risk assessment of the contamination. Where the PC determines that remediation is necessary, a written scheme and programme for the remedial measures to be undertaken must be prepared and determined in accordance with the certified EMP, following consultation with the Environment Agency and the relevant planning authority.

2.16.13. Paragraph 10.32 of the LIR requests proposals to offer enhancement measures that allow safe access to features of geological interest within the UNESCO Global Geopark.

2.16.14. The Project is partly located in the North Pennines Area of Outstanding Natural Beauty (AONB) and UNESCO Global Geopark. The scheme encroaches into approximately 0.3sqkm of the UNESCO Global Geopark at Warcop and Brough. The design of the Project has taken into consideration the UNESCO Global Geopark and where possible the route and associated works have been moved to avoid significant impacts to the designated site. Where this has not been possible the design limits minimises work to the very edge of the Geopark.

2.16.15. Earthworks, such as cuttings and borrow pits, can have the potential to offer an opportunity for the enhancement of geodiversity and could offer an educational and tourist resource.

2.16.16. However, where the construction of the Project cuts through the UNESCO Global Geopark there is very limited opportunity to provide the geological community safe access to view the geological exposures. The cuttings within the UNESCO Global Geopark Boundary are limited to

narrow areas within Warcop and Borough. The cuttings will be exposed during construction and will be immediately adjacent to the live lanes during the operation phase. From the British Geological Survey mapping, the geology in the areas of proposed cuttings, comprises approximately 4m of Superficial material underlain by Sandstone. The geology of interest in the Geopark is typically associated with the Limestone and the Limestone Pavement.

- 2.16.17. As stated in the Geology and soils chapter of the Environmental Statement (Document Reference 3.2, APP-052) NH have committed to engage with UNESCO and partners to agree potential enhancement opportunities at the Geopark. If required an appropriate level of support shall be agreed, through engagement which is outside the scope of the Project.

2.17. Landscape and visual

Overview

- 2.17.1. This section sets out National Highways' comments on the Landscape and Visual topic which is set out on pages 53 – 55 and paragraphs 10.33 – 10.41 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

- 2.17.2. Paragraph 10.33 of the LIR states that: *“The Councils are unsure as to the extent to which vegetation clearance is permanent and what is proposed as mitigation planting. The Councils therefore have to assume that all vegetation within the site clearance area shown on Figure 2.2 of the ES Indicative Site Clearance Boundary [APP-062] that accompanies the Application will be removed as part of the construction phase of the Project. This makes it difficult for the Councils to identify whether the mitigation planting and hard landscaping, such as dry-stone wall reinstatement, is adequate. Paragraph 5.36 of the NN NPS requires Applicants to minimise habitat fragmentation and if it is assumed that all vegetation within the clearance area is to be lost, then it is difficult to identify how this requirement has been met. Strong visual features that are present within the Order Limits, such as distinctive vegetation and mature tree belts, that are to be lost, should be clearly identified. They are readily seen within the existing landscape, and their removal will be apparent.”*
- 2.17.3. In response to paragraph 10.33 of the LIR, for assessment purposes the assumption is that all vegetation within the site clearance area shown on Figure 2.2 of the ES Indicative Site Clearance Boundary (Document Reference 3.3, APP-062) is removed. The detailed design will retain more planting than is shown and the securing of this is detailed in project wide design principle LC03 in the Project Design Principles (Document Reference 5.11, APP-302).
- 2.17.4. Mitigation planting is shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041). Planting for wildlife connectivity is secured in principle HP03 in the Project Design Principles (Document

- Reference 5.11, APP-302) and is illustrated in the Project Design Report (Document Reference 2.3, APP-009).
- 2.17.5. Paragraph 10.34 of the LIR states that *“there is no information within the Application documents that detail how vegetation out with the Order Limits will be protected”*. The Councils request that there should be safeguards and proposals that secure the health of retained vegetation, which is of particular note at Skirsgill and at Wetheriggs Park and in the area of Tree Preservation Orders to the north of the alignment of the A66.
- 2.17.6. National Highways notes that important individual trees to be protected within the order limits are shown on Environmental Mitigation Maps (Document Reference 2.8, APP-041). Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (Document Reference 7.3, 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 Arboricultural Impact Assessment (AIA) prior to the start of the construction of the main works. In addition, commitment D-LV-01 further 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.
- 2.17.7. In response to paragraph 10.35 of the LIR, which comments that *“the assessment within the ES refers to ‘important views’ but there is no definition of what constitutes an important view or what constitutes a ‘specific’ viewpoint”*, National Highways highlights that the context for consideration of important views is set in the National Highways document ‘The Road to Good Design’.¹ Within this document’s overarching themes is one on Connecting People, and one on Connecting Places. Each of these themes includes short, thematic principles to guide good, context informed highway design. Under Connecting People is a principle in relation to making roads understandable and legible, considering response to place and enhancement of environmental outcomes, among others. This is complemented by a similar Principle under Connecting Places in relation to fitting in context, considering not just aesthetic qualities but also passenger experience. Responding to this strategic framework, the Project Design Principles (Document Reference 5.11, APP-302) identify important views in the section on Identity and Place-Making (Design Principles IP01 and IP02) as being those which relate to important landmarks and which contribute to a sense of place and time on the route.
- 2.17.8. Design Principle IP01 states the following: *“Conserve and, wherever reasonably practicable, enhance views to landmarks on the route to provide a sense of place and time, whilst also having regard to other Design Principles (e.g. those Design Principles in relation to Historic Environment and Cultural Pattern (HEC) and Valued Landscapes (VL)”*.
- 2.17.9. Design Principle IP02 states: *“Where reasonably practicable, use new large-scale engineering and landscape earthworks as opportunities to*

¹ <https://nationalhighways.co.uk/media/14ihgawx/strategic-design-panel-the-road-to-good-design.pdf> (Link available and accessed at time of writing on 13 January 2023).

create well-sited landform and planting interventions which respond to local character and context and where appropriate having regard to other Design Principles (in particular the Historic Environment and Cultural Pattern (HEC) and Valued Landscapes (VL) reference Design Principles), highlighting landmarks or creating opportunities for views from the road/for passenger experience”.

- 2.17.10. This is complemented by a principle in relation to views in the section on Valued Landscapes within the Project Design Principles (Document Reference 5.11, APP-302), notably Design Principle VL01 which states: Where reasonably practicable, conserve and enhance key views to/associated with designated landscapes - (specifically AONB and National Parks).
- 2.17.11. In addition, a number of the Design Principles within the Project Design Principles (Document Reference 5.11, APP-302) dealing with View from The Road are of relevance to the above queries. These are notably Design Principles VR01 and VR02 which identify the types and forms of landmarks and features on the route that form foci for/create important views to be conserved or considered in the design response/mitigation, and Design Principles VR03 and VR04 which set out specific considerations for appropriate landscape design and engineering design responses to such features.
- 2.17.12. The above Design Principles are also supported by information contained within the Project Design Report (Document Reference 2.3, APP-009), notably the section on Views from the Road at page 12 of that document, which identifies spatially important/key views and landmarks in relation to the Project.
- 2.17.13. Paragraph 10.36 of the LIR states that: *“The ES does not provide clarity on what specific proposals are to be included. For example, Paragraph 10.9.15 states “some areas would benefit from the planting of mixed species woodland blocks that break the linearity of this environment”. The Councils would benefit from clarification from NH as to whether this is the rationale for the development of the mitigation planting proposals (in which case further detail would be encouraged) or whether NH is alluding that this planting being required in addition to the existing proposals.”*
- 2.17.14. National Highways highlights that the mitigation measures are illustrated on the Environmental Mitigation Maps (Document Reference 2.8, APP-041) and described in the EMP (Document Reference 2.7, APP-019). The design principles to be applied throughout and in specific areas are secured through the Project Design Principles (Document Reference 5.11, APP-302) and are illustrated in the Project Design Report (Document Reference 2.3, APP-009).
- 2.17.15. Paragraph 10.37 of the LIR states that the viewpoint descriptions lack references and that the assessment would benefit from an explanation of how these features would be lost, replaced or retained.
- 2.17.16. Paragraph 10.38 of the LIR states that the assessment would benefit from viewpoint descriptions in relation to the assessed receptor, and

- PRoW descriptions to include their extent and their traversing the landscape, how they connect to other routes and how they are utilised.
- 2.17.17. In response to paragraphs 10.37 and 10.38 of the LIR, the Schedule of Visual Effects (Document Reference Appendix 10.6, APP-202) lists each assessed viewpoint and contains the type of receptor and a description of the baseline, highlighting key features, and the likely effects during construction, at year 1 and in year 15.
- 2.17.18. Paragraph 10.39 of the LIR raises that it is uncertain as to whether there is sufficient room at the boundaries of the Order Limits to provide replacement planting.
- 2.17.19. In response to 10.39,: National Highways acknowledges the concern raised and considers the Order limits to be sufficient to incorporate the required planting. The precise location and planting detail will be confirmed during detailed design. Local Authorities will be consulted on the proposed planting set out in the detailed Landscaping scheme and Landscape and Ecology Management Plan (Document Reference 2.7, APP-021), both of which will be approved by the SoS as part of the second iteration EMP. National Highways will engage with Cumbria County Council on this point further as part of SoCG discussions.
- 2.17.20. Paragraph 10.40 of the LIR raises that the Councils are uncertain as to whether the proposed replacement planting will provide sufficient mitigation from the elevated road in regards to LEMP Figure 1, Wetheriggs Park.
- 2.17.21. Response to 10.40: Please refer to response to 10.39 above.
- 2.17.22. Paragraph 10.41 of the LIR states that: *“Drystone walls form a distinctive character feature along the access road to Lane Ends properties. The restoration and incorporation of these valuable features into the Project must be secured through the mitigation proposals. The assessment should also describe in greater detail the relationship of properties on Lane End with the Project as they are surrounded by the Order Limits’ boundary. A photomontage at Viewpoint 3.6 would also aid understanding of the Project.”*
- 2.17.23. National Highways agrees that these are a distinctive character feature of the local landscape. Wherever reasonably practicable, the protection or restoration and incorporation of such features is secured through relevant Design Principles in the Project Design Principles (Document Reference 5.11, APP-302), a certified DCO deliverable. Within that document, specific Design Principles of relevance here include:
- 2.17.24. Design Principle LC08: Designs must make use of boundary treatments suited to the local landscape character in which they are located e.g. timber post / rails in urban areas and drystone walls, five bar estate railings and stock proof post and wire fences in rural areas, as appropriate and where reasonably practicable.
- 2.17.25. Design Principle LI11: New and reinstated field boundaries must be designed to be appropriate to the local landscape and their proposed function, such as hedgerows, hedgerows with trees, drystone walls

(responding to the local vernacular variations and styles prevalent along the route) estate fences or stock-proof fences.

2.17.26. Design Principle LI13: Reinstated, restored and new drystone walls should seek to take advantage of opportunities to use materials sourced within the locality, where reasonably practicable and reinstated in a locally appropriate construction style and pattern.

2.17.27. The above Design Principles are Project-wide Design Principles and are supported where relevant by scheme-specific or more detailed principles in relation to specific relevant features, e.g. in relation to the restoration and reinstatement of the stone boundary wall at West Layton Manor, Collier Lane, West Layton (Design Principle 09.02).

2.18. Materials and Waste

Overview

2.18.1. This section sets out National Highways' comments on Materials and Waste which is set out on page 55 – 56 and paragraphs 10.43 – 10.46 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

2.18.2. Paragraph 10.43 of the LIR states that: *“the Material Assets and Waste assessment does not reference the 2021 Local Aggregates Assessment and references instead the 2019 joint assessment between CCC and the Lake District National Park Authority. Any consequential changes to the assessment should be identified by NH.”*

2.18.3. National Highways notes that the Local Aggregates Assessment for 2021 was not available when the existing baseline data was collated for the EIA. However the availability of the updated Local Aggregate Assessment for 2021 does not change the level of significance for the findings of the material assets and waste assessment as reported in Chapter 11 of the ES (Document Reference 3.2, APP-054) as it assesses the likely significant effects of the Project, following the methodology set out in the DMRB Highways England, 2019)². This methodology requires baseline data to describe the current and future state of materials available for the Project such as the information on materials contained in the Local Aggregate Assessments. The likely Material assets related significant effects specified by DMRB LA 110 are focused on:

- The sterilisation of ≥ 1 mineral safeguarding site and/or peat resources.
- Aggregates required to be imported to site comprise re-used/recycled content below the relevant regional percentage target [in this case a target of at least 31%].

²Highways England (2019) DMRB LA 110 Material assets and waste

- Project achieves less than 70% overall material recovery / recycling (by weight) of non-hazardous CDW to substitute use of primary materials.
- 2.18.4. Therefore the updated LAA data for 2021 will have no effect on the outcomes of the methodology used above and hence will not give cause to alter the results of the assessment presented in ES Chapter 11 (Document Reference 3.2, APP-054). For the schemes in Cumbria (M6 Junction 40 to Kemplay Bank, Penrith to Temple Sowerby, Temple Sowerby to Appleby and Appleby to Brough) there were no Likely Significant Effects identified in the ES (Document Reference 3.2, APP-054).
- 2.18.5. Paragraph 10.44 of the LIR requests that National Highways demonstrate that they are making maximum use of site won materials, rather than importing materials from alternative sources.
- 2.18.6. In response to paragraph 10.44, a minerals assessment has been completed in the ES including the schemes in Cumbria (M6 Junction 40 to Kemplay Bank, Penrith to Temple Sowerby, Temple Sowerby to Appleby and Appleby to Brough). The methodology for the Material Assets and Waste assessment (Document Reference 3.2, APP-054) is based on DMRB LA 1103 legislation, policy and other guidance (Section 11.3, section 11.7.7 and section 11.8.36). The safeguarding of mineral resources is a key element of the assessment and mitigation measures have been developed to prevent and reduce sterilisation and to safeguard mineral resources.
- 2.18.7. The potential impacts of the sterilisation of the existing or future mineral and peat resources have been assessed in the ES in line with DMRB LA 110 which identifies the sterilisation of ≥ 1 mineral safeguarding sites constitutes a large significant effect.
- 2.18.8. The assessment has also applied the development control policies identified for mineral safeguarding from the relevant plans including the Cumbria County Council's Minerals and Waste Joint Plan 2015-2030.
- 2.18.9. The potential impacts to mineral safeguarding sites for the M6 Junction 40 to Kemplay Bank are assessed in Table 11.31 of the ES assessment (Document Reference 3.2, APP-054) using information provided by Cumbria County Council during consultation.
- 2.18.10. The potential impacts to mineral safeguarding sites for the Penrith to Temple Sowerby scheme are assessed in Table 11.32 of the ES assessment (Document Reference 3.2, APP-054) using information provided by Cumbria County Council during consultation.
- 2.18.11. The potential impacts to mineral safeguarding sites for the Temple Sowerby to Appleby scheme are assessed in Table 11.33 of the ES assessment (Document Reference 3.2, APP-054) using information provided by Cumbria County Council during consultation.

³ Highways England (2019) DMRB LA 110 Material assets and waste

- 2.18.12. The potential impacts to mineral safeguarding sites for the Appleby to Brough scheme are assessed in Table 11.34 of the ES assessment (Document Reference 3.2, APP-054) using information provided by Cumbria County Council during consultation.
- 2.18.13. The likelihood of sterilisation and magnitude of effect was qualitatively assigned using professional judgement and in consultation with the representatives from each local authority involved in minerals planning matters. Each Mineral Safeguarding Area (MSA) and allocation was considered to have a value (sensitivity) of Medium, as per the definitions set out in DMRB LA 104 Environmental Assessment and Monitoring (DMRB LA 1044) and in Chapter 4: EIA Methodology (Document Reference 3.2, APP-054). DMRB LA 104 has also been used to assign impact magnitude of the Project on MSA prior to assigning, or not assigning a significant effect.
- 2.18.14. Several factors were considered such as the extent of land take as a result of each individual scheme, existing land use, the sensitivity of the receptor and any prospective mineral extraction developments. All these factors were considered qualitatively, rather than a quantitative assessment of MSAs encroached into, to determine if the scheme would preclude future extraction of the mineral resource and thus result in a risk of sterilisation.
- 2.18.15. The Project will maximise the use of site won materials rather than importing material sources. DMRB LA 110 identifies that the ProjectES (Document Reference 3.2, APP-054) shall include evidence of the adoption of design and mitigation measures (Designing out Waste). The measures developed for design for re-use and recovery particularly drive the use of site won materials (Section 11.8.5). Mitigation measures to reduce the impacts of material assets and waste impacts from the Project follow the principles of sustainable resource and waste management in accordance with the waste hierarchy as described in DMRB LA 110 and will be implemented through the Environmental Management Plan (Document Reference, APP-019), Site Waste Management Plan (Document Reference 2.7, APP-022 , Annex B2 Outline Site Waste Management Plan (SWMP) (Ref: D-MAW-01)) and Materials Management Plan (Document Reference 2.7, APP-028 2, Annex B8 Materials Management Plan (MMP) (Ref: D-GS-01)).
- 2.18.16. Prior to demolition of each structure or building, a pre-demolition audit will be carried out to quantify materials and investigate opportunities for re-use and recycling. There will be crushing / screening of non-hazardous demolition arisings for use as recycled aggregate and fill materials, which is likely to require a registered waste exemption or an environmental permit.
- 2.18.17. The Project has also been designed to achieve as close to a cut and fill balance as practicable in order to help minimise the importation of fill materials and the export of excavation waste. Each scheme has been

⁴ Highways England (2020) Design Manual for Roads and Bridges LA 104 Environmental Assessment and Monitoring

designed with an attempt to incorporate all the excavated materials arising. Cut and fill balances have been reviewed for each of the schemes, with the majority having sufficient permanent or temporary land to retain material arisings in dedicated landscape areas within the Order Limits. Any unsuitable material will be mechanically and / or chemically stabilised such as lime stabilisation where possible and used within landscape areas on the Project. These activities will comply with the CL:AIRE Definition of Waste Code of Practice (DoW CoP5) and any other requirements and will be set out in the MMP (Document Reference 2.7, APP-028 , Annex B8 Materials Management Plan (MMP) (Ref: D-GS-01)).

- 2.18.18. The paving of large sections of the existing A66 highway will be re-used by retaining the existing highway and associated infrastructure, saving materials and reducing waste. In addition it is assumed that all existing aggregate based material will be incorporated into fill materials on the Project, subject to suitability and any hazardous content. For the key aggregate materials, it is assumed that most of the road box construction is made from a quarried type one aggregate. There are instances where crushed secondary aggregates can be used, with demolition waste arisings a good source of aggregate for both concrete and road construction where available. The Project haul roads and compounds will utilise recycled aggregates from either demolition materials onsite or offsite.
- 2.18.19. The Principal Contractor will be obliged to investigate the opportunities to re-use existing foundations, structures, pavements, floor slabs and services onsite. Where this is not appropriate the Principal Contractor will consider crushing demolition materials for recycling as aggregates onsite. If onsite recycling is not feasible, the appointed contractor will identify opportunities for recycling the demolition materials offsite.
- 2.18.20. Paragraph 10.45 of the LIR states that: *“the Site Waste Management Plan (“SWMP”) (that will be developed by the Principal Contractor) will investigate the reuse of excess material on restoration sites; the total arisings for use in restoration should be identified where possible, in which sections of the Project it arises and at when during construction.”*
- 2.18.21. National Highways notes that the Principal Contractor will update the Site Waste Management Plan (Document Reference 2.7, APP-022 , Annex B2 Outline Site Waste Management Plan (SWMP) (Ref: D-MAW-01)) to include the total arisings for use in restoration sites, in which sections of the Project it arises and at when during construction. The text within the Site Waste Management Plan at B2.9.28 will be expanded to include this requirement, and an amended version of the Site Waste Management Plan will be submitted to the examination with the EMP (Document Reference 2.7, APP-019) at Deadline 3.

⁵ Contaminated Land: Applications in Real Environments (CL:AIRE) (2011) Definition of Waste: Code of Practice (CL:AIRE DOW COP)

- 2.18.22. Paragraph 10.46 of the LIR states that: *“the landfills that will be used for disposal of material must be identified within a future iteration of the SWMP for the Councils to identify and ensure that capacity for other uses is not compromised.”*
- 2.18.23. In response to paragraph 10.46 of the LIR, the Principal Contractor will update the Site Waste Management Plan (Document Reference 2.7, APP-022 , Annex B2 Outline Site Waste Management Plan (SWMP) (Ref: D-MAW-01)) to include the landfills that will be used for disposal. This requirement is already stipulated in the Site Waste Management Plan (section B2.9.28), therefore no amendment is proposed.

2.19. Noise and Vibration

Overview

- 2.19.1. This section sets out National Highways' comments on Noise and Vibration which is set out on page 56 and paragraphs 10.47 – 10.50 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

- 2.19.2. Paragraph 10.47 of the LIR raises concerns about the construction noise levels and that these are considered to be above the significant observed adverse effect level in a number of locations, and that the assessment does not identify how the impact will be mitigated.
- 2.19.3. National Highways highlights that Chapter 12 Noise and Vibration of the Environmental Statement (Document Reference 3.2, APP-055) section 12.9 and the Environmental Management Plan (Document Reference 2.7, APP-019) and Annex B5 Noise and Vibration Management Plan (Document Reference 2.7, APP-025) provide details of how construction noise (and vibration) impacts will be mitigated. The mitigation described in the first iteration of the EMP, submitted with the DCO application, will be developed further by the contractors and will be included in the 'second iteration' of the EMP, which will be subject to consultation with statutory bodies and will be approved by the Secretary of State. If the DCO is made, the EMP (including the NVMP) becomes part of the legal obligations for the project.
- 2.19.4. Construction noise impacts at all receptors have been assessed based on assumptions presented in section 12.5 Assumptions and limitations of Chapter 12 Noise and Vibration of the Environmental Statement (Document Reference 3.2, APP-055). The contractor appointed to deliver the scheme will undertake further assessments based on their intended methods of working and plant to be used. The NVMP, as part of the EMP, will be developed for approval in parallel with the design development.
- 2.19.5. Section 12.9 Essential mitigation and enhancement measures of Chapter 12 Noise and Vibration of the Environmental Statement (Document Reference 3.2, APP-055), describes mitigation for construction and operation of the Project. Construction noise and vibration would be controlled through the register of Environmental Actions and

- Commitments (REAC) set out within the Environmental Management Plan (Document Reference 3.2, APP-019). In particular, in commitment D-NV-01 it is noted that no part of the Project can start until a Noise and Vibration Management Plan (NVMP) is developed in detail in substantial accordance with the outline plan presented in Annex B5 (Document Reference 2.7, APP-025). The NVMP will be subject to stakeholder consultation as described in section 1 of the EMP in Table 1-1 (Document Reference 2.7, APP-019) and approved by the Secretary of State.
- 2.19.6. As set out in the NVMP (Document Reference 2.7, APP-025) and consistent with the approved Code of Practice BS5228-1:2014+A1:2019, the principle of using best practicable means (BPM) of working to mitigate and minimise noise and vibration levels at source will be applied during all the works.
- 2.19.7. The EMP (Document Reference 2.7, APP-019) Register of Environmental Actions and Commitments reference D-NV-01 and the NVMP (APP-025) describe the use, where deemed to be required, of Section 61 agreements under the Control of Pollution Act 1974 to ensure adherence to construction noise levels agreed in advance with relevant Local Authorities. Through this approach, construction noise levels will be controlled at all noise sensitive receptors, including residential properties and Kirkby Thore Primary School.
- 2.19.8. The EMP and NVMP also include a commitment to undertake a noise insulation/temporary re-housing appraisal prior to starting intensive construction works. The criteria for qualification for noise insulation/temporary rehousing are included in the NVMP.
- 2.19.9. Through the measures outlined above, and monitoring during the works (as outlined in section B5.6 of the outline NVMP) construction noise and vibration impacts will be mitigated throughout the whole project.
- 2.19.10. Paragraph 10.48 of the LIR states that: *"The Councils welcome the significant reduction in road traffic noise that will be experienced at a number of noise sensitive receptors. However, the Councils are concerned that there will be an impact upon residents' health and wellbeing due to the significant increases in road traffic noise that will be experienced."*
- 2.19.11. National Highways highlights that the assessment of road traffic noise is based on the methodology presented in section 12.4 of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055). In accordance with the NPSNN, traffic noise is assessed in terms of change of noise level and absolute noise level (see paragraph 12.4.29, paragraph 12.4.30 and Table 12-11 of ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055)). Absolute noise levels are assessed against the Lowest Observed Adverse Effect Level (LOAEL – the level above which adverse effects on health and quality of life can be detected) and Significant Observed Adverse Effect Level (SOAEL – the level above which significant adverse effects on health and quality of life occur).

- 2.19.12. The assessment approach is consistent with Government policy set out in the Noise Policy Statement for England (NPSE) which, within the context of Government policy on sustainable development, aims to:
- Avoid significant adverse impacts on health and quality of life.
 - Mitigate and minimise adverse impacts on health and quality of life.
 - Where possible, contribute to the improvement of health and quality of life.
- 2.19.13. NPSE notes that assessment of sustainability of development requires integration of economic and social aspects with consideration of the impact of adverse environmental impacts, including the impact of noise on health and quality of life.

Adverse likely significant effects between LOAEL and SOAEL

- 2.19.14. Paragraph 5.195 of the NPSNN notes that where adverse impacts of noise are identified, at levels between LOAEL and SOAEL (with reference to paragraph 2.20 of the Noise Policy Statement for England - NPSE), then all reasonable steps should be taken to mitigate and minimise adverse effects whilst taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur (NPSE paragraph 2.24).
- 2.19.15. The noise exposure hierarchy presented in the PPG-Noise (Planning Practice Guidance - Noise) notes that for levels between LOAEL and SOAEL: *“Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.”*
- 2.19.16. For the CCC and EDC areas of the Project, there are 86 residential receptors and one non-residential receptor, for which an adverse likely significant effect has been identified between LOAEL and SOAEL. Details of these are set out in section 12.10 of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055) and ES Appendix 12.4 Operational Assessment Results (Document Reference 3.4, APP-214). Mitigation measures have been considered 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 scattered nature of dwellings and the distances from the route alignment, the length and height of barriers have to be substantial for it to be effective and only a small number of properties would benefit.

Adverse likely significant effects above SOAEL

- 2.19.17. The NPSNN, notes that noise levels above SOAEL should be avoided while also taking into account the guiding principles of sustainable development.
- 2.19.18. The noise exposure hierarchy presented in PPG-Noise (Planning Practice Guidance - Noise) notes that for levels above SOAEL: *“The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area”*.
- 2.19.19. For the schemes that are within CCC and EDC areas, there are three residential receptors and two non-residential receptors within the study area, for which an adverse likely significant effect has been identified above the SOAEL. Mitigation has been considered for all receptors where a likely significant adverse effect is identified and included in the Project where it has been assessed as being practicable and sustainable to mitigate adverse impacts on health and quality of life. Details of these are set out in section 12.10 of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055).
- 2.19.20. The effects of reductions and increases in exposure to road traffic noise are assessed at the population level in ES Chapter 13 Population and Human Health. Where communities or groups of properties are exposed to increases in road traffic levels above SOAEL, there is a potential for significant adverse effects on population health and wellbeing due to increased annoyance and sleep disturbance, reduced enjoyment of outdoor space (including gardens and an area of public open space) and a perceived reduction in the quality of the living environment.

Beneficial likely significant effects above SOAEL

- 2.19.21. For the CCC and EDC areas of the Project there are six residential receptors and one non-residential receptor for which a beneficial significant effect has been identified but where the noise levels remain above the SOAEL. Details of these are set out in section 12.10 of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055) and ES Appendix 12.4 Operational Assessment Results (Document Reference 3.4, APP-214).

Beneficial likely significant effects between LOAEL and SOAEL

- 2.19.22. For the CCC and EDC areas there are 148 residential receptors and seven non-residential receptors for which a beneficial significant effect has been identified and where the noise levels have decreased from above the SOAEL to between the LOAEL and SOAEL. Details of these are set out in section 12.10 of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055) and ES Appendix 12.4 Operational Assessment Results (Document Reference 3.4, APP-214).
- 2.19.23. There are also 222 residential receptors and eight non-residential receptors for which a beneficial significant effect has been identified and where the noise levels are between LOAEL and SOAEL. Details of these are set out in section 12.10 of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055) and ES Appendix 12.4 Operational Assessment Results (Document Reference 3.4, APP-214).

Summary

- 2.19.24. Where a likely significant effect has been identified (section 12.10: Assessment of likely significant effects in ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055)), an assessment of the viability of providing additional measures to mitigate and minimise impacts on health and quality of life and to avoid significant impacts on health and quality of life, has been undertaken. The following have been considered when determining if additional mitigation should be implemented:
- Engineering practicality i.e. safety considerations and engineering constraints.
 - Value for money i.e. comparison of the monetised noise benefit of the measure against the cost for installing and maintaining the measure.
 - Other environmental effects potentially created by the proposed mitigation (e.g. landscape or visual effects).
- 2.19.25. The value for money was determined based on the Government's Transport Analysis Guidance (TAG) methodology. The monetised benefit was quantified by assessing the reduction in health impacts based on the latest evidence from the World Health Organization. The cost of installing and maintaining the noise barrier was estimated based on previous project information adjusted to the relevant assessment year. The Value for Money (VfM) ratio was then determined from the monetised benefit compared to the installation and maintenance cost of the barrier. The assessment included analysis of various barrier geometries to maximise the VfM ratio.
- 2.19.26. Across the whole project, only a small number of noise sensitive receptors predicted to experience a likely significant adverse effect remain with no additional mitigation proposed because one or more of the above points precludes such provision. As set out above, the NPSNN notes that where adverse impacts of noise are identified, at levels between LOAEL and SOAEL (with reference to NPSE), then all reasonable steps should be taken to mitigate and minimise adverse

effects whilst taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur (NPSE paragraph 2.24). The assessment and the decisions on provision, or otherwise, of mitigation are therefore consistent with government policy on noise.

- 2.19.27. Paragraph 10.49 of the LIR states that the Councils do not consider that NH has demonstrated that all reasonable steps have been followed in accordance with the Noise Policy Statement for England (NPSE). The *“Councils would particularly note that no noise barrier is proposed in the Kirkby Thore area “due to engineering constraints” and Table 12-45 states that “additional mitigation measures assessed as not sustainable”.* The Councils request that these engineering constraints and unsustainable measures are clearly identified.
- 2.19.28. National Highways considers that Mitigation measures have been investigated for all the receptors for which an adverse likely significant effect has been identified in the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055). It is noted that for the community of Kirkby Thore, noise barriers in the form of earth bunds (presented in table 12-20: Noise mitigation measures for operation of the scheme of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055)) are proposed as part of the Project's design. These noise barriers are also contained within the REAC tables of the EMP under commitment reference D-NV-03. These noise barriers minimise, as far as possible with due consideration to other constraints, the identified adverse impacts for the receptors located in the north of Kirkby Thore at Sanderson Croft and other areas.
- 2.19.29. All receptors in Kirkby Thore are predicted to be subject to noise levels between the LOAEL and SOAEL for which the PPG-Noise (Planning Practice Guidance - Noise) states *“Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life”.* Receptors along and close to the existing A66 will receive a beneficial impact (noise reduction) as traffic is moved onto the new alignment further from the receptors; other receptors further north will receive an adverse impact which has been mitigated as far as practicable, and the Project has maximised sustainable mitigation but there are some residual adverse likely significant effects, in the design and in consideration of other factors such as landscape and visual impacts, engineering constraints and comparison of the value for money, calculated from the monetised noise benefit of the mitigation and the cost of the mitigation, as described above.
- 2.19.30. For individual scattered receptors i.e. 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.

- 2.19.31. 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.
- 2.19.32. Paragraph 10.50 of the LIR states that: *“The Councils are concerned that future iterations of the Noise and Vibration Management Plan will be approved by NH. As noise levels could have significant effects upon human health during the construction phase of the Project, the Councils require future iterations to be subject to external approval and consultation with them to ensure that mitigation measures are appropriately provided.”*
- 2.19.33. National Highways highlights that, as noted above, the NVMP will be subject to stakeholder consultation as described in commitment reference D-NV-01 of the REAC tables within the EMP and in section 1 of the EMP in Table 1-1 (Document Reference 2.7, APP-019). This will include continued engagement with the local planning authorities. The second iteration of the EMP (including the NVMP) will be submitted for approval to the Secretary of State. Compliance will then be a legal requirement, if the DCO is made.

2.20. Population and Human Health

Overview

- 2.20.1. This section sets out National Highways' comments on the Population and Human Health topic which is set out on page 57 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

- 2.20.2. The comments provided in paragraph 10.51 and 10.52 of the LIR are duly noted by National Highways. Within the Environmental Management Plan (Document Reference 2.7, APP-030) there is a commitment that prior to the start of any part of the authorised development, the PRoW Management Plan (Annex B6 of the EMP Document Reference 2.7, APP-030) must be consulted on with the LPA's, in accordance with REAC reference D-PH-01.
- 2.20.3. Such additional detail will be provided to the LPA's as the Project progresses through detailed design and the PRoW Management Plan will

describe the approach to managing the interactions between the Public Rights of Way (PRoW) impacted during both the construction and operational phases. The information within future iterations of the Plan will include, but is not limited to, the following:

- Planned works and dates of any planned closures.
- Information on any alternative routes/diversions and new routes.
- Information detailing works ongoing in proximity to routes.

2.20.4. The measures outlined within the EMP will ensure that the effects of the Project will be no worse than those reported in the Chapter 13 Population and Human Health (Document Reference 3.2, APP-056).

2.21. Road Drainage and the Water Environment

Overview

2.21.1. This section sets out National Highways' comments on Road Drainage and the Water Environment which is set out between page 57 – 58 and paragraphs 10.53 – 10.58 of the Environmental Mitigation topic of the LIR (REP1-019).

National Highways Comments

2.21.2. Paragraph 10.53 of the LIR states that: *“The mitigation detail for Road Drainage and the Water Environment within the ES, supporting appendices and EMP is lacking, with NH stating that it will become available at detailed design stage. The Councils have raised concerns that future iterations of the EMP may not be subject to the approval of the Councils, and this is of particular concern given the extent to which mitigation detail is deferred.”*

2.21.3. In response to paragraph 10.53 of the LIR, National Highways considers that these points are addressed in the response to Relevant Representations, document PDL-013, and section 2.1 (pages 4 to 8) and 2.2 (pages 8 to 21) of 7.3 Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (Document Reference: NH/EX/7.3 / REP1-009).

2.21.4. Paragraph 10.54 of the LIR states that: *“Sustainable drainage solutions (SuDs) are critical for the new road construction to ensure that surface water from the existing and new network parts are treated to at least two stages before discharge to local mains and ordinary watercourses. Agreement on pond rationalisation is also required to ensure there is less land take and duplication of maintenance for each road authority.”*

2.21.5. In response to paragraph 10.54 of the LIR, no deterioration of water quality is predicted as a result of the Project. The HEWRAT tool has been used to guide the design of the drainage system to be compliant with the Environmental Quality Standards (EQSs) for the receiving watercourses. The proposed pollution mitigations are set out in the Pollution Controls sections (one per scheme) of 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document

- Reference 3.4, APP-221). Future revisions of the drainage system design and operation will be subject to updated HEWRAT assessments to maintain compliance with the EQSs and result in no significant adverse effect upon the receptors, this is in accordance with measures outlined within the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019).
- 2.21.6. The current drainage strategy, outlined in 3.4 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221) which the detailed design of the scheme must be compatible with (see commitment D-RDWE-02 in the Environmental Management Plan (document reference 2.7, APP-019) is to provide separate drainage ponds for Trunk Road and Local Road drainage systems, in accordance with the DMRB and to outfall these ponds via pipes and/ or ditches into the nearest available watercourse.
- 2.21.7. The Responses to Relevant Representations Part 3 of 4 (Document Reference 6.5, PDL-013, Page 100, RR-122) states; National Highways and the Local Authorities recognise there may be efficiencies in combining the proposed ponds and this will be considered as part of our detailed design work. This may involve amendments to current indicative pond locations and/or shape within the DCO Order Limits and in accordance with the Project Design Principles (Document Reference 5.11, APP-302) (as permitted by the DCO) to better fit the existing landscape including field patterns.
- 2.21.8. Paragraph 10.55 of the LIR states that: *“Reduction in flood risk must also be a main concern especially with changes to main rivers and ordinary watercourses close to Warcop. Liaison with other risk management authorities and non-government agencies already working in the area looking to reduce the impact of flooding to the local community is essential.”*
- 2.21.9. In response to paragraph 10.55 of the LIR: The design team are aware of the existing flood risk in the village of Warcop from Crooks Beck. The proposed highways drainage systems that discharge to watercourses in the region have been designed to ensure there is no increase in peak flows. Ponds and other drainage features have been designed to store the additional run-off produced by the Project and restrict the peak flow rate to no greater than the existing green field run off rates and ensure there is no increase in flood risk as a result of the scheme. Exceedance flow paths have been considered in the design to ensure properties are not at risk of flooding in the event of drainage blockages or storm events in excess of the designed capacity. Where flood plains are affected, flood compensation areas have been designed to ensure the Project does not increase flows downstream. Refer to section 14.2.5 and the Annexes in document 3.2 Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Document Reference 3.4, APP-221). The detail of the drainage system for the Project will be further developed at detailed design stage in accordance with provisions set out in D-RDWE-01 & D-RDWE-02 of the Environmental Management Plan (Document Reference 2.7, APP-019).

- 2.21.10. In addition to the above, while this is outside the scope of the Project, work is ongoing in collaboration with National Highways, Cumbria County Council and the Environment Agency to look at ways to further reduce the pre-existing flood risk in the village. National Highways will continue to work with authorities and non-government agencies already regarding this matter.
- 2.21.11. In response to paragraph 10.56 of the LIR, which requests that further detail is required on culvert design, and for the mitigation of flooding, the loss of habitat and the loss of lengths of watercourse and associated banks measures regarding the design are included in a number of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) and Project Design Principles document (Document Reference 5.11, APP-302) commitments. These secure commitments, on a legally enforceable basis, under the DCO (articles 53 and 54). Culvert design is included in EMP commitment D-BD-04, D-BD-06, D-RDWE-02, D-RDWE-05 & D-RWDE-08 which include requirements for culverts to be bottomless or sunk below the natural bed level and maintain natural bank features. Designed to convey surface water flow paths below the scheme and reduce the potential for ponding or upstream flood risk. Incorporate mammal crossing points where necessary. Daylighting of existing culverts, where feasible and agreeable with landowners. PDP commitment LI17 and LI19 include requirements for structures within watercourses are to be designed in accordance with CD 529 (Design of outfall and culvert details) and CIRIA C786, and to of experienced hydromorphology, geomorphology, and ecology professionals. In addition, commitment D-BD-04 will also be amended to include a requirement for culvert designs to comply with Institute of Fisheries Management requirement, consultation is ongoing with the Environment Agency regarding the exact text to be included in the updated EMP to be submitted at Deadline 3. All proposed watercourse culverts have been included in the hydraulic modelling (presented in Annex E of the Flood Risk Assessment Document Reference 3.2, Appendix 14.2, APP-221) and flood mitigation has been provided where required to ensure there is no increase in flood risk as a result of the scheme. These mitigation measures will be developed and refined at the detailed design stage as secured in EMP commitment D-RDWE-02 & D-RDWE-05. PDP commitment LI17 includes requirements for realigned watercourse channels to be undertaken with hydromorphology and geomorphology best practice in accordance with the Manual of River Restoration Techniques (River Restoration Centre 2019). It also includes requirements to provide buffer strips adjacent to the new channel to allow for implementation of marginal and riparian habitat improvements. To minimise the loss of habitat, PDP commitment GB03 states; to avoid loss of riparian habitat, fragmentation of riparian corridors and impacts to riverbeds, new bridges across watercourses are to be designed as clear spanning structures with abutments set back sufficiently from the watercourse's' edge to provide for wetland habitat connectivity to riverbanks.

- 2.21.12. In response to paragraph 10.57 of the LIR, which raises that no further detail about improvements to the de-trunked sections have been provided within the ES chapter or supporting appendices, National Highways confirms that additional details on de-trunking are presented in Section 2.4 De-Trunking of this document.
- 2.21.13. Paragraph 10.58 of the LIR states that: *“There is limited information regarding any enhancements proposed and the Councils would expect to see greater information provided during the examination phase that is consistent with the requirements of Paragraph 5.220 of the NN NPS. With the information that is available at present it is difficult for the Councils to advise the ExA whether the mitigation measures are acceptable or not.”*
- 2.21.14. In response to paragraph 10.58 of the LIR, provisions are committed to and secured within the EMP and PDP to mitigate significant effects to receiving receptors from water pollution in accordance with Paragraph 5.220 of the NN NPS, following the assessment undertaken in 3.2 Chapter 14 Road drainage and the water environment of the Environmental Statement (Document Reference 3.2, APP-057). Enhancements to the road drainage systems such as and the removal of culverts will be considered further at detailed design, as per 5.11 Project Design Principles (Document Reference 5.11, APP-302), 2.7 Environmental Management Plan (Document Reference 2.7, APP-019) and 2.7 Environmental Management Plan Annex B7 Ground and Surface Water Management (Document Reference 2.7, APP-027), as the Project's design further develops. Current proposals are presented in Appendix 14.3: Water Quality Assessment and 14.5 Spillage Risk Assessment (for road drainage water quality) and Appendix 14.1 WFD Assessment, Appendix 14.4 Hydromorphology Assessment and ES Appendix 14.2: Flood Risk Assessment and Outline Drainage Strategy (for culvert removal), These may be refined as the design develops and consultation will be conducted with the LLFAs, the EA and NE.

2.22. Appendix A: The Council's Assessment of Departures from Standards

Overview

- 2.22.1. This section sets out National Highways' comments on Appendix A of the LIR which is set out from page 59 of the LIR.

National Highways Comments

- 2.22.2. National Highways acknowledge the concerns raised by the Councils regarding the assessment of Departures from Standards (DfS). A CCC departure assessment template will be prepared for any departures that are deemed 'High Risk'. Furthermore, it is intended that DfS's will be developed during detailed design (as required) in conjunction with CCC and will preferably be designed out or mitigated as far as reasonably practicable during this stage.

2.23. Appendix B: Technical Assessment of Project Impact on Appleby Horse Fair

Overview

- 2.23.1. This section sets out National Highways' comments on Appendix B of the LIR which is set out from page 59 of the LIR.

National Highways Comments

- 2.23.2. National Highways acknowledge the concerns raised by the Councils but note that Appendix B of the LIR includes a report (dated 29 October 2021) on the Project's potential impact on the Fair site relative to a junction which has now been removed from the Project.
- 2.23.3.** As noted in the response to RR-123 (refer to PDL-013), there will be potential negative impacts on journeys to and from Appleby Horse Fair during construction. However, with the proposed upgrade to dual carriageway standard, it is expected that there would be lower traffic volumes on the de-trunked sections west of Appleby, which will improve access for local traffic and Fair attendees. In addition, a dual carriageway will provide an increased opportunity to overtake horse-drawn vehicles thus reducing delay to other road users and it is anticipated that the route of the old A66 (de-trunked) could be utilised as it will have significantly lower traffic volumes and thereby be more suitable for horse drawn vehicles.
- 2.23.4. National Highways will continue to engage with the Councils on the production of the CTMP to set out how Fair traffic will be coordinated and managed during construction of the Project. This engagement will take cognisance of the existing Multi-Agency Strategic Coordination Group (MASCG) Traffic Management Plan for Appleby Horse Fair.

2.24. Appendix C: Assessment of Potential Diversions Route

Overview

- 2.24.1. This section sets out National Highways' comments on Appendix C of the LIR which is set out from page 59 of the LIR.

National Highways Comments

- 2.24.2. National Highways acknowledges Cumbria County Council's assessment of the planned diversion routes that may be used during the construction of the A66 scheme through Cumbria. It is noted that CCC refer to plans of the potential routes in Appendix D of the LIR. This plan was produced to support Statutory Consultation in autumn 2021 and has since been superseded through design development to account for feedback received during the consultation and engagement process. National Highways also acknowledges the Council's concerns regarding the unsuitability of some of the local road network to accommodate diversions. National Highways will work with the Council to ensure that the health and safety implications of diversion routes are thoroughly considered and mitigated as far as reasonably practicable.

National Highways will continue to engage with the Councils on the production of the CTMP to set out traffic managed and diverted during construction of the Project. This engagement will take cognisance of comments made by the Council under the section entitled 'Feedback communicated through statutory consultation related to diversions' on page 85 of the LIR and under the section entitled 'Next Steps'. The CTMP will also take cognisance of the further actions suggested by the Council under their risk assessment of the diversion routes.

3. Durham County Council

3.1. Introduction and Description of the area

Overview

- 3.1.1. This section sets out National Highways' comments on the Introduction and Description of the area section of the LIR which is set out in Sections 1 and 2 of the LIR (REP1-021).

National Highways Comments

- 3.1.2. National Highways considers that the Description of the Area provided by Durham County Council (DCC) provides an appropriate summary of the environment and surroundings within which the project is located.
- 3.1.3. National Highways have no specific comments on the introduction and description of the area provided by Durham County Council.

3.2. Relevant Planning History and Planning Permissions

Overview

- 3.2.1. This section sets out National Highways' comments on the Relevant Planning History and Planning Permissions section of the LIR which is set out in section 3 of the LIR (REP1-021).

National Highways Comments

- 3.2.2. National Highways can confirm that planning permissions, as set out within this section of the LIR are significant consents within the vicinity of the scheme.
- 3.2.3. National Highways have no specific comments on the relevant planning history and planning permissions set out by Durham County Council.

3.3. Relevant Development Plan Policies and other relevant documents

Overview

- 3.3.1. This section sets out National Highways' comments on the Relevant Planning Development Plan Policies and other relevant documents, which is set out in section 4 of the LIR (REP1-021).

National Highways Comments

- 3.3.2. National Highways considers that this section of the LIR provides an appropriate overview of local policy for DCC.
- 3.3.3. The Legislation and Policy Compliance Statement (LPCS) (APP 242), submitted with the DCO application, provide an assessment of the Project against relevant legislation and policy (both local and national) in line with the requirements of the Planning Act 2008. The PA 2008 requires that an application for a DCO is determined in accordance with the relevant National Policy Statement ('NPS'). In this case the National Networks NPS (NNNPS) is the relevant NPS and therefore the primary basis for decision making. The Applicant has carefully considered the policy requirements and referenced legal obligations set out in the NNNPS, including the Habitats Regulations and Water Framework Directive ('WFD'), within the LPCS.
- 3.3.4. In addition, the LPCS sets out and discusses "*other matters which the SoS [may] think are both important and relevant to its decision*" on the DCO application (section 104(2) (d) of the PA 2008). This includes the Project's conformity with the adopted development plan policies, as defined by section 38(6) of the Planning and Compulsory Purchase Act 2004, including development plan policies of DCC. The conformity of the Project with Durham County Council's adopted development and local transport plans have therefore been assessed in the LPCS as well as other local strategies and plans of the local authorities, which may be relevant to the decision making.
- 3.3.5. With respect to the relevant local policies within the County Durham Plan that are referenced National Highways confirm that they are addressed in Appendix D Local Policy Accordance Table of the LPCS. The findings from the consideration of conformity with the policies referred to is set out in further detail in response to the Principle of Development section of the LIR, as outlined below.as follows.
- CDP Policy 10 – Development in the countryside: how the project conforms with this policy is set out in Appendix D (page 256).
 - CDP Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources: how the project conforms with this policy is set out in Appendix D (page 261).
 - CDP Policy 21 – Delivering Sustainable Transport: how the project conforms with this policy is set out in Appendix D (page 261).
 - CDP Policy 24 – Provision of Transport Infrastructure: how the project conforms with this policy is set out in Appendix D (page 263).
 - CDP Policy 26 – Green Infrastructure: how the project conforms with this policy is set out in Appendix D (page 264).
 - CDP Policy 28 – Safeguarded Areas: how the project conforms with this policy is set out in Appendix D (page 267).

- CDP Policy 29 – Sustainable Design: how the project conforms with this policy is set out in Appendix D (page 268).
- CDP Policy 31 – Amenity and Pollution; how the project conforms with this policy is set out in Appendix D (page 269).
- CDP Policy 35 – Water Management: how the project conforms with this policy is set out in Appendix D (page 270).
- CDP Policy 38 – North Pennine Area of Outstanding Natural Beauty: how the project conforms with this policy is set out in Appendix D (page 274).
- CDP Policy 39 – Landscape: how the project conforms with this policy is set out in Appendix D (page 275).
- CDP Policy 40 – Trees, Woodlands and Hedges: how the project conforms with this policy is set out in Appendix D (page 276).
- CDP Policy 41 – Biodiversity and Geodiversity: how the project conforms with this policy is set out in Appendix D (page 278).
- CDP Policy 42 – Internationally Designated Sites: how the project conforms with this policy is set out in Appendix D (page 280).
- CDP Policy 43 – Protected Species and Nationally and Locally Protected Sites: how the project conforms with this policy is set out in Appendix D (page 282).
- CDP Policy 44 – Historic Environment: how the project conforms with this policy is set out in Appendix D (page 285).
- CDP Policy 56 – Safeguarding Mineral Resources: how the project conforms with this policy is set out in Appendix D (page 292).

3.3.6. With respect to paragraph 4.7 the following guidance documents have been considered within the LPCS as follows.

- North Pennines AONB Planning Guidelines at section 4.21.
- County Durham Landscape Character Assessment at section 4.22.
- The County Durham Landscape Strategy – which has been considered with respect to policy 39 of The County Durham Plan (adopted 2020) (page 275 – Appendix C of the LPCS).

3.4. Assessment of Impacts: Principal of Development

Overview

3.4.1. This section sets out National Highways' comments on the Assessment of Impacts – Principal of Development section (5) of the LIR which is set out on page 9 and 10 of the LIR (REP1-021).

This section identifies the relevant local planning policies within Durham's adopted statutory development plan and how the application accords with them. The matters considered are a combination of the matters which DCC commented upon in its RRs (Application Document RR-073) to PINS dated 31 August 2022 the chapters within the ES and reference to the matters identified by the Examining Authority in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008

3.4.2. National Highway's has considered the policies that are referenced in this section in relation to the assessment against policy undertaken for the Project, as reported in the Legislation and Policy Compliance Statement (Document Reference 3.9, APP-242) and the findings from this assessment (and where this can be founding within the LPCS) are set out above. National Highway's response to Durham's assessment against the policies, set out in the subsequent sections of the LIR are set out below in relation to the Topic Headings of the LIR.

National Highways Comments

3.4.3. In response to the matters contained within County Durham's Relevant Representations which set out the County Council's position in relation to the proposed junctions and access routes proposed for Cross Lanes and Rokeby (as summarised in paragraph 5.4) these have been addressed in the following documents that have been submitted to the Examining Authority:

- Applicant's Response to Relevant Representations Part 4 of 4 (PDL-011) RR-073 – Page 6 and 16-18; and
- Applicant's ISH1 Post Hearing Submissions (REP1-006) Agenda item 2.1-2.3 Pages 9-22.

3.4.4. In response to the issues raised in Appendix 1 of DCC's Relevant Representations (referred to at paragraph 5.5) these have been addressed in full within the Applicant's Response to Relevant Representations Part 4 of 4 (PDL-011) RR-073.

3.4.5. National Highways welcome Durham County Council's support for the scheme and recognition of the benefits it will provide. As set out in paragraph 5.7.

3.4.6. National Highways notes the comments made by Durham County Council in paragraph 5.8 with regard to 'Project Speed'. The applicant refers Durham County Council to some of the benefits of the government's Project Speed initiative as described in section 1.4 of the Case for the Project (Document Reference 2.2, APP-008). Project Speed is a

Government initiative not only “to bring forward proposals to deliver public investment projects more strategically and efficiently” but also “to cut down the time it takes to design, develop, and deliver the right things better and faster than before”. There are positive initiatives taken to achieve this such as “regular and early engagement with Local Authorities (‘LA’s) and Statutory Environmental Bodies (‘SEBs’) (with a focus on design and stakeholder issues)”. This has involved sharing emerging design and findings from assessments with the LAs and SEBs during the pre-application stage and obtaining LA and SEB specialist advice and local knowledge to inform the mitigation measures that are needed to address the negative impacts of the Project. Nevertheless, as would be expected of a DCO Project of this scale and complexity the dialogue on design and mitigation continues during (and as part of) the Examination’

- 3.4.7. With regard to paragraph 5.9 of the LIR National Highways agree that Policy 10 of the County Durham Plan on Development in the Countryside is relevant, and we have concluded as set out above (with reference to the LPCS) that the Project conforms with the Policy. As set out in this paragraph Policy 10 criterion € is supportive of essential infrastructure where the need can be demonstrated in that location. The need has been set out within the Applicant’s “Case for the Project” (Document Reference 2.2, APP-008) to accord with criterion € of Policy 10.

3.5. Assessment of Impacts: Highways

Overview

- 3.5.1. National Highways acknowledges the relevant CDP policies outlined in paragraph 5.11 of DCC’s Local Impact Report, specifically:
- CDP Policy 21 – Delivering Sustainable Transport
 - CDP Policy 24 – Provision of Transport Infrastructure
- 3.5.2. As introduced in 3.3.2 above, how the Project conforms with these policies is set out in Appendix D of the Legislation and Policy Compliance Statement (Document Reference 3.9, APP-242, pages 261 to 263, and 263 to 264 respectively).
- 3.5.3. National Highways acknowledges that the Council provided comments upon the matter of “Highways” in its Relevant Representation (RR-073) and would refer to the responses provided in Procedural Deadline Submission – 6.5 Applicant’s Response to Relevant Representations Part 4 of 4 (PDL-013) for further information on and responses to matters raised.
- 3.5.4. National Highways acknowledges that the Examining Authority identified Alternative Route Options and Drainage in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008. These issues were discussed at Issue Specific Hearing 1 (30 November 2022) and Issue Specific Hearing 2 (1 December 2022). Reference should be made to EV-013, EV-014 and EV-015, and EV-019, EV-020, EV-021, EV-

022 and EV-023 respectively for the recordings of these hearings, with National Highways' post-hearing submissions contained in REP1-006 and REP1-009.

National Highways Comments

- 3.5.5. Regarding the Key Local Issue of impacts of the Project on the B6277 (known locally as The Sills), National Highways can confirm that the scope of the modelling to be undertaken for this route was included as Appendix 2 to the Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (REP1-006) submitted to the Examination at Deadline 1. The resulting local level consideration and report is to be provided to the Examining Authority at Deadline 3 of the Examination Timetable.
- 3.5.6. National Highways acknowledges Durham County Council's comments in paragraph 5.17 of DCC's LIR, which reiterates points made in the Council's Deadline 1 Submission – Appendix 1 – Response to Examination Document PDL-013 (Response to Relevant Representations) (REP1-022). National Highways will continue to liaise with DCC regarding the ongoing and final highway design of the scheme.
- 3.5.7. With reference to 5.17 of the LIR, National Highways note that DCC expect that '*matters relating to changes to the highway network will be captured in a Side Roads Order (Highways Act 1980)*'. The draft DCO (Document Reference 5.1, APP-285) contains all the necessary statutory powers and authorisations required to construct, operate and maintain the Scheme. It also contains provisions that are analogous to a side roads order made under the Highway Act 1980. Further details can be found in our response to the DCC Response to Relevant Representations (REP1-022) page 8.

3.6. Assessment of Impacts: Access and Rights of Way

Overview

- 3.6.1. This section sets out National Highways' comments on the Assessment of Impacts: Access and Rights of Way topic section (5), which is set out in pages 11-12 of the LIR (REP1-021).
- 3.6.2. National Highways acknowledges the relevant CDP policies outlined in paragraph 5.18 of DCC's Local Impact Report, specifically:
- CDP Policy 26 – Green Infrastructure
- 3.6.3. As introduced in 3.3.2 above, how the Project conforms with this policy is set out in Appendix D of the Legislation and Policy Compliance Statement (Document Reference 3.9, APP-242, pages 264-267).
- 3.6.4. National Highways acknowledges that the Council provided comments upon the matter of "*Access & Rights of Way*" in its Relevant Representation (RR-073) and would refer to the responses provided in Procedural Deadline Submission – 6.5 Applicant's Response to Relevant Representations Part 4 of 4 (PDL-013), pages 10-11, for further information on and responses to matters raised.

National Highways Comments

- 3.6.5. In paragraph 5.20 of the Local Impact Report, DCC note that new (diverted) Public Rights of Way “*should be segregated, safe to use, direct, convenient and attractive; and must not have a detrimental impact on environmental or heritage assets.*” Information on National Highways’ approach to design of WCH routes and PRoW can be found in Table 3-2 of the Project Design Principles (Document Reference 5.11, APP-302), specifically entries AC01 (Accessibility) and AT01 (Active transport and connectivity to wider networks, amenity, recreation and health/wellbeing). It should also be noted that 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.
- 3.6.6. In addition, paragraph 2.3.2 of the Walking, Cycling and Horse-riding Proposals (Document Reference 2.4, APP-010) outlines the project objectives for WCH provision, which is shown on the Rights of Way and Access Plans (Document Reference 5.19, APP-346 and APP-347 for Scheme 07 Bowes Bypass and Scheme 08 Cross Lanes to Rokeby respectively). It should be noted that final arrangements for Public Rights of Way will be confirmed during detailed design. National Highways will continue to engage with key stakeholders, including DCC, throughout this process.
- 3.6.7. In response to paragraph 5.21 of DCC’s LIR, National Highways can confirm that new bridleway provision has been considered where there are existing bridleway facilities to connect into, or where existing bridleways are required to be diverted (see pages 10 and 11 of Procedural Deadline Submission – 6.5 Applicant’s Response to Relevant Representations Part 4 of 4 (PDL-013)). Further information on the potential impacts on routes for WCH is provided in the Environmental Statement Chapter 13 Population and Human Health (Document Reference 3.2, APP-056) Section 13.8 with an assessment of the likely significant effects provided in Section 13.10. National Highways notes DCC’s conclusion that it does not envisage any impacts on access and rights of way that cannot be adequately controlled through appropriate design and mitigation. controlled through appropriate design and mitigation.

3.7. Assessment of Impacts: Cultural Heritage

Overview

- 3.7.1. This section sets out National Highways’ comments on the Cultural Heritage topic, which is set out in pages 12 – 13 of the LIR (REP1-021).

- 3.7.2. A number of landscape, ecological and designated and non-designated heritage assets are located along the route of the A66 or in the immediate vicinity of it. In terms these of historic designations these include Conservation Areas, Scheduled Monuments, and a number of Grade I, II* and II listed buildings as well as the Rokeby Park Grade II Park and Garden of Special Historic Interest. There are also a number of Roman remains in the area, some of which will be close to the route of the Schemes (7/8/9) but there are no archaeological features worthy of preservation in situ which have been identified along the section of the route lying within County Durham, although as this route follows a Roman Road it is possible there may be such items exposed during construction.

National Highways Comments

- 3.7.3. Paragraph 5.4 of the LIR states that *“In terms of cultural heritage in respect of the “Blue” route, the balance of harm derived from the “Black” route (subject of the DCO application) or “Blue” route is nuanced and, as such, whilst the “Blue” route remains the preference for the reasons set out in Appendix 1 to the LIR, it is acknowledged that design refinement and the preparation of the heritage mitigation strategy in the Environmental Management Plan provides a reasoned justification for the selected route.”*
- 3.7.4. Paragraph 5.25 of the LIR states that *“Much of Bowes is covered by the Bowes Conservation Area and Scheme 7 would encroach into the Conservation Area. Within Bowes there are a number of listed buildings with those associated with the Grade II Stone Bridge Farmhouse being particularly close. The layout of the development should be careful to avoid harm to the setting or significance of these heritage assets.”*
- 3.7.5. Paragraph 5.26 of the LIR states that *“There are a number of designated heritage assets, and non-designated heritage assets, adjacent to the A66 as well as adjacent to or within the Schemes 7 and 8. Adjacent to Scheme 7 at Bowes is the Scheduled Monuments of Roman Fort (Lavatrae) and Bowes Castle, adjacent to the application area. The DCO boundary appears to encroach into the Bowes Conservation Area. A number of listed buildings within the Conservation Area.”*
- 3.7.6. Paragraph 5.27 of the LIR states that *“In terms of Scheme 8, at Cross Lanes junction is the Grade II Cross Lanes Farmhouse with Adjacent Outbuildings on West. Grade II Milestone 100 Metres West of Junction with B6277. Whilst there is the Grade II Listed building at Tutta Beck Cottages (Rokeby) and adjacent to the A66 the Grade II listed Milestone 80 Metres West of Entrance to Tutta Beck Farm”.*
- 3.7.7. Paragraph 5.28 of the LIR states that *“With regard to Scheme 8, the Rokeby junction the Grade II* listed Church of St Mary lies immediately adjacent to the Order limits. Rokey (sic) Park Grade II (sic) Parks and Gardens of Special Historic Interest is included in the application boundary as is the Scheduled Monument of Greta Bridge Roman fort, vicus and section of Roman road.”*

- 3.7.8. Paragraph 5.29 of the LIR states that *“With regard to archaeology, no features worthy of preservation in situ have been identified along the section of the route lying within County Durham. It is understood that a mitigation strategy regarding archaeological features of lesser importance, informed by the results of this work, will be produced in due course.”*
- 3.7.9. Paragraphs 5.4, 5.27 and 5.29 of the LIR are duly noted.
- 3.7.10. In response to Paragraph 5.25 and 5.26 of the LIR, National Highways highlights that the Order Limits extend into the Conservation Area (refer ES Figure 8.8.1, Sheet 7 of 9, Document Reference 3.9, APP-090) at Bowes in order to allow for the removal of existing overhead power lines. No permanent effects are assessed as a result of this activity. However slight adverse temporary effects from construction activities within the setting of the Conservation area are expected (see 3.4 Environmental Statement Appendix 8.10 Impact Assessment Table (Document Reference 3.4, APP-187) Tables 6 and 14)).
- 3.7.11. In response to Paragraph 5.28 of LIR National Highways highlights that Rokeby Park Grade II* Registered Park and Garden falls within the proposed Order Limits but is expected only to experience slight adverse setting effects (see 3.4 Environmental Statement Appendix 8.10 Impact Assessment Table (Document Reference 3.4, APP-187) tables 7 and 15). The Scheduled Monument of Greta Bridge Fort, vicus and section of Roman road falls partly within the Order Limits which at this point comprise the tie-in to the existing carriageway (see 2.5 General Arrangement Drawings Scheme 08 Cross Lanes to Rokeby (Document Reference 2.5, APP-016)). Permanent construction effects are not expected as the works will be superficial and located within the existing carriageway.

3.8. Assessment of Impacts: Landscape and Visual Impact

Overview

- 3.8.1. The comments made by Durham County Council in regard to the landscape and visual sections of the LIR are duly noted. National Highways have no comments to make on this topic.

3.9. Assessment of Impacts: Drainage and Coastal Protection

Overview

- 3.9.1. The comments made by Durham County Council in regard to the Drainage and Coastal Protection sections of the LIR (Paragraphs 5.43 through to 5.47 are duly noted). National Highways shares the view that DCC *“does not envisage any impacts on drainage that cannot adequately be controlled through appropriate design and mitigation.”* National Highways have no further comments to make on this topic.

3.10. Assessment of Impacts: Ecology

Overview

- 3.10.1. This section sets out National Highway's comments on the Ecology topic, which is set out in pages 16 – 18 of the LIR (REP1-021).

National Highways Comments

- 3.10.2. Paragraph 5.50 of the LIR states that *“The North Pennine Moors SAC, North Pennines SPA and Bowes Moor SSSI located to the north west of Scheme 7. Kilmond Scar SSSI is located between Schemes 7 and 8, to the south of Kilmond Wood Quarry. Brignall Banks SSSI lies to the south of Scheme 8 and the Rokeby junction. Rokeby Park/Mortham Wood LWSCDP lies to the east of Scheme 8 and the Rokeby junction. Teesbank Woods, Rokeby LWS lies to the north of this. Ancient Woodland. Kilmond Wood Ancient Woodland. Ancient woodland along River Greta. CDP Policies 41 (Biodiversity and Geodiversity), 42 (Internationally Designated Sites) and Policy 43 (Protected Species and Nationally and Locally Protected Sites) are therefore of relevance”*.
- 3.10.3. Paragraph 5.51 of the LIR states that *“The site lies within the Nutrient Neutrality Catchment area of the Teesmouth and Cleveland Coast Special Protection Area as defined by Natural England for the protection of sensitive Habitat Regulation sites. Under the Habitats Regulations, those planning authorities falling within the catchment area must carefully consider the nutrients impacts of any projects, including new development proposals, on habitat sites and whether those impacts may have an adverse effect on the integrity of the site that requires mitigation. This impacts on all planning applications, both existing and proposed, which relate to primarily all types of overnight accommodation, such as new dwellings, care homes, student accommodation, holiday accommodation etc. and impacts all developments for one dwelling upwards. Other types of business or commercial development, not involving overnight accommodation, will generally not need to be included in the assessment unless they have other (non-sewerage) water quality implications. It is expected that Natural England will comment upon this matter”*.
- 3.10.4. Paragraph 5.52 of the LIR states that *“Given the number and nature of the ecological designations along the route of the A66 the impact of the Scheme upon these requires careful consideration. CDP Policies 41 (Biodiversity and Geodiversity), 42 (Internationally Designated Sites) and 43 (Protected Species and Nationally and Locally Protected Sites) are therefore of relevance. CDP Policy 41 states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided or appropriately mitigated, or, as a last resort, compensated for”*.
- 3.10.5. Paragraph 5.53 of the LIR states that *“CDP Policy 42 states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine*

whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity”.

- 3.10.6. Paragraph 5.54 of the LIR states that *“CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. In relation to protected species and their habitats, all development likely to have an adverse impact on the species’ abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species”.*
- 3.10.7. Paragraph 5.55 of the LIR states that *“DCC has commented on this matter in its [sic] DCC has commented on this matter in its RRs (Examination Document RR-073) and in Examination Document PDL-013 the Applicant has sought to address these. The assumption of officers is that the proposed development should meet the net gain requirements; as such all management and monitoring should align with the requirements for net gain. DCC does not envisage any biodiversity impacts that cannot adequately be controlled through appropriate mitigation”.*
- 3.10.8. In response to paragraph 5.50 of the LIR, statutory and non-statutory designated sites within the Zones of Influence (as defined in Section 6.6.3, ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) of the Project have been assessed in line with industry standards and in consultation with Natural England. The results of the assessment are detailed within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049), associated Appendices (Document Reference 3.4, APP-154 to APP-175) and within the Habitats Regulations Assessment (HRA) Stage 2 Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235).
- 3.10.9. In response to paragraph 5.51 of the LIR it has been agreed with Natural England that Nutrient Neutrality does not apply to the Project for the

reasons outlined from paragraph 1.5.50 in the Habitats Regulations Assessment (HRA) Stage 2 Statement to Inform Appropriate Assessment (Document Reference 3.6, APP-235). Natural England have confirmed that *“their nutrient neutrality advice applies to all types of development that would result in a net increase in population served by a wastewater system, including new homes and student accommodation. Natural England have confirmed that they would not expect a highways scheme to fall under the nutrient neutrality criteria as they would expect that the workforce either do not reside on site or are likely to be drawn from the local catchment; however, they did note that they would expect any surface water drainage to be treated through the EMP and CEMP criteria”*. Treatment of surface water drainage and mitigation measures aimed to protect surface and groundwater receptors are presented in the outline Ground and Surface Water Management Plan (GSWMP), APP-027 2.7 EMP, Annex B7. The confirmed Natural England position quoted above on nutrient neutrality will be reflected in the next update of the SoCG with Natural England (APP-280).

- 3.10.10. Any nutrient neutrality issues arising from that application would need to be considered in that forum by the local planning authority as part of its process for determining the relevant planning application. This could involve planning conditions being imposed as necessary and appropriate to ensure the satisfactory management and mitigation of any nutrient neutrality issues arising that could arise. As such, in line with Natural England's view, nutrient neutrality issues are not relevant to the examination of the DCO application, given the nature of the powers sought (and Project assessed).
- 3.10.11. In response to paragraph 5.52 of the LIR, ES Chapter 6 (Biodiversity) concluded no significant effects on statutory and non-statutory designated sites are envisaged (Document Reference 3.2, APP-049 and (Document Reference 3.6, APP-235) once mitigation outlined within the Environmental Management Plan has been implemented (Document Reference 2.7, APP-019). Consequently, the Project is deemed compliant with respect to CDP Policies 41, 42 and 43.
- 3.10.12. In response to paragraph 5.53 of the LIR potential effects on internationally designated sites are assessed in line with applicable law, policy and guidance as part of the Habitats Regulations Assessment; please refer to the Habitat Regulations Assessment (HRA) Stage 1 Likely Significant Effects Report (Document Reference 3.5, APP-234) and the Habitat Regulations Assessment (HRA) Stage 2 Statement to Information Appropriate Assessment (Document 3.6, APP-235). Adverse effects on the integrity of designated sites were ruled out (beyond reasonable scientific doubt) alone and in combination. Consequently, no further assessment (i.e. HRA Stage 3 and Stage 4) was required.
- 3.10.13. In response to paragraph 5.54 of the LIR a full assessment of the likely significant effects of the Project is provided within Environmental Statement Chapter 6 Biodiversity (Document Reference 3.2, APP-049). This includes an assessment on nationally protected sites, locally designated sites and protected species and their habitats within the

Zones of Influence surrounding the Project. In relation to protected species and their habitats, a full suite of species-specific surveys have been undertaken in accordance with industry standards and through consultation with Statutory Environmental Bodies, including Natural England (full results are detailed in Technical Appendices Document Reference 3.4, APP-155 to APP-175). The assessment provided in ES Chapter 6 Biodiversity concluded no adverse impacts on nationally protected sites and no adverse impacts on a protected species' abilities to survive and maintain their distribution once mitigation is implemented (as outlined within the Environmental Management Plan (Document Reference 2.7, APP-019). Consequently, National Highways considers that the assessment provided complies with CDP policy 43.

The Environmental Management Plan secures a requirement for updated / pre-construction protected species surveys, as required, to inform detailed design or where a Natural England mitigation licence may be required, and includes badgers, bats, barn owl and otter (Document Reference 2.7, APP-019, Reference D-BD-08).

- 3.10.14. In response to paragraph 5.55 of the LIR the environmental mitigation design has been developed to ensure mitigation is provided for impacts on protected species/designated sites and replacement habitats are provided for those lost, achieving a minimum of no net loss. Opportunities to maximise biodiversity enhancements have been sought where possible. For example, providing habitat linkages to increase connectivity to areas of semi-natural habitats within the wider area and therefore enhancing and tying into existing green infrastructure networks. This approach is compliant with the NPSNN, as set out in Table 6-2 within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049), and the NERC Act 2006 through the full regard of all habitats and species of Principle Importance (Document Reference 3.2, APP-049).
- 3.10.15. Relating to the assumption of officers that the Project should meet the net gain requirements, whilst biodiversity net gain is not currently a requirement within the policy set out in the NPSNN, opportunities have been sought in order to maximise biodiversity within the footprint of the Project. Ratios for habitat replacement have been based on the prevailing national guidance within the Natural England Biodiversity Metric (Natural England, 2021) and aim to achieve a no-net-loss outcome on a habitat replacement basis (See 6.9.3, ES Chapter 6 Biodiversity, Document Reference 3.2, APP-049).
- 3.10.16. National Highways agree with DCC that there are no biodiversity impacts that cannot adequately be controlled through appropriate mitigation.

3.11. Assessment of Impacts: Contaminated Land

Overview

- 3.11.1. This section sets out National Highways' comments on the Contaminated Land topic, which is set out in pages 18 – 19 of the LIR (REP1-021).

National Highways Comments

- 3.11.2. Contaminated land is not a specific chapter in the Environmental Statement (Document 3.2, APP-044 to APP-059). However, DCC has commented on this matter in its RRs (Document RR-073) and in Examination Document PDL-013 the applicant has sought to address these. National Highways acknowledges that DCC does not envisage any impacts relating to contaminated land that cannot be addressed by suitable mitigation. National Highways considers that responses on these points are addressed in the response to Relevant Representations, (Examination Document PDL-013 on pages 19 to 21).

3.12. Assessment of Impacts: Population and Human Health

Overview

- 3.12.1. This section sets out National Highways' comments on the Population and Human Health topic, which is set out on page 19 of the LIR (Document REP1-021).

National Highways Comments

- 3.12.2. In response to Paragraph 5.63 and 5.64 of the LIR covering potential to affect human health receptors and health impact control, National Highways duly notes the comments from DCC, in that DCC does not envisage that any impacts cannot be adequately controlled through appropriate mitigation. Mitigation of construction impacts will be secured through the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019).
- 3.12.3. National Highways do not propose to monitor health outcomes due to the practical reasons relating to data collection and establishing causality. Monitoring of health determinants such as noise and air quality will be undertaken as described in the relevant chapters of the Environmental Statement (Document 3.2, APP-044 to APP-059)

3.13. Assessment of Impacts: Air Quality

Overview

- 3.13.1. This section sets out National Highways' comments on the Air Quality topic, which is set out on page 20 of the LIR (Document REP1-021).

National Highways Comments

- 3.13.2. DCC commented upon the adequacy of the application/DCO in its RRs (Examination Document RR-073). Queries were raised and responses received from the Applicant (Examination Document PDL-013). Comments relating to the Applicant's response are included in the Council's letter to PINS dated 14 December 2022. In Paragraph 5.68 DCC state that "*Subject to the satisfactory addressing of the queries DCC does not envisage any air quality impacts that cannot adequately be controlled through appropriate mitigation.*"

- 3.13.3. DCC commissioned AECOM to provide comments on Air Quality and these were included in the Council's Relevant Representation (Examination Document RR-073). AECOM has provided DCC with feedback on the responses provided by National Highways. Responses to this feedback is now provided in the 7.7 – Table 2, Durham County Council's Response to Examination Document PDL-013 (National Highways Procedural Deadline Submission – 6.5 Applicant's Response to Relevant). DCC's comments are noted and having been considered, the assessment approach remains robust. The DCC points made would not alter the assessment of no likely significant effects on air quality as there would still be negligible risk of exceeding the air quality objectives in DCC.

3.14. Assessment of Impacts: Noise and Vibration

Overview

- 3.14.1. This section sets out National Highways' comments on the Noise and Vibration topic, which is set out in pages 20 – 21 of the LIR (Document REP1-021).

National Highways Comments

- 3.14.2. Paragraph 5.69 of the LIR notes Policy 31 of the CDP and National Highways has considered Policy 31 as part of the ES assessment as presented in table 12-3: Regional and local level policies of Chapter 12 Noise and Vibration of the Environmental Statement (Document Reference 3.2, APP-055).
- 3.14.3. Paragraph 5.70 states that "*Chapter 12 of the ES relates to Noise and Vibration. DCC commented upon this matter in its RRs (Examination Document RR-073).*" and this point is duly noted by National Highways.
- 3.14.4. Paragraph 5.71 of the LIR also makes reference to CDP Policy 31 and states "*CDP Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. It also states that, development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.*"
- 3.14.5. In response to Paragraph 5.71 of the LIR National Highways highlights that Policy 31 of the CDP is considered as part of the ES assessment as presented in Table 12-3: Regional and local level policies of Chapter 12 Noise and Vibration of the Environmental Statement (Document Reference 3.2, APP-055).

- 3.14.6. In addition, Section 12.9 of the Environmental Statement (Document Reference 3.2, APP-055) describes mitigation for construction and operation of the project. Construction noise would be controlled through the principles and processes set out within the Environmental Management Plan (Document Reference 2.7, APP-019), which includes a Noise and Vibration Management Plan at Annex B5 (Document Reference 2.7, APP-025). This includes the use of Section 61 agreements under the Control of Pollution Act 1974, where appropriate, to ensure adherence to construction noise thresholds that would be agreed in advance with DCC.
- 3.14.7. Mitigation of traffic noise during operation of the project has been considered where adverse likely significant effects were identified. An assessment of viability of provision has then been undertaken following DMRB and considering engineering practicability, value for money and other environmental effects that potentially would be caused by provision of the mitigation. Mitigation has been provided where it is sustainable to do so (see ES (Document Reference 3.2, APP-055) section 12.9).
- 3.14.8. Paragraph 5.72 of the LIR refers to the adequacy of the application and DCO in respect of noise impacts on sensitive receptors and states that *“DCC has commented on this matter in its RRs (Examination Document RR-073)”*. National Highways considers that these points are addressed in the response to Relevant Representations, document PDL-013, Part 4 of 4, Page 24 to 26.
- 3.14.9. Paragraph 5.73 of the LIR is noted, and it is welcomed that *“DCC does not envisage any noise and vibration impacts that cannot adequately be controlled through appropriate mitigation”*.

It is also noted by DCC that there are receptors identified to be eligible for noise insulation in accordance with the Noise Insulation Regulations 1975 (NIR) within the DCC area. At the ES stage, these are potential qualifiers for NI: Commitment D-NV-04 of the EMP (Document Reference 2.7, APP-019) Register of Environmental Actions and Commitments reference notes that updated operational noise modelling shall be undertaken based on the final carriageway alignments of the A66 contained in the detailed design to determine the requirement for further noise mitigation, which includes the provisions of NIR.

3.15. Assessment of Impacts: Climate

Overview

- 3.15.1. This section sets out National Highways' comments on the Climate topic, which is set out in pages 21 – 22 of the LIR (REP1-021).

National Highways Comments

- 3.15.2. Paragraph 5.76 of the LIR states *“In 2019 Durham County Council declared a climate emergency. A Climate Emergency Response Plan (CERP) was approved by the Council on 12 February 2020, and this was updated in June 2022 when the Council published its second Climate*

Emergency Response Plan (CERP2). We have committed to reaching Net Zero by 2030 with an 80% real carbon reduction to our emissions. We have also committed to working with partners and communities to achieve a carbon neutral County Durham by 2045.”

- 3.15.3. Paragraph 5.77 of the LIR states “DCC has commented on this matter in its RRs (Examination Document RR-073). Queries were raised and responses received from the Applicant (Examination Document PDL-013) and comments are included in the Council’s letter to PINS dated 14 December 2022. Subject to the satisfactory addressing of the queries DCC does not envisage any climate impacts that cannot adequately be controlled through appropriate mitigation.”
- 3.15.4. In response to Paragraph 5.76 of the LIR, the declaration of the climate emergency by DCC is noted by National Highways as is the DCC Climate Emergency Response Plan (CERP and CERP2).
- 3.15.5. In response to Paragraph 5.77 of the LIR the following list provides National Highways response to the climate comments as detailed within Durham County Council's Response to the Applicant's Response to Relevant Representations Part 4 of 4 (PDL-013). National Highways acknowledges Durham County Council's comment that subject to the satisfactory addressing of these queries, Durham County Council does not envisage any climate impacts that cannot adequately be controlled through appropriate mitigation.
- 3.15.6. In regard to Durham County Council's response to PDL-013 Point 55 – National Highways note that DCC has no further comment and DCC welcomed the confirmation on the traffic data set used to inform the calculation of road-user GHG emissions.
- 3.15.7. In reference to Durham County Council's response to PDL-013 Point 56 National Highways highlights that the approach to the development of the Traffic Reliability Area (TRA) has been addressed in the response table of the PDL-013 point 56. The road network used to assess GHG emissions specifically does not apply thresholds to which road links within the TRA are used for assessment - all road links within the TRA are included in the quantification of vehicle movements and associated GHG emissions. As has previously been noted - the TRA reflects the widest road network over which the traffic modelling is considered verifiable and reliable. On this basis there is no additional mechanism to demonstrate a worse case assessment than has been included in the GHG assessment. National Highways considers that the TRA is the largest reliable area to assess.
- 3.15.8. In response to PDL-013 Point 57 National Highways note that DCC has no further comment.
- 3.15.9. In response to PDL-013 Point 58 National Highways note that DCC has no further comment.
- 3.15.10. In response to PDL-013 Point 59 National Highways note that DCC has no further comment.

3.15.11. In response to PDL-013 Point 60 National Highways duly notes the comment relating to data for vehicle kilometres used in the GHG assessment. National Highways highlights that the underlying data for vehicle km usage is not provided in the GHG chapter or appendices. However, this is of limited use as a metric as the GHG emissions arising from user vehicle kilometres are not solely a function of aggregate vehicle distance, but also of road type and levels of congestion. Further it could be misleading to provide solely user vehicle kilometre data without providing a parallel explanation of the methodology whereby these are converted into estimated GHG emissions as they are likely to be open to misinterpretation around the relative impacts and scale of impacts arising from the road network. Furthermore, it is of limited value to consider the relative impacts arising from user carbon without also considering the whole-life-carbon associated with the Project.

3.16. Assessment of Impacts: Geology and Soils

Overview

3.16.1. This section sets out National Highways' comments on the Geology and Soils topic, which is set out in pages 22 – 23 of the LIR (REP1-021).

National Highways Comments

- 3.16.2. Paragraph 5.81 of the LIR states that *“Mineral safeguarding, specifically in relation to CDP Policy 56 which safeguards mineral resources of local and national importance, specifically in this locality carboniferous limestone and both fluvial and glacial sand and gravels. The proposal would sterilise safeguarded mineral resources including areas of land to the west and east of Cross Lanes junction which it advises constitutes a large significant effect. It then advises that the Project when viewed as a whole outweighs the need to safeguard mineral in this particular location and also advises that this is demonstrated through the overarching benefits and overall need for the Scheme as set out in Examination Document APP-046.2.2.”*
- 3.16.3. Paragraph 5.82 of the LIR states that *“Hulands Quarry is located within an identified as an HSE Major Hazard Sites Consultation Zone. CDP Policy 28 is therefore of relevance.”*
- 3.16.4. Paragraph 5.83 of the LIR states that DCC has commented on this matter in its RRs (Examination Document RR-073). Having regard to Examination Document (APP-196) 'National Highways 3.4 Environmental Statement Appendix 9.5 Agricultural Land Classification (ALC) Factual Soil Survey Report' and to the Plan entitled 'Bowes Bypass Agricultural Land Classification (ALC) Survey Results' appears to show that all of the land within the DCO was surveyed.
- 3.16.5. Paragraph 5.84 of the LIR states that *“the Plan entitled ‘Cross Lanes to Rokeby Agricultural Land Classification (ALC) Survey Results’ appears to show that a significant amount all of the land within the application area has not been surveyed. It would be appropriate for these areas to be surveyed as the Examining Authority and Secretary of State will need to*

know whether or not 'best and most versatile' land would be affected by the proposal. Subject to satisfactory surveys and mitigation, DCC does not envisage any impacts upon soil resources that cannot adequately be controlled through appropriate mitigation."

- 3.16.6. National Highways duly notes the policies and commentary provided in paragraphs 5.78, 5.79 and the references to geographical spread of the agricultural land grades in Paragraph 5.80 of the LIR.
- 3.16.7. In response to Paragraph 5.81 National Highways highlights a minerals assessment has been completed in the ES including the schemes in Durham. The methodology for the Material Assets and Waste assessment (Document Reference 3.2, APP-054) is based on DMRB LA 110, legislation, policy and other guidance (Section 11.3, section 11.7.7 and section 11.8.36). The safeguarding of mineral resources is a key element of the assessment and mitigation measures have been developed to prevent and reduce sterilisation and to safeguard mineral resources.
- 3.16.8. The potential impacts of the sterilisation of the existing or future mineral and peat resources have been assessed in the Material Assets and Waste Chapter 11 of the Environmental Statement (Document Reference 3.2, APP-054) in line with DMRB LA 110 which identifies the sterilisation of ≥ 1 mineral safeguarding sites constitutes a large significant effect.
- 3.16.9. The likelihood of sterilisation and magnitude of effect was qualitatively assigned using professional judgement and in consultation with the representatives from each local authority involved in minerals planning matters. Each MSA and allocation was considered to have a value (sensitivity) of Medium, as per the definitions set out in DMRB LA 104 Environmental Assessment and Monitoring (DMRB LA 1046) and in Chapter 4: EIA Methodology (Document Reference 3.2, APP-047). DMRB LA 104 has also been used to assign impact magnitude of the Project on MSA prior to assigning, or not assigning a significant effect.
- 3.16.10. Several factors were considered such as the extent of land take as a result of each individual scheme, existing land use, the sensitivity of the receptor and any prospective mineral extraction developments. All these factors were considered qualitatively, rather than a quantitative assessment of MSAs encroached into, to determine if the scheme would preclude future extraction of the mineral resource and thus result in a risk of sterilisation.
- 3.16.11. In response to Paragraph 5.82 National Highways highlights that, in accordance with CDP Policy 28, the Health and Safety Executive (HSE) were consulted during scoping. The HSE response is presented in the Environmental Statement Appendix 4.2 EIA Scoping Opinion (Document Reference 3.4, APP-149), page 395. The HSE noted that the proposals do not include any plans to divert the road in the area around Hulands

⁶ Highways England (2020) Design Manual for Roads and Bridges LA 104 Environmental Assessment and Monitoring

Quarry and advised the applicant to consult Hulands Quarry when planning and carrying out the works to ensure they do not affect the site.

- 3.16.12. A commitment for National Highways to consult directly with the operators of the quarry will be added to the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019). The commitment will ensure the National Highways engage with the operators to ensure they do not affect the safety at the site and plan construction works accordingly.
- 3.16.13. No response to Paragraph 5.83, is required. National Highways agrees with the comment.
- 3.16.14. In response to Paragraph 5.84 National Highways can confirm that a limited number of locations were surveyed across Scheme 08 Cross Lanes to Rokeby due to access restrictions. The site survey identified loamy over clayey soil with poor drainage. The wetness limited the ALC to subgrade 3b. This correlates to the Natural England (NE) Agricultural Land Classification maps, which identifies to the soils in this location as Grade 3. Further evidence from the site survey data from the adjacent Scheme 09 Stephen Bank to Carkin Moor records the soils as Grade 3b. This area is also shown as Grade 3 on the NE Provisional ALC maps.
- 3.16.15. National Highways considers that these points are addressed in the response to Applicant's Response to Relevant Representations Part 4 of 4, Document Reference 6.5, PDL-013, RR-180 page 168- 170.

3.17. Assessment of Impacts: Cumulative Effects

Overview

- 3.17.1. This section sets out National Highways' comments on the Cumulative Effects topic, which is set out in pages 23 – 24 of the LIR (REP1-021).

National Highways Comments

- 3.17.2. National Highways duly notes the policies and provided in paragraphs 5.85, 5.86 5.80 of the LIR. National Highways responded to the cumulative effects in relation to air quality on pages 51 to 54 of the Applicants Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013).
- 3.17.3. In response to Paragraphs 5.88 - 5.90 of the LIR with regard to the operational quarries detailed within the comments, National Highways can confirm that, given these are operational and active quarries and the most recent planning consents are implemented, they are included within our baseline for all topics (and hence the operational effects of the project operating alongside the operational quarries is considered as part of the main assessment) and therefore are not also considered under cumulative. This approach is set out in Section 15.3 of ES Chapter 15 Cumulative Effects (APP-058), which specifies the nature of proposed developments that are included within the cumulative assessment.

- 3.17.4. The restoration of the quarries themselves, which forms part of their operational commitments and is highlighted in the planning permissions referenced, would lead to an improvement in the future baseline in ecological, landscape and visual and noise terms. Given their location, the distance to nearest receptors and the nature of the construction works in the immediate vicinity of these quarries (scheme tie in and minor left in, left out junction upgrade at Hulands Quarry, no works at Kilmond Wood Quarry), the restoration is not anticipated to lead to any worse cumulative effects when compared to the situation with the operational quarries, therefore the ES considers the operational quarries as the future baseline to ensure the worst-case effects are identified.
- 3.17.5. In response to Paragraph 5.91 National Highways note the construction completion programme for the housing development and can confirm that these developments have been included within the cumulative assessment contained within ES Chapter 15 Cumulative Effects (APP-058). As noted therein there will be some overlap in construction periods; National Highways are satisfied that the construction completion programme does not alter the cumulative assessment.
- 3.17.6. In response to Paragraph 5.92 National Highways note the point about the inclusion of planning application DM/20/03070/OUT 'land to the north of Darlington Road, Barnard Castle'. This is the only development outwith the 2km search area; National Highways can confirm that it has been screened into the assessment in error. DM/21/04293/FPA has been correctly screened out as beyond the 2km search area. Nevertheless, for completeness, National Highways have reviewed the planning application and associated documents for DM/21/04293/FPA and do not consider any cumulative effects will arise in association with it as a result of distance and construction methods and requirements.
- 3.17.7. In response to Paragraph 5.93 regarding the proposed eastern extension to Hulands Quarry, National Highways notes that the application was submitted on 12th May 2022 and is pending decision. The Environmental Statement had been finalised in advance of 12th May in preparation for submission and as such this application has not been considered in Chapter 15 Cumulative Assessment (Document Reference 3.2, APP-058). This is in accordance with Advice Note 17 that states that the applicant is *"required to stop assessment work at a particular point in time in order to be able to finalise and submit an application"*.
- 3.17.8. National Highways has considered the scope of the application in question and does not consider it likely to give rise to any new or different Likely Significant Effects as compared to the ES as it will essentially present a continuation of the current operation which has been assessed within the baseline for each topic within the ES.
- 3.17.9. National Highways will continue to engage with the local authority on these matters.

3.18. Other Matters

Overview

- 3.18.1. This section sets out National Highways' comments on the Other Matters, which is set out in pages 24 – 25 of the LIR (REP1-021).

National Highways Comments

- 3.18.2. National Highways can assure DCC that the matters set out in section 6 of their LIR will be covered as set out below.
- 3.18.3. De-trunking, stopping-up, new local roads and amendments to the LHN. National Highways continue to engage with Durham County Council (DCC) on the de-trunking proposals, as will be reported in the Statement of Common Ground. It is our understanding that DCC are continuing to work on the de-trunking proposals with their specialist team.
- 3.18.4. HGV driver facilities A westbound layby has been provided on Scheme 07 and both eastbound and westbound laybys have been provided on Scheme 08. This is a like for like replacement provision and the proposed laybys have been designed in accordance with the Design Manual for Roads and Bridges (DMRB). Please refer to the General Arrangement Drawings (Document Reference 2.5, APP-015 and APP-016) for locations of the replacement laybys. DCC will be consulted as part of a separate nation-wide freight study running in parallel with the DCO Examination. The aim of the study is to identify locations where new freight services and parking might be feasible on the Strategic Road Network. There is currently a £20m lorry parking improvement fund that is available to improve existing facilities up until March 2025.
- 3.18.5. Accommodation strategy: The provision of workforce accommodation will be the responsibility of National Highway's Delivery Infrastructure Partners (DIPs) The DIPs are yet to confirm whether workforce accommodation is needed to accommodate the construction workforce. If it is needed and provided then, if considered appropriate, any re-purposing of the accommodation to provide local housing will be subject to standalone planning applications, outside of the DCO. Annex B10 of the EMP (Document Reference 2.7, APP-030) provides an outline Construction Worker Travel and Accommodation Plan, which will be developed in consultation with the Local Planning Authorities. It will ensure that additional demand created by non-home-based workers does not place excessive pressure on the local housing market and visitor accommodation supply. The strategy will be produced in consultation with the Local Planning Authorities during detailed design.
- 3.18.6. Skills, workforce and supply chain/procurement: Annex B12 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-032) provides an outline Skills and Employment Strategy, which will set out measures to upskill and maximise the use of a local workforce and supply chains. The strategy will be produced in consultation with the Local Planning Authorities during detailed design.

- 3.18.7. Temporary Road Closures and Diversions - impact on local roads – see section 5.9 below.
- 3.18.8. Technology solutions to planned and unplanned events. There is a like-for-like replacement of Variable Messaging Signs across the project to maintain standards of driver information. Operational enhancements to strategic diversion routes do not form part of the scope of the project, however, Durham County Council will be invited to engage on the development of management plans for operational technology during detailed design stage, to identify optimisations to how strategic diversion routes are managed on the A66. Also see Agenda item 2.6 (page 12) of National Highway's CAH1 Post Hearing Submissions (REP1-007).
- 3.18.9. Other concurrent roads works e.g. M6 Lune Gorge, and potential cumulative impacts including diversions: please see points made above.
- 3.18.10. Walking, cycling and equestrian (NMU) provision: This was addressed in National Highways response to DCC's Relevant Representation (see Applicant's Response to Relevant Representations Part 4 of 4 PDL-013 – Page 10, 11 and 23)
- 3.18.11. Post construction phase (Temporary weather closures): see response above re technology solutions and strategic diversion and also Agenda item 2.6 (page 12) of National Highway's CAH1 Post Hearing Submissions (REP1-007)
- 3.18.12. In regard to the compulsory acquisition process and specifically the question of what happens to any land no longer required after construction (e.g. temporary compounds)? Any land possessed temporarily under Article 29 of the Draft DCO (Document Reference 5.1, APP-285) for purposes such as compounds will be returned to the landowner, unless it is acquired for other purposes under article 19. Article 29 of the Draft DCO requires land possessed temporarily to be returned in a condition reasonably satisfactory its owner.
- 3.18.13. Environmental impacts – open space, biodiversity, landscape and climate/carbon emissions; There are a wide range of issues relating to these topics – please see National Highway's 'Examination Responses Navigator' which provides a signposting reference to where a matter raised in a Written Representation (WR) or a Local Impact Report (LIR) has already been addressed by NH in its response to Relevant Representations and / or in Deadline 1 submissions. See the following sections of the Examination Response Navigator:
- Open Space (pages 59 and 66)
 - Biodiversity (pages 5-7)
 - Landscape (pages 51-53)
 - Climate/ carbon issues (pages 9-11)

3.19. Adequacy of the DCO

Overview

- 3.19.1. The following sub-section provides a response to the points raised by Durham County Council in paragraphs 7.1 to 7.4 of its Local Impact Report.

National Highways Comments

Timescales – paragraph 7.2

- 3.19.2. The Applicant notes the comments made by Durham County Council in paragraph 7.2 as regards the impacts of the Project being subject to 'Project Speed'. It should be noted that, notwithstanding this, the DCO application for the Project is subject to the normal maximum six month examination that applies to all DCO applications under the Planning Act 2008. As such, all interested parties, including Durham County Council, will have opportunities to comment on the Applicant's proposals throughout this time. In addition, the Applicant continues to engage with Durham County Council and the outcomes of this engagement will be recorded in the Statement of Common Ground between the parties.
- 3.19.3. The Applicant also notes the comments made in the same paragraph in respect of the 'proposed short response times' contained within the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) (which the Applicant assumes refers to the prescribed periods for consultation contained in section 1.4 of the EMP), albeit Durham County Council does not appear to be making specific comments (or raising concerns necessarily) on these in the Local Impact Report.
- 3.19.4. The Applicant explained how it considered prescribed periods of consultation are critical to ensuring timely delivery of the Project at the second Issue Specific Hearing, given the risk of delay in a scenario where there is no clear, consistent prescribed programme and process. A summary of the submissions made by the Applicant on this point can be found in the Applicant's *Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (including written submissions of oral case)* submitted at Deadline 1 (REP1-009).
- 3.19.5. However, in the same submission the Applicant acknowledged that the prescribed timescales could be challenging for consultees in certain circumstances. As such, the Applicant proposes to include in a revised version of the EMP to be submitted at Deadline 3 the following, which it is hoped will allay any concerns Durham County Council may have:
- 3.19.6. a formal commitment that the Applicant (and its principal contractors) will set up and run regular engagement meetings (or 'forums') with the prescribed consultees, with the aim of providing as much forward visibility on materials coming to those consultees for consultation as practicable; and

3.19.7. provision for amendments to the consultation process, such that the Applicant would be able to agree a longer consultation period with a consultee where circumstances justify it. Such circumstances would need to be considered on a case-by-case basis.

'Self-approvals' – paragraph 7.3

3.19.8. As regards Durham County Council's comments at paragraph 7.3 in relation to the so-called 'self-approval' procedures under the EMP and potential enforcement, the Applicant wishes to clarify certain matters raised at Issue Specific Hearing 2.

3.19.9. Durham County Council refers to 'planning enforcement' in terms of recourse where it disagrees with a self-determination made by the Applicant and how this wouldn't be available until works were being undertaken. As such judicial review would be the only course of action prior to implementation of the Project.

3.19.10. The Applicant respectfully disagrees with this statement, in that a local planning authority has, under Part 8 of the Planning Act 2008, enforcement powers in respect of a breach of the terms of a DCO (section 161). Any improper self-determination by the Applicant would clearly be a breach of the terms of the DCO for the Project, notwithstanding whether works had started or not and, as such, enforcement action could be taken. This extends to seeking injunctions from the court (section 171). It would of course be open to any party to also apply to the court for a judicial review of any action taken by the Applicant under the terms of the DCO.

This notwithstanding, the Applicant is very willing to discuss this further with Durham County Council as part of the on-going engagement between the parties.

3.19.11. Separately, turning to the specific point made that "*...if changes are proposed to the EMP is proposed [sic] then this should be agreed with the Secretary of State with meaningful consultation with the local authorities*", the Applicant wishes to highlight its comments on this in its Deadline 1 submission *Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (including written submissions of oral case)* [REP1-009].

3.19.12. First, the EMP that is currently before the examination is a draft of the proposed 'first iteration' EMP, which would be certified for the purposes of the DCO should the DCO be made. The only way that certified first iteration EMP could be amended subsequently is by way of an amendment to the DCO, which would require Secretary of State approval. This would, in effect, be by way of a new DCO application.

3.19.13. Secondly, a 'second iteration' EMP (i.e. that subject to Secretary of State approval) could only be amended by the Applicant in certain circumstances relating to minor changes as set out in article 53 of the draft DCO (a revised version of which has been submitted at this Deadline 2). Any proposed changes that don't meet the specific criteria could only be approved by the Secretary of State.

- 3.19.14. In addition, the Applicant considered the various comments and concerns raised on this point at Issue Specific Hearing 2 and has proposed wording in the revised draft DCO at article 53 to seek to deal with these. In effect, where the Applicant proposes to determine an amendment to a second iteration EMP itself, it must notify the Secretary of State to give them an opportunity to 'call-in' that determination, before it takes effect. The Applicant considers that this should provide sufficient comfort and oversight of its determination role in this context.
- 3.19.15. It should also be noted that in either circumstance, consultees must be consulted prior to any change having effect, as also secured by article 53 of the draft DCO.

Highway design – paragraph 7.4

- 3.19.16. The Applicant notes the comments made by Durham County Council in paragraph 7.4 around engagement between the parties as to the highway design of various elements of the Project that are of interest to Durham County Council, amongst other things.
- 3.19.17. The Applicant confirms that it fully intends to continue engagement with Durham County Council on all of these matters, with a view to reaching agreement that will be recorded in the Statement of Common Ground at a future examination deadline
- 3.19.18. It is intended that appropriate aspects of this agreement would be contained in a legal agreement between the Applicant and Durham County Council. The Applicant's aim is for this to be completed by the end of the examination.
- 3.19.19. As set out in the Applicant's *Response to Relevant Representations Part 4 of 4* (PDL-013), there is no need for a separate side roads order under section 14 of the Highways Act 1980 as the DCO will contain all the necessary powers that would ordinarily be covered by such an order. For example, article 40 of the DCO provides for the classification of roads as set out in Schedule 7 to the DCO. That Schedule refers to the classification of roads plans (Document Reference 5.20, APP-350 to APP-356) and also includes descriptions of roads to be de-trunked, with reference to the de-trunking plans (Document Reference 5.21, APP-357 to APP-363). Similar provisions also relate to stoppings-up and maintenance matters.
- 3.19.20. It should be noted that the Planning Act 2008, at section 33(4), provides that a separate side roads order *cannot* be made where a DCO is required to authorise highways development.

4. North Yorkshire County Council and Richmondshire District Council

4.1. Introduction

Overview

- 4.1.1. This section sets out National Highways comments on the overview provided at paragraphs 1.1 and 1.2 of the LIR.

National Highways Comments

- 4.1.2. The Introduction sections are set out at paragraphs 1.1 and 1.2 of the North Yorkshire County Council and Richmondshire District Council LIR (NYCC and RDC LIR).
- 4.1.3. National Highways note the strong support for the principle of dualling the remaining carriageway sections of the A66 between Penrith and Scotch Corner as well as the proposed improvements to junctions in North Yorkshire at Scotch Corner and between Stephen Bank to Carkin Moor

4.2. Scope

Overview

- 4.2.1. This section sets out National Highways' comments on the scope of the LIR as is reported in paragraphs 2.1 to 2.8.

National Highways Comments

- 4.2.2. National Highways note that NYCC and RDC set out the scope of the LIR and its purpose and structure at pages 3 and 4 and also note the references to the Statement of Common Ground with National Highways within this section.

4.3. Planning Policy

Overview

- 4.3.1. This section provides National Highways' comments on the planning policy commentary provided in paragraphs 3.1 to 3.10 of the Local Impact Report.

National Highways Comments

- 4.3.2. At Section 3 of the LIR, NYCC and RDC set out the national and local planning policies the Authorities consider relevant to the DCO Application.
- 4.3.3. National Highways considers that this section of the LIR provides an appropriate overview of local policy and relevant local documents for North Yorkshire County Council (NYCC) and Richmondshire District Council (RDC).
- 4.3.4. The Legislation and Policy Compliance Statement (LPCS) (APP 242), submitted with the DCO application, provide an assessment of the

Project against relevant legislation and policy (national and local) in line with the requirements of the Planning Act 2008. The PA 2008 requires that an application for a DCO is determined in accordance with the relevant National Policy Statement ('NPS'). In this case the National Networks NPS (NNNPS) is the relevant NPS and therefore the primary basis for decision making. The applicant has carefully considered the policy requirements and referenced legal obligations set out in the NNNPS, including the Habitats Regulations and Water Framework Directive ('WFD'), within the LPCS.

- 4.3.5. In addition, the LPCS sets out and discusses 'other matters which the SoS [may] think are both important and relevant to its decision' on the DCO application (section 104(2) (d) of the PA 2008). This includes the Project's conformity with the adopted development plan policies, as defined by section 38(6) of the Planning and Compulsory Purchase Act 2004, including development plan policies of NYCC and RDC and the NPPF. The Project's conformity with their adopted development plans and other local strategies and plans of the local authorities, which may be relevant to the decision making has been considered as part of the LPCS.
- 4.3.6. With respect to the relevant development plan policies within RDC that are referenced we confirm that they are addressed in Appendix D Local Policy Accordance Table of the LPCS as follow:
- Spatial principle SP3 Rural Sustainability: how the project conforms with this policy is set out in Appendix D (page 331) and concludes that *"the A66 and the proposed scheme upgrades offer the opportunity to complement the overall North Richmondshire Spatial strategy including its proximity to the Primary Service Villages which share a close geographical relationship to the A66"*.
 - Spatial Principle SP5 The scale and distribution of Economic Development: how the project conforms with this policy is set out in Appendix D (page 331) and concludes that *"the Project offers the opportunity to act as a catalyst for future economic development within its vicinity."*
 - Core Policy CP2 Responding to Climate Change: how the project conforms with this policy is set out in Appendix D (page 334) and concludes that *"the Project has taken into account the opportunity to be adaptable to climate change through its design"*.
 - Core Policy CP4 Supporting Sites for development: the project accords with this policy through improving the road network which supports further economic development and employment and housing development. This is one of the objectives of Government for development of the national road network, as confirmed in NNNPS paragraph 2.22.
 - Core Policy CP7 Promoting a sustainable economy: how the project conforms with this policy is set out in Appendix D (page 339) and

concludes *“the proposed dualling of the A66 will conform with Core Policy CP7, Promoting a Sustainable Economy due to the development promoting the key economic sector of tourism, due to the heavy traffic travelling to the Lake District and further afield.”*

- Core Policy CP9 Supporting Town and Local Centres: the project accords with the policy through supporting the economic growth objectives of the Northern Powerhouse, which include joining up the North's great towns, cities and counties, pooling their strengths, and tackling major barriers to productivity to unleash the full economic potential of the North
- Core Policy CP10 Developing Tourism: The project conforms with the policy as Journeys will become more reliable, and access will be improved to key tourist destinations, such as the North Pennines and Lake District and tourism facilities such as Centre Parks. While all journeys to these destinations and facilities are not exclusively served via the A66, a significant portion of these journeys are currently made along this route, and as the road improves, this is expected to increase, with perception of the improved route attracting more tourism related users (see Case for the Project – page 233 (APP-008))
- Core Policy CP12 Conserving and Enhancing Environmental and Historic Assets: how the project conforms with this policy is set out in Appendix D (page 340) of the LPCS and concludes *“based on the Project design and associated construction activities, the Project has the potential to impact upon Cultural Heritage during both construction and operation. However, with the implementation of the essential mitigation identified in section 8.8 of Chapter 8 (Cultural Heritage) in the ES, the residual effects of the Project design is considered moderately adverse to minorly adverse on heritage assets.”* With respect to landscape mitigation it concludes that *“Landscape mitigation for the Project seeks to replace lost features where practicable and to ameliorate or offset impacts on landscape character”*.
- Core Policy CP13 Promoting High Quality Design: how the project conforms with this policy is set out in Appendix D (page 345) and concludes *“the Project incorporates high quality design principles and meets the requirements of Core Policy CP13”*. Core Policy CP14 Providing and Delivering Infrastructure: how the project conforms with this policy is set out in Appendix D (page 347) and concludes *“that the development conforms with the policy in so far that it is providing infrastructure which will serve other developments and the local economy, whilst ensuring that any adverse impacts arising from the provision of this new infrastructure is minimised”*.

4.3.7. With respect to the relevant policies of the Minerals and Waste Joint Plan in the NYCC area we confirm that they are addressed in Appendix D Local Policy Accordance Table of the LPCS (APP-242) at paragraphs

4.11.4 – 4.11.15 and in Appendix C – County Policy Context Conformity Table (pages 241-244)

- 4.3.8. Paragraph 3.10 refers principally to guidance and strategies of Strategic and Local Environmental Bodies, such as the Environment Agency, Natural England and the Wildlife Trust. These have been taken into account in relation to specific topics of the Environmental Statement (Document Reference 3.2, APP-044 to APP-059), where relevant and appropriate to that topic.

4.4. Assessment of Impacts

Overview

- 4.4.1. Section 4, page 6 of the LIR confirms the structure of the subsequent sections of the LIR, which identify the relevant national and local planning policies and how the Authorities consider the Application accords with them. Those sections also consider the adequacy of the assessment for each identified subject area and any potential impacts.

National Highways have no comments on this section.

4.5. Description of the Area

Overview

- 4.5.1. This section provides National Highways comments on the description of the Area provided by the Authorities in paragraphs 5.1 to 5.15 of the Local Impact Report.

National Highways Comments

- 4.5.2. Section 5 of the LIR confirms that there are two schemes within the NYCC and RDC administrative areas including: Stephen Bank to Carkin Moor proposals and A1(M) junction 53 Scotch Corner proposals. It then provides a description of the area.

National Highways considers that the description provided by NYCC and RDC provides an appropriate summary of the Project and its surroundings.

4.6. Local Highways Authority Overview

Overview

- 4.6.1. This section sets out National Highways' comments on the overview provided by the Local Highways Authority at 6.1 to 6.4 of the Local Impact Report.

National Highways Comments

- 4.6.2. Section 6 of the Local Impact Report summaries the views of the Local Highways Authority including confirmation of support for the principle of the Project and the opportunity to improve connectivity within and out of

the county district. It sets out a number of benefits and also negative impacts that the Authority consider could be further mitigated.

- 4.6.3. National Highways welcomes NYCC and RDC support for the proposed dualling of the A66 and agrees that the A66 NTP has the potential to bring about a number of benefits to North Yorkshire, including those listed at paragraph 6.4.
- 4.6.4. Paragraph 6.2: is concerned with Project Speed, which NYCC and RDC consider has resulted in an application that has been submitted against extremely tight deadlines. The impact of Project Speed on the preparation of the DCO application has been addressed through responses to relevant representations of Cumbria County Council (p 59 of the Applicant's Response to Relevant Representations – Part 4 of 4). This is reproduced below:
- 4.6.5. *'As described in section 1.4 of the Case for the Project (Document Reference 2.2, APP-008) Project Speed is a Government initiative not only "to bring forward proposals to deliver public investment projects more strategically and efficiently" but also "to cut down the time it takes to design, develop, and deliver the right things better and faster than before". There are positive initiatives taken to achieve this such as "regular and early engagement with the Planning Inspectorate ('PINs'), Local Authorities ('LA's) and Statutory Environmental Bodies ('SEBs') (with a focus on design and stakeholder issues)". This has involved sharing emerging design and findings from assessments with the LAs and SEBs during the pre-application stage and obtaining LA and SEB specialist advice and local knowledge to inform the mitigation measures that are needed to address the negative impacts of the Project. Nevertheless, as would be expected of a DCO Project of this scale and complexity the dialogue on design and mitigation continues during (and as part of) the Examination'.*
- 4.6.6. Paragraph 6.3 sets out NYCC's and RDC's concern 'that there are some negative impacts of the Scheme that could have been further mitigated with time for more consultation. The Authorities hope that the examination process can be used to agree additional mitigation to reduce negative impacts.' This has been addressed through responses to relevant representations of Cumbria County Council (p 66 of the Applicant's Response to Relevant Representations (part 4 of 4) (Document Reference 6.5, PDL-013)). This is reproduced below:
- 4.6.7. *'The likely significant effects of the Project on the environment have been assessed and reported in the Environmental Statement (Document Reference 3.1 and 3.2, APP-043 to APP-059). As part of this, required mitigation has been identified. The delivery of this mitigation is secured through the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) and Project Design Principles (PDP) (Document Reference 5.11, APP-302), compliance with which is secured by the DCO. The Illustrative Environmental Mitigation Plans (Document Reference 2.8, APP-041) set out the indicative proposals for environmental mitigation across the Project.*

- 4.6.8. National Highways acknowledge the potential benefits to North Yorkshire identified in paragraph 6.4, and the key areas the Authorities consider require further development throughout the examination and detailed design stages.

4.7. Detailed Design

Overview

- 4.7.1. This section sets out National Highways' comments on the detailed design topic reported in paragraph 7.1 of the Local Impact Report.

National Highways Comments

- 4.7.2. Section 7 of the LIR notes that improvements between Stephen Bank and Carkin Moor have the potential to deliver significant benefits to journey times. It goes on to confirm that the Council expect that clear and effective junction configurations should be developed, not just on the newly dualled section but also the existing junctions on the route. It then states that "*the Authorities consider that the scheme should see greater junction safety and legibility*" (paragraph 7.1).
- 4.7.3. National Highways welcomes the support of NYCC and RDC for the proposed improvements to the A66 between Stephen Bank and Carkin Moor, including "*significant benefits to journey times that will free up the existing A66 to support all local users and journeys.*"
- 4.7.4. Clear and effective junction configurations will be developed through Detailed Design for existing junctions on the route alongside the newly dualled section of the route between Stephen Bank and Carkin Moor, ensuring the scheme introduces greater junction safety and legibility as highlighted by the Authorities.

4.8. De-trunking

Overview

- 4.8.1. This section sets out National Highways' comments on de-trunking as is reported in paragraphs 8.1 to 8.15 of the Local Impact Report.

National Highways Comments

- 4.8.2. The A66 Northern Trans-Pennine Project (NTP) will provide a continuous dual carriageway between M6 J40 and A1(M) J53, through a combination of on-line widening and local bypasses. The latter will result in lengths of the existing A66 being de-trunked, with these assets to be transferred to either CCC, DCC or NYCC.
- 4.8.3. A working draft of De-trunking Principles Document, was issued by CCC to National Highways and separately by CCC to DCC and NYCC* in April 2022. The North Yorkshire County Council website contains interim guidance note 28, dated March 2022, on commuted sums for maintaining infrastructure assets.

4.8.4. In June 2022, National Highways provided each of the local authorities an inventory of the assets to be de-trunked along with condition reports, where records are available. National Highways requested workshops with the local authorities subject matter experts, accepting that any agreement would need final sign-off by their senior leadership team. The following workshops were held.

Subject	CCC	DCC	NYCC
Structures	10th & 11th Aug 2022	30 June 2022 & 30 Aug 2022 & 16 Sept 2022	18 July 2022 5 Sept 2022 3 Oct 2022
Pavement	4th July & 30 Aug 2022		
Drainage	No Response		
Interface	No Response		
VRS	No Response		
Winter Maintenance	No Response		
Geotechnical	No Response		

4.8.5. The principle areas that are still subject to on-going discussion are as below:

1. Pavement - NYCC have stated verbally that Thin Surfacing Course (TSC) is not permitted for use as a pavement on their network so, regardless of the residual life at handover, it must be replaced with Hot Rolled Asphalt. As this statement appears to contradict NYCC INTERIM GUIDANCE NOTE 28 (dated March 2022), , National Highways has requested written confirmation of this change in policy. National Highway does not consider the replacement of serviceable assets to be acceptable from an environmental, sustainability or financial perspective.
2. Structures - NYCC have stated that waterproofing the masonry arched structure (Mainsgill) is required prior to handover. This is an aged structure that, despite never having been waterproofed is not reported in the bi-annual inspection reports to have any discernible deterioration, so the works are considered to be disproportionate to the benefit due to the need to provide a concrete saddle would needed as an enabler (this is typically only appropriate / justifiable where strengthening is required, which is not applicable in this instance).

National Highways proposal and NYCC response:

4.8.6. The output from the workshops was formalised in the following de-trunking proposals.

Status	CCC (due to quantity, a separate paper was produced for each asset type)		DCC	NYCC
	Element	Date		
Draft – Version 00	Structures	14/09/2022	20/09/2022	5/09/2022
	Pavement	31/08/2022		
	VRS	18/08/2022		
	Drainage	8/09/2022		
	Other assets	21/09/2022		
Draft – Version 01	Structures	20/09/2022		10/10/2022
	Other assets	30/11/2022		
Draft – Version 02				30/11/2022

4.8.7. The above includes pre-requisites to handover of the assets to each local authority, which for NYCC includes, but is not limited to

- i) Commuted sums* for the renewal of elements that are at or nearing (defined as less than half) of their serviceable life. National Highways accepts that, at handover, some assets will be at or nearing (defined as less than half) the end of their serviceable life and it is appropriate that a commuted sum is provided to allow the local authority to fund renewal works at the optimal time for an intervention and not before. Assets, at handover, with more than half of their residual life remaining are expected to be inspected by the local authority and renewal works planned and funded through the uplifted central Government grant.
- ii) Commuted sums* for minor repairs, which are not cost-effective to undertake, but could and should be incorporated into the next significant intervention
- iii) A geotechnical inspection to be carried out 6 months prior to the transfer of asset ownership. Any feature grade 4 or 5 defects will be rectified prior to handover.
- iv) A drainage asset inventory survey shall be carried out, 6 months prior to the transfer of asset ownership, that is in accordance with CS 551 (or if it has been withdrawn its successor) with condition grade assessed at asset level and the output in a format that is compatible with both National Highways and North Yorkshire County Council systems. Prior to handover

- a) All assets with a condition grade of 4 and 5 in accordance with CD535 shall be remediated.
 - b) All gullies shall be cleaned out and gully connections jetted or dig-downs carried out if connections not free running.
 - c) Blockages on main drainage runs to be removed through jetting or dig-downs.
- 4.8.8. In addition to the above, the works proposed by National Highways at the two localised flooding hotspots shall be complete prior to the transfer of asset ownership (assuming lining is feasible).
- v) A certified structural assessment is required as a prerequisite to handover, due to the absence of a HB capacity and the additional loading that will be imparted by the new shared use path (either from the path itself or a revised means of restraint). As this is an existing structure that has supported the highway with no sign of distress the assessment is considered to be a formality but should works be required to bring the load capacity up to a reasonable standard then the completion of these works, or funding in lieu of the works, shall be a prerequisite to handover. Reasonable standard is defined by North Yorkshire County Council as 40t and 30 units of HB
 - vi) The condition of the VRS will be inspected and jointly assessed by a representative from CCC and NH, against the NH condition grading standard SED 02 01-GN04 (see appendix), no greater than six-months prior to the proposed handover date and if its condition is
 - a) Grade 1* - no commuted sum is required.
 - b) Grade 2 or 3* (surface corrosion) – A commuted sum* of ½ the ADEPT value shall be provided, to reflect that it will still have a significant residual life.
 - c) Grade 4 or 5* (moderately / severely corroded) – A commuted sum* of 1 x the ADEPT value shall be provided, to reflect that it will still have a significant residual life
- 4.8.9. * proposed amounts for commuted sums have, where possible, been based on The Association of Directors Environment, Economy Planning and Transport (ADEPT - formerly the County Surveyors Society) which is endorsed by NYCC. For those items that are outside the scope of ADEPT, rates have been based on recent similar local authority schemes. An extract is below for information.
- 4.8.10. NYCC separately appointed the Consultant WSP to provide them with advice on the acceptability of the National Highways proposals, but despite several requests for comments and / or a workshop, it has not been possible to make any progress.

4.9. Diversions and Network Resilience

Overview

- 4.9.1. This section sets out National Highways' comments on the diversions and network resilience topic detailed in paragraphs 9.1 to 9.15 of the LIR.

National Highways Comments

- 4.9.2. Paragraph 9.1 of the LIR acknowledges that the scheme *“has the potential to deliver significant benefits to journey times that will free up the existing A66 to support all local users and journeys.”* It then raises concern that *“during construction it is expected that traffic impacts will be detrimental to the local area.”*
- 4.9.3. Paragraphs 9.2 to 9.5 of the LIR provides a combination of concerns in relation to provision for diversions and alternative routes including; limitations in the current level of detail for the traffic management plans. It acknowledges that Appendix F of the Transport Assessment [Document Reference 3.7, APP-236] does provide a description of proposed diversionary routes around each scheme, but does identify some inconsistencies where Figure 12.9 does not reflect what is shown in Appendix F. National Highways will review any inconsistencies and issue errata where inconsistencies are present.
- 4.9.4. Paragraphs 9.6 to 9.15 of the LIR notes the requirements for ongoing consultation with the Local Authorities and acknowledge that the level of detail required to agree local routes and closures will not be anticipated before the end of the examination. National Highways are in agreement with these positions.
- 4.9.5. Paragraphs 9.8 to 9.15 of the LIR also provide the key metrics of concern that the Local Highways Authority would expect to be covered in the assessment of the schemes diversion routes as set out in paragraph 9.9 and then the subsequent Paragraphs provide scheme specific areas of concern, including scheme 09 diversion length, a request to undertake the reassessment of all bridges, the Scheme 11 diversion through the village of Middleton Tyas and the rat run through the villages of East and West Layton. National Highways are in agreement with NYCC and RDC that further detail and information is required in the CTMP during detailed design including consideration of any reassessment activities required prior to handover in order to mitigate risks and further consultation is required during detailed design to ensure diversions are appropriate.
- 4.9.6. National Highways also agree with the statement in paragraph 9.15 of the LIR that *“prior to construction, the LHA must agree a set of diversion routes with the Applicant, alongside any remedial works required to make those routes satisfactory within the planning limitations and agree the strategic operational diversion once the scheme is opened.”* National Highways will continue to work with NYCC and RDC to progress traffic management plans during the detailed design stage as also outlined in the National Highways response to Relevant Reps pages 98 and 99 (Document Reference 6.5, PDL-013).

4.10. Active Travel

Overview

- 4.10.1. This section provides National Highways' comments on the Active Travel topic set out at paragraphs 10.1 and 10.2 of the Local Impact Report.

National Highways Comments

- 4.10.2. Section 10 of the LIR states that *"the scheme should seek to improve north-south connectivity where the existing PRow network has been severed by the A66 in the past."* It confirms that *"the Council will continue to work with the applicant to ensure that Schemes 09 and 11 enhance local routes and connectivity for walkers, cyclists and horse riders in North Yorkshire."*
- 4.10.3. At paragraph 10.2 The Council states that it *"...supports an offline route strategy for walking and cycling between M6 and A1(M) as an important endeavour for this scheme, that will bring a meaningful benefit for connecting local communities and other road users. In particular the Authorities consider that the scheme should seek to support delivery of a Scotch Corner to Penrith "off A66" route suitable for walking and cycling. This would include enhancements along the de-trunked sections of the A66."*
- 4.10.4. National Highways welcomes the support of NYCC and RDC for the proposed walking, cycling and horse-riding strategy for the Project and will continue to work with both Authorities in the development of the proposed WCH routes for Schemes 09 (Stephen Bank to Carkin Moor). As per the response to RR-122 in the Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013, page 100), it is proposed to retain the existing WCH provision at Scheme 11 (A1(M) Junction 53 Scotch Corner).
- 4.10.5. Reference should be made to the Walking, Cycling and Horse-Riding Proposals (APP-010) and the Rights of Way and Access Plans (Document Reference 5.19, APP-348 and APP-349) which sets out details of the proposed north-south and east-west connectivity for Schemes 9 and 11 respectively. Environmental Statement Chapter 13 Population and Human Health (Document Reference 3.2, APP-056). Section 13.9 provides further information as to how the severance of communities has been addressed and local routes and connectivity have been enhanced.

4.11. Drainage Strategy

Overview

- 4.11.1. This section provides National Highways' comments on the drainage strategy topic set out in paragraph 11.1 of the Local Impact Report.

National Highways Comment

- 4.11.2. The LIR states the following in regard to the Drainage Strategy: *“A drainage review should consider the combining of drainage ponds to reduce costs / land take, along with rationalising of the maintenance of the drainage ponds to be owned by the Council. The current drainage strategy submitted as part of the DCO, gives concern to NYCC, over the existing flooding of the A66 which is to be de-trunked and therefore the responsibility of the Council. This issue remains unresolved.”*
- 4.11.3. National Highways considers that these matters are addressed on Page 98 and Page 100 of the following document: 6.5 Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013).
- 4.11.4. National Highways recognise there may be efficiencies in combining the proposed ponds and this will be considered as part of our detailed design work. This may involve amendments to current indicative pond locations and/or shape within the DCO Order Limits and in accordance with the Project Design Principles (Document Reference 5.11, APP-302) (as permitted by the DCO) to better fit the existing landscape including field patterns.
- 4.11.5. There are numerous incidents of flooding to the existing A66 (identified on HADDMS – National Highways trunk road database) that do not directly affect the proposed dual carriageway but affect de-trunked sections of road. These shall be further investigated during future design stages and the drainage design refined where necessary, to satisfy the de-trunking requirements agreed between NH and the Local Authority. Flood risk in these areas is not increased as a result of the proposed scheme.
- National Highways will continue to engage with NYCC and RDC on these points, which will be documented within the Statement of Common Ground (SoCG) (Document Reference 4.5, APP-281).

4.12. HGVs

Overview

- 4.12.1. This section sets out National Highways' comments on HGVs as is reported in paragraphs 12.1 and 12.2 of the Local Impact Report.

National Highways comments

- 4.12.2. Section 12 of the LIR notes that Cumbria County Council and Eden District Council commissioned a study on the impact of the scheme on HGVs on the A66 and surrounding routes. The LIR states that *“Whilst the majority of the impact report falls outside of the administrative Boundary of North Yorkshire it is considered helpful to the Examining Authority to summarise the findings of the initial work and state that the Authorities fully support the endeavours of our neighbouring Authorities to ensure adequate HGV facilities across the route.”* The LIR goes on to summarise the impacts and issues raised by the study.

- 4.12.3. National Highways acknowledge there may be demand for improved HGV facilities along the A66, but we consider this to be outside the current scope of the A66 NTP project. We can confirm that laybys in both the eastbound and westbound directions have been proposed in the preliminary design for Scheme 09 in accordance with DMRB standards. This provision is a like for like replacement. The General Arrangement Drawings (Document Reference 2.5, APP-017) show where proposed replacement laybys are located.
- 4.12.4. National Highways have commissioned a study through the Customer, Strategy and Communications Directorate to identify interventions to improve the service we provide to our freight customers on the A66 Northern Trans-Pennine (NTP) route however this is separate from the A66 NTP project. A key driver for the NTP project is improving strategic regional and national connectivity, particularly for hauliers.
- 4.12.5. Communities situated on unofficial A66 diversion routes welcome interventions that support the mitigation of high volumes of freight traffic on local roads and there is concern amongst residents that HGVs will use inappropriate diversions both during project construction and during disruption on the A66.
- 4.12.6. The study will identify solutions to mitigate HGV incidents, improve diversion routes and reduce the impact of illegal / antisocial HGV parking. The study will produce recommendations for implementation both during and post-construction of the A66 NTP project, however some recommendations may be made on the already dualled sections of the A66. Interventions may be required on other routes approaching / near to the A66 and will not necessarily be physical in nature. Provision of new freight facilities along the A66 is outside the project scope however the project will identify any existing facilities that could be improved to mitigate problems with HGV parking.
- 4.12.7. Interventions will be identified and prioritised based on deliverability, the expected costs / benefits as well as their impact on the A66 Northern Trans-Pennine project programme.
- 4.12.8. Potential activities include: improving existing facilities, information provision by VMS (including the installation of new MS4s), better signing of diversions (including HGV restrictions), root-cause analysis of incidents and measures to improve customer experience at laybys. The study will also understand key issues impacting Kirkby Stephen (during construction and operation), review the effectiveness of the current HGV ban and proposing enhancements, review signage to deter HGVs using A685 and an analysis of the current traffic modelling.
- 4.12.9. Engagement with all the local authorities is being undertaken as part of this survey and began in December 2022.
- 4.12.10. This study is a feasibility study, expected to be completed in February 2023. It is anticipated that this study will seek further future bids to the Users and Communities designated fund, particularly the freight and roadside facilities themes. The A66 Northern Trans-Pennine Project integrated project team will be working closely with the team undertaking

the study in order to understand any potential impact on the A66 NTP project and where findings from the study can be applied to the project.

- 4.12.11. The study will take into consideration the issues raised within the LIR. The study has already undertaken analysis of existing facilities and has undertaken surveys to ascertain usage of these facilities as well as analysing forecasted growth; the study will go some way to addressing most points in paragraph 12.2. The study will continue to engage with local authorities and interested parties throughout its development. There is currently a £20m lorry parking improvement fund that is available to improve existing facilities up until March 2025.

4.13. Scheme 9 – Moor Lane

Overview

- 4.13.1. This section sets out National Highways comments on Scheme 9-Moor Lane as set out in paragraphs 13.1 to 13.7 of the Local Impact Report.

National Highways Comments

- 4.13.2. Section 13 of the LIR highlights that East Layton Parish Council have continued concerns regarding the use of Moor Lane and the potential for increased traffic in the village both during construction and after scheme completion.
- 4.13.3. National Highways acknowledges NYCC relaying representations made by residents of East Layton regarding traffic in the village. National Highways welcomes the Authorities' acknowledgement that it is expected that the proposed scheme will lead to improvements in the village.
- 4.13.4. Paragraph 13.3 of the LIR notes that *“there are concerns expressed that scheme stops short of Winston Crossroads to the east of Moor Lane, which is an at grade crossroads junction with central reserve gap on the existing dual carriageway section of the A66.”* Chapter 8.1 of Transport Assessment (Document Reference 3.7, APP-236) contains details of the impact of the Scheme, including the proposed junction at Moor Lane, on the Local Roads around East Layton. Figure 8-24 shows that East of East Layton on West Lane, there is a 63 vehicle AADT increase. To the west of East Layton on West Lane there is a -33 vehicle Average Annual Daily Traffic (AADT) decrease. The increase on Moor Lane itself is forecast to be 101 vehicles. It should be recognised that these changes in traffic flows are very small. 100 vehicles per day is equivalent to around 10 vehicles per hour, or 1 vehicle every 6 minutes.
- 4.13.5. Considering the overall change on the local road network due to the Project, these are mostly small (less than 500 vehicles per hour, which corresponds to less than 1 vehicle per minute). In many cases, reductions in flow occur on the local roads because traffic is drawn to the A66 for more of its journey such that advantage is taken of the higher speeds. This is because the dual A66 adds around 15-20mph compared to the speed on the unimproved single carriageway. This reassignment of traffic to higher standard roads, with better safety records (i.e. the

upgraded A66) leads to the overall improvement in safety. 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.

- 4.13.6. In response to paragraph 13.4, regarding the proposed TCPA application for construction related works, National Highways can confirm that there are currently no proposals to retain the proposed temporary works roundabout in the permanent design.
- 4.13.7. Paragraph 13.4 to 13.7 refer to discussions held between the DIPS and the Authorities regarding a proposed Town and Country Planning Application for construction related works. The LIR notes that *“whilst it is understood that the application has been brought forward under TCPA to facilitate early preparatory works, the application will need to be considered closely with the DCO application to ensure traffic and environmental impacts are cumulatively assessed where appropriate.”* (Paragraph 13.7).

4.14. Socio Economic Impact

Overview

- 4.14.1. This section provides National Highways comments on the socio-economic impact topic, set out in paragraphs 14.1 and 14.2 of the Local Impact Report.

National Highways Comments

- 4.14.2. Section 14 of the LIR acknowledges that *“the scheme will bring positive economic benefits in terms of supporting growth, but the Councils wish to see National Highways maximise the opportunities for local businesses and people to secure contracts and work on the project.”*(Paragraph 14.1). Paragraph 14.2 goes on to note that: *“The Authorities consider that strategies relating to skills and employment, business support and worker accommodation need to be developed by National Highways to support local opportunities and training, maximise the benefits for the local economy. Areas on the route in Cumbria and Eden specifically will be affected by the high accommodation need and the Authorities support Cumbria and Eden Councils in their pursuit of effective accommodation strategies.”*
- 4.14.3. National Highways agree that strategies relating to skills and employment, business support and worker accommodation need to be developed to support local opportunities and training, maximise the benefits for the local economy. In response National Highways can confirm that Annex B12 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-032) provides an outline Skills and Employment Strategy, which will set out measures to upskill and maximise the use of a local workforce and supply chains. Annex B10 of the EMP (Document Reference 2.7, APP-030) provides an outline

Construction Worker Travel and Accommodation Plan, which will be developed in consultation with the Local Planning Authorities. It will ensure that additional demand created by non-home-based workers does not place excessive pressure on the local housing market and visitor accommodation supply. Both documents will be produced in consultation with the Local Planning Authorities during detailed design.

4.15. Landscape

Overview

- 4.15.1. This section provides National Highways comments on the Landscape topic, set out at paragraphs 15.1 to 15.35 of the Local Impact Report.

National Highways Comments

- 4.15.2. Paragraphs 15.1 to 15.15 covering the Landscape policies, commentary and visual effects are duly noted and National highways has no further comments.
- 4.15.3. Paragraph 15.16 of the LIR notes that: *“the Application includes Indicative Site Clearance Boundary drawings (Figure 2.2) which show indicative site clearance areas. These suggest potential for indiscriminate removal of notable landscape features, notable trees and hedgerows within the general DCO Application Area and general construction working areas. It is not clear how the detailed design or construction working could be adjusted to prevent unnecessary removal.”*
- 4.15.4. National Highways can confirm that important individual trees to be protected within the order limits are shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041). Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (Document Reference 7.3, 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.
- 4.15.5. Paragraph 15.17 of the LIR states that: *“The Application does not include a detailed topographical survey, tree survey or Arboricultural Impact Assessment. The Authorities would typically expect to see these within an Application at this stage in order to understand the scale of likely effects and to guide sufficient design and mitigation proposals.”*
- 4.15.6. National Highways refer to the Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (Document Reference 7.3, 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 Arboricultural Impact Assessment 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.
- 4.15.7. Paragraph 15.18 of the LIR notes that it is not clear or evident in the application that the design of structures has undergone an aesthetic review.
- 4.15.8. National Highways can confirm that within the Project Design Principles document (Document Reference 5.11, APP-302) are a series of Design Principles which set out the aesthetic, design and contextual integration parameters for these structures. The Design Principles were developed in collaboration with the Scheme Design leads/engineers. The relevant Design Principles in the Project Design Principles (Document Reference 5.11, APP-302) in this regard are Design Principles LI03-LI08.
- 4.15.9. Paragraph 15.19 of the LIR refers to the Works Plans and Engineering Sections Drawings and that it is considered by the Authorities that these provide a standard engineering approach based on alignment of a road centre line with 1:3 embankments and cuttings proposed through this scheme section. It concludes that *“there are no specific proposals to explain how the engineered scheme would be better designed and integrated with local landform.”*
- 4.15.10. In response National Highways refers to the Environmental Mitigation Plans (Document Reference 2.8, APP 041), which illustratively show the landscape integration earthworks and associated gradients, overlaid upon these General Arrangements /engineering layouts. These are cross referenced with appropriate Design Principles in the Project Design Principles (Document Reference 5.11, APP-302).
- 4.15.11. Paragraphs 15.20 and 15.21 note that there are a number of significant proposed engineered structures within the scheme that are likely to be visible from sensitive receptors and that such structures are not currently a notable feature of the existing A66. The Authorities request *“further clarification of these within the Application at this stage, to explain how good design and aesthetics would be achieved, sensitive to the setting and location.”*
- 4.15.12. National Highways can confirm that integration of such structures has been central to the context informed design approach set out in the Project Design Principles (Document Reference 5.11, APP-302). Most notably Design Principles LI02-LI10 within that document set out the design approach which is to be used to secure sensitive design and landscape integration of such structures in relation to their context and receptors.
- 4.15.13. We note the requirement for further information and clarification as to the visual appearance of such structures in their context. As part of our post hearing note to the ExA following the Issue Specific Hearings in November/December 2022, we have committed to producing a number of illustrative visualisations, to be submitted at Deadline 4, showing key structures such as the viaducts at Trout Beck, Cringle Beck and Moor Beck, in their landscape context and from key vantage points/representing the likely visual experience of sensitive receptors

(REP1-009, Agenda Item 3.1, pg 29 – 32). These visualisations will provide an interpretation of the Design Principles set out in the Project Design Principles (Document Reference 5.11, APP-302) and of the current design information, and will enable to the scale, form, geometry and potential materiality of such structures to be understood in their landscape context.

- 4.15.14. Paragraph 15.22 states that *“current photomontages do not fully explain likely extent of adverse effects (worst case) and views of key engineered structures, including view from the road (e.g. photomontage 9.8 is poorly located).”*
- 4.15.15. National Highways considers that these points are addressed in the Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (Document Reference 7.3, REP1-009) agenda item 3.1.
- 4.15.16. Paragraph 15.23 states that *“a clear landscape strategy has not been submitted with the Application. The Application does include illustrative layouts of some landscape and visual mitigation which are shown on the visual Environmental Mitigation Maps (Document Reference 2.8, APP-041). However, these are illustrative layouts at a large scale, not intended to be secured by the DCO (ES 2.7.4).”* The Application is supported with a suite of documents which articulate the landscape strategy, the Project Design Report (Document Reference 2.3, APP 009), the Project Design Principles (Document Reference 5.11, APP-302) and the Landscape and Ecological Management Plan (Document Reference 2.7, APP-021). See further commentary on this below.
- 4.15.17. National Highways consider that whilst the Environmental Mitigation Maps (Document Reference 2.8, APP-041) are indeed illustrative, they are consistent with the Design Principles in the Project Design Principles (Document Reference 5.11, APP-302), which is a certified DCO document setting out the design commitments that will be required of the contractors delivering the schemes which make up the Project.
- 4.15.18. The Authorities consider that the Application does not explain how the wider green infrastructure and public amenity benefits would be incorporated as identified by relevant national and local policy standards (paragraph 15.24).
- 4.15.19. National Highways note that wider green infrastructure connectivity, opportunity and benefits in terms of matters such as functionality, ecological connectivity and environmental resilience are set out in Design Principles GB01-GB03 within the Project Design Principles (Document Reference 5.11, APP-302). These Design Principles also complement those in relation to landscape character, integration and cultural heritage set out within Theme A of the Project Design Principles (Document Reference 5.11, APP-302) – an integrated, multi-functional, landscape scale and green infrastructure informed design approach.
- 4.15.20. Paragraph 15.25 goes on to state that *“at this stage it is not clear how and when the detailed landscape design, drawn plans and specification will be provided and agreed, to ensure that this will deliver sufficient mitigation.”*

- 4.15.21. National Highways can confirm that these matters were discussed during the Issue Specific Hearings. Please see pages 19-25 of the applicant's post-hearing submissions (REP1-009) which sets out that matters relating to landscape design will be secured in a second iteration of the Environmental Management Plan (Document Reference 2.7, APP-019) which must be approved by the Secretary of State).
- 4.15.22. Paragraph 15.26 of the LIR lists out particular areas of concern the Authorities have with the landscape strategy and mitigation proposals in the DCO application, which are listed a – f and copied below. We set out our responses to each of these points, and with reference to the relevant Design Principles set out within the certified DCO deliverable Project Design Principles (Document Reference 5.11, APP-302):
- 4.15.23. a) *“Integration, design and aesthetics of engineered structures; not explained”* National Highways refer to Design Principles LI02-LI08 in the Project Design Principles (Document Reference 5.11, APP-302) which explain the approach to these.
- 4.15.24. b) *“Integration of wider Green Infrastructure and public amenity benefits including recreational access and PROW strategy (how this links to the wider network).”* Please see the Design Principles GB01-GB03 which addresses green and blue infrastructure aspects. Specific principles in relation to recreational/ProW access and connectivity are addressed in the individual scheme-specific Design Principles contained within Section 4 of the Project Design Principles (Document Reference 5.11, APP-302):
- 4.15.25. c) *“Integration of the visibly open sections of the scheme and potential appearance of engineered structures (cuttings, embankments, structures and drainage ponds – e.g. mitigation area around Catkin Moor Fort, but includes other areas along this section of the route).”* Please refer to response to a) above. In addition, landscape integration principles for such structures and elements are set out in the other Landscape Integration (LI) Design Principles set out under Theme A in the Project Design Principles (Document Reference 5.11, APP-302):
- 4.15.26. d) *“Insufficient space within parts of the scheme Development Limits needed to deliver screen planting and other mitigation (e.g. northern scheme boundary near View Points 9.2 and 9.6).”* National Highways acknowledges the concern raised. National Highways considers the Order limits to be sufficient to incorporate the required planting. The precise location and planting detail will be confirmed during detailed design. Local Authorities will be consulted on the proposed planting set out in the Landscape and Ecology Management Plan (Document Reference 2.7, APP-021), which will be approved by the SoS as part of the second iteration EMP. National Highways will continue to engage with the Council on this point further as part of SoCG discussions.
- 4.15.27. e) *“tree replacement proposals missing (based on the proposed outline scheme, tree survey and Arboricultural Impact Assessment, landscape mitigation strategy)”* Please refer to Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (Document Reference 7.3, REP1-009) agenda item

- 3.5 confirms in the post meeting note the commitment to provide a 'Tree Loss and Compensation Report into the examination by deadline 4.
- 4.15.28. f) *"long term maintenance and management of landscape mitigation (beyond the initial 5 year planting establishment aftercare; including those areas outside the scope of BNG 30 year aftercare)"* in the EMP (Document Reference 2.7, APP-019) REAC commitment D-DB-01 BNG aftercare and monitoring requirements have been outlined as 30 years after construction.
- 4.15.29. Paragraphs 15.27 to 15.30 refer to the Outline Landscape and Ecological Mitigation Plan.
- 4.15.30. National Highways notes the comments made. In respect of the detailed landscape design, commitment ref. D-LV-02 in the first iteration EMP (Document Reference 2.7, APP-019) requires that a detailed landscaping scheme must be prepared, in consultation with certain bodies (including local planning authorities) before being submitted to the Secretary of State for approval as part of a second iteration EMP. This approval must be in place before the start of works and the approved scheme must then be implemented. It is through this mechanism that the detail of landscaping will be secured and this, in effect, takes the place of a 'usual' landscaping design DCO requirement.
- 4.15.31. In addition, please refer to the Project Design Principles document (Document Reference 5.11, APP-302) as this contains much of the detailed information with regard to design principles for landscape integration, for boundary treatments, drainage ponds and hydrological engineering, as well as wider amenity, setting and green infrastructure aspects. As a certified DCO document, the Project Design Principles also set out the commitments that will be required of the contractors implementing the schemes which make up the Project. Compliance with the Project Design Principles is secured through article 54 of the DCO and, indeed, the landscaping scheme mentioned above must also be developed in accordance with this Project Design Principles.
- 4.15.32. Paragraphs 15.31 to 15.32 refer to the adequacy of the draft DCO and the Environmental Management Plans that are secured within Part 5, paragraph 53, particularly having regard to the LEMP and the long-term maintenance and management of landscape mitigation. National Highways commented on this point in its Issue Specific Hearing 2 Post Hearing Submissions (REP1-009), specifically on page 24 onwards. The pertinent points are re-produced below:
- 4.15.33. The first iteration EMP (Document Reference 2.7, APP-019) sets the obligation for a landscaping scheme and the outcomes it must achieve (see Table 3.2 Register of Environmental Actions and Commitments, ref D-LV-02). The commitment specifically references that the landscaping scheme must comply with the Project Design Principles (Document Reference 5.11, APP-302) and describes further what it must include. It also defines the consultation that must be carried out on that landscaping scheme. The landscaping scheme sits alongside the environmental mitigation scheme (commitment D-BD-05), which itself must also be

consulted upon. Commitment D-BD-01 also sets out the obligation to produce a Landscape and Ecological Management Plan (LEMP), which will sit alongside the landscaping scheme, and states that this will *“identify what the landscape and ecology mitigation measures are, how they will be implemented, monitored, maintained and managed; and who will be responsible for ensuring they achieve their stated functions”*. Also relevant are commitments D-LV-03 (regarding the selection of native species and planting stock), and M-LV-01 (regarding the monitoring required of landscape elements post-construction) and M-BD-01/M-BD-03 (which set out the relevant ecological monitoring requirements). At Annex B1 (Document Reference 2.7, APP-021), there is an outline of the LEMP which includes as much information about the landscaping scheme as can be provided at the current preliminary design phase.

- 4.15.34. A second iteration EMP will include, for each part, the detailed landscaping scheme and an updated LEMP for that part. The detailed landscaping scheme will show exactly how and where the planting will occur to meet the landscape commitments in the first Iteration EMP and PDP. The LEMP will be developed with reference to the detailed landscaping scheme, providing specific instructions regarding the planting, monitoring and management of each landscape area/habitat parcel. The second iteration EMP will include information to evidence how the landscaping scheme and the LEMP meet the outcomes specified in the first iteration EMP.
- 4.15.35. A third iteration EMP is not anticipated to provide any further detail to that contained in the second iteration EMP, as the monitoring and maintenance requirements for the landscape scheme will be specified in the second iteration EMP (specifically in the LEMP). At this stage, the third iteration EMP (including the LEMP) will be refined to include the as-built landscaping design drawings and the LEMP will be amended if necessary to reflect the scheme that has been implemented (e.g. if planting is included for a specific screening purpose and the nature/location of that screening changes during construction in response to site conditions, the monitoring and maintenance required for that planting parcel will be updated to reflect what has actually been planted). This will include a record of any minor changes that occurred during the construction stage as reported through the Evaluation of Change Register, which forms Annex E of the 2nd Iteration and 3rd Iteration EMPs.
- 4.15.36. Paragraphs 15.33 to 15.35 of the LIR refer to points relating to article 54 of the DCO. National Highways has responded to both in the ‘Adequacy of the DCO’ section below and those points are not repeated here.

4.16. Ecology and Biodiversity

Overview

- 4.16.1. This section sets out National Highways’ comments on the ecology and biodiversity topic set out at in Section 16, paragraphs 16.1 to 16.36 of the Local Impact Report.

National Highways Comments

- 4.16.2. Section 16 of the LIR sets out the Ecology and Biodiversity matters. Paragraphs 16.1 to 16.3 confirm that NYCC and RDC consider that the relevant national policy concerning ecology and biodiversity has been considered in the submission and that the application accords with the relevant national policy.
- 4.16.3. Paragraphs 16.4 to 16.10 refer to the Richmondshire District Council policy concerning ecology and biodiversity.
- 4.16.4. Section 16 of the LIR then goes on to refer to the conclusions of the ES with specific regard to the Stephen Bank to Carkin Moor scheme and A1(M) Junction 53 Scotch Corner Scheme.
- 4.16.5. Section 16 then refers to the EMP, LEMP and BNG (paragraphs 16.31 to 16.33) and the adequacy of the draft DCO (paragraph 16.36) in respect of ecology and biodiversity.
- 4.16.6. National Highway's notes the comments in relation to relevant national and local planning policy set out at Paragraphs 16.1 to 16.19.
- 4.16.7. In response to paragraphs 16.11 to 16.19 detailed hedgerow data has been provided scheme by scheme within the Hedgerow Technical Appendix 6.4 (Document Reference 3.4, APP-158). This information was used to inform the route-wide assessment on hedgerows provided in Appendix 6.1 (Table 6-3) (Document Reference 3.4, APP-154). Although appropriate provision of additional hedgerow creation to mitigate/compensate loss of hedgerows both in Stephen Bank to Carkin Moor and route-wide are illustrated within the Environmental Mitigation Maps (Document Reference 2.8, APP-041), it is acknowledged that the ratio of habitat replacement provided in Tables 6-19 to 6-12 (Document Reference 3.2, APP-049) and secured in Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05 in the Environmental Management Plan (Document Reference 2.7, APP-019), do not include hedgerows.
- 4.16.8. In response National Highways propose to include the following text in Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05: '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'. Similarly to the habitat replacement ratios detailed in Tables 6-18 to 6-21 (Document Reference 3.2, APP-049), this ratio has been developed using prevailing Natural England Biodiversity Metric guidance (Natural England, 20217). In light of both the provision of hedgerow mitigation/compensation as illustrated within the Environmental Mitigation Maps ((Document Reference 2.8, APP-041) and now secured in Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05 (Document Reference 2.7, APP-019), it is hoped this provides further confirmation to support the assessment of the loss of hedgerows within Stephen Bank to Carkin Moor to be minor

7 Natural England (2021) The Biodiversity Metric 3.0

- with a residual minor benefit, as stated within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049).
- 4.16.9. In response to paragraphs 16.20 to 16.21 please refer to the response above provided for paragraphs 16.11 to 16.19.
- 4.16.10. In response to paragraphs 16.22 to 16.24 the comments are duly noted by National Highways. The Councils will be consulted on subsequent iterations of the EMP and LEMP with further detail relating to the design of ecological mitigation features including greening of bridges as part of the detailed design stage.
- 4.16.11. In response to paragraphs 16.25 and 16.26 the comments are duly noted by National Highways. The Councils will be consulted on subsequent iterations of the EMP and LEMP including further detail on suitable mitigation to avoid adverse impacts on barn owl as a result of traffic collision once in operation.
- 4.16.12. In response to 16.27 the comments are duly noted by National Highways. National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver ecological mitigation measures identified as being required within the ES Biodiversity Chapter 6 (Document Reference 3.2, APP-049). Efforts to further minimise habitat loss and fragmentation, where possible, will continue to be considered during the detailed design stage.
- 4.16.13. In response Paragraphs 16.28 to 16.30 National Highways duly notes the comments.
- 4.16.14. In response to paragraphs 16.31 to 16.33 the Outline LEMP provided as part of the DCO submission (Document Reference 2.7, APP-021) provides the first iteration and a framework for achieving the design objectives and mitigation measures outlined in the Environmental Mitigation Maps (Document Reference 2.8, APP-041). This includes a framework of how specified mitigation measures will be implemented, monitored, maintained and managed which includes outline monitoring proposals for each mitigation element for up to a 30 year period. As set out within the outline LEMP (Paragraph B1.1.4), subsequent to the first iteration of this LEMP, at least two further refined LEMP documents will be developed and will include refined targets and timescales relating to monitoring proposals developed through continued consultation with relevant Local Planning Authorities and Statutory Environmental Bodies. It should also be noted that the Outline LEMP forms part of the Environmental Management Plan (Document Reference 2.7, APP-019), so measures outlined in it are secured under the DCO.
- 4.16.15. In response to paragraphs 16.34 to 16.35 the environmental mitigation design has been developed to ensure that mitigation is provided for impacts on protected species and designated sites, and that replacement habitats are provided for those lost, achieving a minimum of no net loss. Opportunities to maximise biodiversity enhancements have been sought where possible. For example, providing habitat linkages to increase connectivity to areas of semi-natural habitats within the wider area and therefore enhancing and tying into existing green infrastructure networks.

This approach is compliant with the NPSNN, as set out in Table 6-2 within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049), and the NERC Act 2006 through the full regard of all habitats and species of Principle Importance (Document Reference 3.2, APP-049). Whilst biodiversity net gain is not currently a requirement within the policy set out in the NPSNN, opportunities have been sought in order to maximise biodiversity within the footprint of the Project. Ratios for habitat replacement have been based on the prevailing national guidance within the Natural England Biodiversity Metric (Natural England, 2021⁸) and aim to achieve a no-net-loss outcome on a habitat replacement basis (See 6.9.3, ES Chapter 6 Biodiversity, Document Reference 3.2, APP-049).

- 4.16.16. The Defra Biodiversity metric has been used as a tool to inform the environmental mitigation design. The Defra Biodiversity metric will be updated as required to continue to inform design iterations as part of the detailed design stage.
- 4.16.17. In response Paragraph 16.36 National Highways duly notes the comments.

4.17. Cultural Heritage

Overview

- 4.17.1. This section sets out the Authorities comments on the Cultural Heritage topic, which is set out in paragraphs 17.1 to 17.11 of the Local Impact Report.

National Highways Comments

- 4.17.2. Section 17 of the LIR provides the Authorities comments on cultural heritage matters. It refers to local impacts at paragraph 17.1 and 17.2
- 4.17.3. Paragraphs 17.3 to 17.6 acknowledge the Cultural Heritage chapter within the Environmental Statement and that *“all of these assessments have been conducted to the relevant professional standards and provide an adequate baseline from which to assess the impacts of the scheme on heritage assets of archaeological interest.”*
- 4.17.4. Paragraph 17.10 concludes section 17 and states: *“the documentation set out in the DCO represents a reasonable and proportionate assessment of the impact of the proposal on the archaeological resource within the North Yorkshire County Council area of the scheme (NPPF para. 194). The incorrectly titled ‘Detailed Mitigation Strategy’ and relevant sections of the EMP set out the approach to mitigation, which is again reasonable and proportionate. The Authorities would wish to make detailed comments on these documents but appreciate that this might better be achieved through a further written representation or peer to peer with the National Highways project team.”*

The North Yorkshire Comments above are noted and any errors and omissions will be dealt with in a subsequent errata submission. A

⁸ Natural England (2021) The Biodiversity Metric 3.0

response to detailed comments on the relevant sections of the EMP can be made following the Applicant's submission of the updated EMP which will be submitted to the ExA at Deadline 2.

4.18. Environmental Health

Overview

- 4.18.1. This section sets out National Highways' comments on the Environmental Health topic, which is set out in paragraphs 18.1 to 18.6 of the Local Impact Report.

National Highways Comments

Noise and vibration

- 4.18.2. Section 18 Environmental Health refers to relevant legislation and local impacts. Paragraph 18.1 confirms that *"the Authorities have agreed with the proposed assessment methodology which follows DMRB LA 111 and uses the concept of observed effect levels documented in PPGN."* It also confirms that the Authority is satisfied that the Environmental Statement identifies and addresses the relevant aspects in Regulation 10(3) of the EIA Regulations.
- 4.18.3. The Section goes on to refer to the detailed design process and the implications for the noise assessment.
- 4.18.4. It is noted that the Authorities agree with the noise and vibration assessment methodology used in the ES, which follows DMRB LA 111.
- 4.18.5. It is also noted that the Authority is satisfied that the Environmental Statement identifies and addresses the relevant aspects in Regulation 10 (3) of the EIA Regulations.
- 4.18.6. It is noted that the Richmondshire Local Plan Core Strategy, adopted 9 December 2014 policy is Core Policy 4, Supporting sites for development as noted in paragraph 18.3 of the LIR.
- 4.18.7. National Highways are pleased that the Authorities are satisfied that the impacts of the scheme have been identified satisfactorily and are happy to see that diversion routes have been considered as requested in their response to the Statutory Consultation, as noted in paragraph 18.4.

The identified beneficial and adverse likely significant effects are presented in section 12.10 of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055) for the construction and operation of Scheme 9 Stephen Bank to Carkin Moor. It is noted that the ES did not identify any adverse likely significant effects upon nearby non-scheme roads.

- 4.18.8. The assessment of impacts associated with diversion routes during construction is presented in section 12.10 Assessment of likely significant effects of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055) under the 'Diversion routes' section. As noted in the ES, specific mitigation measures for diversion routes will be developed by the

contractor appointed to deliver the Project and in line with EMP (Document Reference 2.7, APP-019) and the associated noise and vibration management plan (Document Reference 2.7, APP-025). Commitment D-GEN-10 of the EMP Register of Environmental Actions and Commitments notes that a CTMP, to be approved by the Secretary of State as part of a second iteration EMP, will set out details of proposed diversion routes, durations of use and proposals for encouraging compliance with designated diversion routes (with consideration for potential noise impacts).

- 4.18.9. Response to paragraph 18.6: The noise assessment reported in the Environmental Statement was based on stated limits of deviation (LoD) for the route and considered the worst case within the LoD, having regard to the established Rochdale envelope approach. Consistent with normal practice, the Project design will be refined post consent, but within the LoD, which were assessed in section 12.5 of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055). Noise and vibration mitigation, implemented through the NVMP, as part of the EMP, amongst other measures, will be developed for approval in parallel with the design development. A second iteration of the EMP will be developed in consultation with stakeholders including Local Authorities and will require approval by the Secretary of State.

4.19. Public Rights of Way

Overview

- 4.19.1. This section sets out National Highways' comments on the Public Rights of Way topic, which is set out in paragraphs 19.1 to 19.17 of the Local Impact Report (LIR).

National Highways Comments

- 4.19.2. National Highways welcomes the Authorities' acknowledgement that the proposed mitigation does much to address the severance of the Public Rights of Way network and road safety issues due to the existing A66.
- 4.19.3. National Highways acknowledge the Authorities' Deadline 1 submission of Written Representations regarding what it says are its requirements for changes to public rights of way (Section 2.0 of REP1-040) and in relation to what are said to be drafting errors in the DCO schedule relating to public rights of way (Section 3.0 of REP1-040). National Highways consideration of the drafting highlighted in the submission is reported in its response to Written Representations (REP1-040).
- 4.19.4. Paragraphs 19.2 through 19.4 of the Authorities' LIR describe the existing public rights of way from the perspective of North Yorkshire County Council, including information about the perceived use of existing facilities. National Highways welcomes this insight from the Authorities.
- 4.19.5. Paragraphs 19.5 through 19.7 of the Authorities' LIR describe the Project proposals between Carkin Moor and Stephen Bank. National Highways agrees that this is an accurate representation of the proposals for

Scheme 09 Stephen Bank to Carkin Moor, however National Highways wishes to re-confirm the following points Public bridleway 20.23/5/1 will be diverted to the new Mains Gill Junction and cross under the proposed A66 and reconnect to Warner Lane via a new equestrian track. Public bridleways 20.30/8/1 and 20.30/9/1 and 20.33/24/1 located directing at the existing Warrener lane junction with the A66 will be connected via a new bridleway underpass under the proposed A66 dual carriageway. National Highway's note that there is no Public Bridleway 20.35/5/1 and assume this is a referencing error in the LIR.

- 4.19.6. Paragraphs 19.8 through 19.15 outline the Authorities' support for the proposals for affected public rights of way and proposed mitigation for Scheme 09 Stephen Bank to Carkin Moor.
- 4.19.7. National Highways note the Authorities' points in paragraph 19.9 of the LIR regarding the potential for some modification of Ravensworth public footpath 20.55/1/1 depending on the detailed design of the junction of the old A66 and Collier Lane. Public footpaths 20.72/1/1 and 20.23/8/1 severed by the proposed dual carriageway will be diverted and re-connected via the new Collier Lane Overbridge.
- 4.19.8. Paragraph 9.13 of the LIR includes the suggestion from the Authorities that the proposed underpass taking Moor Lane under the A66 dual carriageway should incorporate hardened verges on both sides of the road to provide safe passage for pedestrians and less confident horse riders and cyclists. Current design proposals include a single set back bridlepath and footway next to the carriageway. This request will be considered within the constraints of the DCO at detailed design.
- 4.19.9. The Authorities recommend consideration of an additional bridleway link along the north of the dual carriageway to join with the proposed underpass on bridleway 20.23/5/1, to create more options for circular and direct routes and improve the connectivity and usability of the PRoW network (paragraph 19.14 of the LIR). It is noted that this link would be required to cross the Carkin Moor Scheduled Monument and that National Highways have previously considered this link infeasible due to ground conditions and land use constraints and National Highways remains of that view.

4.20. Minerals and Waste

Overview

- 4.20.1. This section sets out National Highways' comments on minerals and waste topic, which is set out in section 20 of the Local Impact Report (LIR). Paragraphs 20.1 to 20.3 of the LIR are duly noted, but National Highways provide further comments on the additional paragraphs below.

National Highways Comments

- 4.20.2. Paragraph 20.4 notes that *"Given that parts of the area are within mineral safeguarding areas a minerals assessment should be undertaken to*

assess the mineral resource to ensure no unnecessary sterilisation of the resource does not take place.”

- 4.20.3. National Highways refers to the minerals assessment that has been completed in the ES including the schemes in North Yorkshire (Stephen Bank to Carkin Moor and A1(M) Junction 53 Scotch Corner). The methodology for the Material Assets and Waste assessment (Document Reference 3.2, APP-054) is based on DMRB LA 110⁹ legislation, policy and other guidance (Section 11.3, section 11.7.7 and section 11.8.36). The safeguarding of mineral resources is a key element of the assessment and mitigation measures have been developed to prevent and reduce sterilisation where possible and to safeguard mineral resources.
- 4.20.4. Paragraph 20.6 notes that *“There are only two sections of the scheme in the NYCC plan area, these are Stephen Bank to Carkin Moor and A1(M) Junction 53 Scotch Corner.”*
- 4.20.5. Paragraph 20.7 states that *“the Application needs to take account of any mineral resource which may be present in a minerals assessment to prevent unnecessary sterilisation, this does not seem to have been adequately assessed or addressed in the Environmental Management Plan.”* National Highways can confirm that the potential impacts of the sterilisation of the existing or future mineral and peat resources have been assessed in the ES in line with DMRB LA 110 which identifies the sterilisation of ≥ 1 mineral safeguarding site constitutes a large significant effect.
- 4.20.6. The assessment has also applied the development control policies identified for mineral safeguarding from the relevant plans including the North Yorkshire County Council's Minerals and Waste Joint Plan.
- 4.20.7. The baseline MSAs and minerals allocations for the Stephen Bank to Carkin Moor and A1(M) Junction 53 Scotch Corner schemes are identified in Table 11.7 in the ES (Application Document 3.2, APP-054) using North Yorkshire County Council data and information provided.
- 4.20.8. There are mineral safeguarding sites including MSAs for both limestone and sand and gravel as well as sites for building stone and a former quarry in the Stephen Bank to Carkin Moor scheme identified in Table 11.7 in the ES (Document Reference 3.2, APP-054). The A1(M) Junction 53 Scotch Corner scheme is adjacent to a limestone MSA in Table 11.7 in the ES (Application Document 3.2, APP-054).
- 4.20.9. The potential impacts to mineral safeguarding sites for the Stephen Bank to Carkin Moor scheme are assessed in Table 11.37 in the ES (Document Reference 3.2, APP-054) using North Yorkshire County Council data and information provided. The potential impacts to mineral safeguarding sites for the A1(M) Junction 53 Scotch Corner scheme are assessed in Table 11.38 in the ES (Document Reference 3.2, APP-054)

⁹ Highways England (2019) DMRB LA 110 Material assets and waste

using information provided by North Yorkshire County Council data and information provided during consultation.

The likelihood of sterilisation and magnitude of effect was qualitatively assigned using professional judgement and where feasible in consultation with the local authority involved in minerals planning matters. Each MSA and allocation was considered to have a value (sensitivity) of Medium, as per the definitions set out in DMRB LA 104 Environmental Assessment and Monitoring (DMRB LA 104¹⁰) and in Chapter 4: EIA Methodology (Document Reference 3.2, APP-056). DMRB LA 104 has also been used to assign impact magnitude of the Project on MSA prior to assessing the potential for significant effects.

- 4.20.10. Several factors were considered such as the extent of land take as a result of each individual scheme, existing land use, the sensitivity of the receptor and any prospective mineral extraction developments. The assessment provides reassurance that no unnecessary sterilisation will take place.
- 4.20.11. In response to Paragraph 20.7 and 20.4 of the LIR, Paragraph 4.20.2 to 4.20.10 of these comments covers the first element of the response and confirms that the minerals assessment provides an adequate and robust assessment of minerals resource. National Highways notes that mineral sterilisation is not included in the Environmental Management Plan (Document Reference 2.7, APP-019). However, the risk of mineral sterilisation is included in the Project Design Principles (PDP) (Document Reference 5.11, APP-302) with a requirement to restrict the further loss of mineral safeguarded sites in Paragraph 8.04. A subsequent update of the PDP (Document Reference 5.11, APP-302) is expected at deadline 3. It should also be noted the Principal Contractors are already restricted by the Order Limits and cannot go beyond them.
- 4.20.12. : Paragraph 20.8 states that *“In terms of waste the key local issue will be locating a local waste management site which would deal with any waste which could not be dealt with on site. Apart from this, the management of the waste generated has been adequately assessed in the Environmental Management Plan and as it would largely be dealt with on site there would be little impact on the surrounding area. Any impact appears to have been adequately addressed and mitigated in the Environmental Management Plan.”*
- 4.20.13. The ES (section 11.6.26 (Document Reference 3.2, APP-054)), Environmental Management Plan (Document Reference 2.7, APP-019) and Site Waste Management Plan (Document Reference 2.7, APP-022 Annex B2 Outline Site Waste Management Plan (SWMP) (Ref: D-MAW-01 section B2.7.15)) have been developed to ensure any waste arising from the Project are used on site or are treated and/or disposed close to the point of generation following the proximity principle. These Waste Management Plans will require the Principal Contractor to identify the appropriate waste management facilities located close to the Project. We

¹⁰ Highways England (2020) Design Manual for Roads and Bridges LA 104 Environmental Assessment and Monitoring

support the comment from NYCC and RCC the management of the waste generated has been adequately assessed in the EMP and mitigated in the EMP, and would have little impact on the surrounding area, is duly noted by National Highways.

4.21. Adequacy of the DCO

Overview

- 4.21.1. This section sets out National Highways' comments on the Adequacy of the DCO topic, which is set out in paragraphs 21.1 to 21.4 of the Local Impact Report (LIR).

National Highways Comments

- 4.21.2. The Applicant notes the comments made by NYCC and RDC in respect of the securing of the Environmental Management Plans (EMPs) via article 53 of the draft DCO, with a specific focus on landscaping.
- 4.21.3. It should be noted that the Outline LEMP contained in Annex B1 (Document Reference 2.7, APP-021) of the first iteration EMP (Document Reference 2.7, APP-019) is very much, as the title indicates, an outline version at this stage, reflecting the fact that there is no detailed design available for the Project at this point in time.
- 4.21.4. In light of this, various commitments are secured in the first iteration EMP in respect of landscaping, not least that a detailed LEMP must be developed in detail in substantial accordance with Annex B1, consulted upon and approved by the Secretary of State as part of a second iteration EMP (see paragraph 1.4.11 of the first iteration EMP, as well as REAC commitments D-GEN-06 and D-BD-01 (in the same document)). A second iteration EMP must be approved and in place prior to works starting – see article 53(1) of the draft DCO.
- 4.21.5. In relation to long-term maintenance of landscape planting, REAC commitment D-BD-01 requires that the detailed LEMP shall set out in detail the maintenance and management required for the landscape scheme, developed in substantial accordance with Annex B1 and ensuring the mitigation set out in the Environment Statement is delivered. REAC commitments M-BD-01, M-BD-03 and M-LV-01 also require monitoring of habitats and landscape planting to ensure their effectiveness in delivering the required mitigation. Further commentary on how landscaping matters would be secured is contained in the Applicant's Deadline 1 submission *Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (including written submissions of oral case)* (REP1-009). Ultimately, the long-term maintenance and management of landscaping would be developed alongside detailed design and secured in the second and third iteration EMPs. As compliance with these EMPs is secured through the DCO (via article 53(6) and (8)), they would be legally binding commitments.
- 4.21.6. The Applicant also notes NYCC and RDC's queries on how article 54(1) would be able to secure the detailed landscape design. The Applicant

considers this point is also answered by the commentary above – namely, that the detailed landscaping designs of the Project would be secured by way of the commitments contained in the first iteration EMP. Indeed, in addition to the commitments cited above relating to the LEMP, the first iteration EMP (at commitment ref. D-LV-02) requires a landscaping scheme to be developed in detail, consulted on and approved by the Secretary of State as part of a second iteration EMP (see paragraph 1.4.11 of the first iteration EMP). As such, detailed landscaping would be primarily secured through the procedures contained in article 53 of DCO and the first iteration, second iteration and third iteration EMPs.

- 4.21.7. Finally, the Applicant also notes the point raised by NYCC and RDC in respect of article 54(2) of the draft DCO and design changes approved by the Secretary of State. Specifically, how the *“materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement”* wording would operate in that context, given the broad scope of the works plans and sections.
- 4.21.8. It should be noted that the baseline in this context are those likely significant environmental effects reported in the Environmental Statement (ES) that accompanied the DCO application. The assessments reported in the ES adopted the accepted ‘Rochdale envelope’ approach. As such, notwithstanding the broadly defined works plans and sections (as is common on highway DCOs and has been accepted by the Secretary of State on numerous occasions previously), the assessments defined the reasonable worst case in terms of likely significant environmental effects arising from the Project based on the secured parameters in the DCO, absent a detailed design. The assessments were therefore not simply based on the level of detail shown on the broad works plans and sections and were undertaken in line with industry guidance as well as applicable legislation.
- 4.21.9. As such, it is the likely significant effects reported in the ES that are the ‘starting point’ when the Secretary of State is considering whether a design change could give rise to *“materially new or materially worse adverse environmental effects”*, not the works plans or sections themselves. This has been the standard approach on a large number of made highway DCOs to date and has therefore been approved by the Secretary of State. Given this, the Applicant submits that the approach adopted in article 54(2) is not inadequate and reflects standard practice.
- 4.21.10. Paragraph 15.32 of the LIR States *“It is unclear how the long-term maintenance and management of landscape mitigation would be achieved and how this would be secured as a permanent part of the 15 scheme through the DCO.”*
- 4.21.11. Paragraph 15.33 of the LIR states *“Within the Draft Development Consent Order (TR010062) detailed design is secured within Part 5, paragraph 54.”*
- 4.21.12. Paragraph 15.34 of the LIR states that *“Paragraph 54 (1) requires that the authorised development must be designed in detail and carried out so*

that it is compatible with the design principles, works plans and engineering sections drawings. However, it is unclear how the detailed landscape design would be sufficiently developed and signed off at a later stage, since these documents are broad principles, without clear landscape objectives tied to specific mitigation or defined on plans secured through the DCO.”

- 4.21.13. Paragraph 15.35 of the LIR states that “*Paragraph 54 (2) makes provision for design changes to be approved by the Secretary of State where amendments would not give rise to materially new or worse adverse environmental effects. However, this is based on the broadly defined works plans and section, and potentially significant adverse effects prior to mitigation being achieved, and seems inadequate.*”
- 4.21.14. In response to Paragraph 15.31-32 of the LIR, National Highways confirms that the EMP is under ongoing development and will seek to review provision for Landscape and green infrastructure management, maintenance in subsequent iterations.
- 4.21.15. In response to Paragraph 15.33-35 of the LIR, National Highways confirms that the authorised development must be designed in detail and carried out so that it is compatible with the design principles which are Principles contained within Project Design Principles (Document Reference 5.11, APP-302) which is also a certified DCO deliverable and which was developed iteratively with the ES LVIA (Chapter 10 of the Environmental Statement, Document Reference 3.2, APP-056). The detailed landscape design will evolve within the limits of deviation but remains linked to the Project Design Principles. Consideration of design change and mitigation would need to undergo processes of review and challenge to help ensure that any amendment would not give rise to materially new or worse adverse environmental effects.

5. Conclusion

- 5.1.1. Through this document, National Highways has provided comment on the LIRs produced by Cumbria County Council and Eden District Council, Durham County Council, and North Yorkshire County Council and Richmondshire District Council and has responded to specific matters where it is considered it would assist the ExA and other Interested Parties.
- 5.1.2. National Highways will continue to engage positively with the Councils on all matters that are still subject to discussion throughout the Examination process. This will be reflected in updates to the Statements of Common Ground with the Councils at future deadlines of the Examination.