

Procedural Deadline Submission

Responses to the Relevant Representations Part 4 of 4

This document relates to an application for a Development Consent Order ('DCO') made on 21 June 2022 by National Highways (the 'Applicant') to the Secretary of State for Transport via the Planning Inspectorate ('PINS') under section 37 of the Planning Act 2008 (the 'PA 2008'). If made, the DCO would grant consent for the Northern Trans-Pennine Project between M6 Junction 40 at Penrith and the A1 junction at Scotch Corner (the 'Project').

The purpose of this document is to set out North Yorkshire County Council and Richmondshire District Council (the 'Councils') responses to the Applicant's early submitted Responses to the Relevant Representations Part 4 of 4 [RR-122] submitted 17th November 2022.

No.	Topic	Matters Raised in Relevant Representation	National Highways Response (Verbatim)	LA Lead	Councils' Response
RR-122 North Yorkshire County Council and Richmondshire District Council					
122-1	Design, Engineering and Construction	Highway Design Improvements made between the Stephen Bank to Carkin Moor section have the potential to deliver significant benefits to journey times that will free up the existing A66 to support all local users and journeys. The Council expects that clear and effective junction configurations should be developed, not just on the newly dualled section but also the existing junctions on the route. We consider that the scheme should see greater junction safety and legibility .	New junctions have been designed in accordance with the Design Manual for Roads & Bridges (DMRB). At the western scheme extent in the vicinity of Browson Bank, a new westbound slip road is to be constructed to provide access from surrounding villages to the new westbound A66 dual carriageway. To maintain access to Collier Lane, a section of the existing A66 to the west of Ravensworth Lodge would be realigned over approximately 600m to facilitate connection to the new Collier Lane overbridge via a new priority junction.		The Councils will continue to liaise with the Applicant as the design develops and reiterates its request during those meetings to have the outputs from the Stage 1 RSA1, and future audits, shared with the local highway authority.

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			<p>Mains Gill Junction, which is a proposed new compact grade-separated junction to the west of Moor Lane, would provide connectivity between the de-trunked A66 and the proposed mainline of the new A66. This new junction is proposed to be placed in a cutting beneath the proposed alignment of the A66 and connects to the de-trunked A66 to the west of Mainsgill Farm. The southern section of Moor Lane would be stopped up and the highway realigned to connect to the Mains Gill Junction link road. The existing junction connection between the A66 and Warrener Lane would be removed, and a new link provided between Warrener Lane and the de-trunked A66, allowing vehicles travelling from Hartforth to access the proposed A66 alignment via Mains Gill Junction. Details of the development of the route and associated junction layouts can be found in the Project Development Overview Report (PDOR) (Document Reference 4.1, APP244), specifically section 5.8 Stephen Bank to Carkin Moor. The scheme preliminary design including the developing junction layouts have been subject to a Stage 1 Road Safety Audit (RSA) to highlight any potential safety issues. The design will be further developed during the detailed design</p>		

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			<p>stage to rectify any residual safety issues picked up in the Stage 1 RSA. The detailed design will also be subject to a Stage 2 Road Safety Audit.</p> <p>An accompanying signage strategy will be developed at detailed design in consultation with North Yorkshire County Council to assist road users in navigating the new road and junction network.</p>		
122-2	Design, Engineering and Construction	<p>A clear and detailed strategy is required for the section of the A66 that is to be “de-trunked”. It is assumed that any “de-trunked” sections of the existing A66 do not include a maintenance backlog, and that commuted sums will be provided by National Highways to support future upkeep. We also consider that transferred sections of the route should be subject to enhancements where these are considered to best reflect their new role, for example improved junction arrangements or the introduction of improved facilities for non-motorised users.</p>	<p>Draft De-trunking agreement proposals were issued to NYCC and RDC in September 2022, following consultation with Local Authority specialists, where they were available to participate. The proposals include Road Safety Audits, interface of National Highways and Local Authority assets, transfer of assets including related commuted sums and programme milestones. We noted a response from NYCC including requests around structures and surfacing. National Highways engagement with the Local Authorities to progress the De-trunking agreements will continue through the Examination period.</p>		<p>It is acknowledged that National Highways have presented details for de-trunking aspects to the Councils for discussion. These discussions will continue through the Examination.</p> <p>It is anticipated that, irrespective of how developed the agreement is for de-trunking, a formal proposal of the detailed strategy for de-trunking is submitted at an appropriate deadline to allow the Council time to formally consider and respond, capturing any requirements as part of the DCO.</p>
122-3	Design, Engineering and Construction	<p>The Council requires a clear strategy for the establishment of alternative/diversion routes. It is therefore important that detailed</p>	<p>Article 53(1) of the draft DCO (Document Reference 5.1, APP-285) provides that National Highways must not commence any part of the authorised development until a</p>		<p>The Council acknowledges that the Applicant must re-submit the EMP [APP-019] to the Secretary of State for approval. The</p>

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	and Traffic and Transport	consideration is given to official diversion and "rat-run" routes to support both the construction and operational period of the route and that, where necessary, upgrades are delivered on the local road network to support this. Currently within the DCO submission there are no traffic management details included for the scheme.	second iteration of the Environmental Management Plan (Document Reference 2.7, APP-019) has been submitted to and approved in writing by the Secretary of State. The second iteration must be substantially in accordance with the first iteration of the EMP. The Environmental Management Plan makes specific reference at D-GEN-10 in the Register of Environmental Actions and Commitments (REAC) in section 3.3 that no part of the project can start until a Construction Traffic Management Plan (CTMP) is developed which will include (amongst other requirements) the following: "Details of proposed diversion routes, durations of use and proposals for encouraging compliance with designated diversion routes (with consideration for potential noise impacts)." The CTMP will need to be developed in detail in substantial accordance with the essay plan included at Annex B13 of the EMP (Document Reference 2.7, APP033). The EMP states that the CTMP will include at a minimum a number of commitments during the construction of the Project, such as: "Prior to any closure of the A66 the diversion routes shall be developed in consultation with the Local Highway Authority." The draft DCO also contains a number of highways related powers including		<p>Councils have raised concerns that future iterations of the EMP may not be subject to the approval of the Councils.</p> <p>The Council has reviewed the generic template for the Construction Traffic Management Plan [APP-033] which will be developed in consultation with the local highway authority.</p> <p>The powers within the draft DCO articles, schedules and plans are in relation to the main scheme only.</p> <p>There are no specific details of the temporary diversion issues on the Stephen Bank to Carkin Moor section, how the environmental assessment has accounted for them and no commitment in the draft Order as to how specific local issues will be mitigated.</p> <p>Environmental Statement Figure 12.9 Possible Diversion Routes [APP-120] does not indicate that any of the above would be</p>

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			<p>construction and maintenance of new, altered or diverted streets (article 9), permanent stopping up of streets and private means of access (article 10), and temporary prohibition, restriction or regulation of use of streets (article 11). Traffic regulation measures are also provided for in article 42 of the draft DCO and are shown on 5.22 Traffic Regulation Measures Plans (Document Reference 5.22, APP-370, Document Reference 5.23, APP-377) and are described in Schedule 8 to the draft DCO (Document Reference 5.1, APP-285).</p>		<p>applicable to Scheme S09 Stephen Bank to Carkin Moor and East Layton.</p>

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122-4	Walking, cycling and horse riding (WCH)	The scheme should seek to improve north-south connectivity where the existing PRoW network has been severed by the A66 in the past. The Council supports an offline route strategy for walking and cycling between M6 and A1(M) as an important endeavour for this scheme, that will bring a meaningful benefit for local communities and other road users. In particular we consider that the scheme should seek to support delivery of a Scotch Corner to Penrith "off A66" route suitable for walking and cycling. This would include enhancements along the de-trunked section of the A66.	Please refer to Walking, Cycling and Horse-riding Proposals (Document Reference 2.4, APP-010) which outline the proposed north-south and east-west connectivity improvements within the Stephen Bank to Carkin Moor scheme extents. At A1(M) J53 Scotch Corner, it is proposed to retain the existing WCH provision.		The Local Impact Report (Document Reference REP1-042) under section 10, reiterates the Council support for walking, cycling and horse-riding improvements as part of the scheme. The Council are content with the provision of a shared bridle/footway on the de-trunked section of the A66 between Stephen Bank and Carkin Moor. Further engagement will be required through the detailed design to ensure it is suitable and safe for use by pedestrians and equestrians. The scheme adequately connects the various PRoW in this area to maintain network connectivity as stated in section 19 of the Local Impact Report (REP1-042).
122-5	Road Drainage and the Water Environment	A drainage review should consider the combining of drainage ponds to reduce costs / land take, along with rationalising of the maintenance of the drainage ponds to be owned by the Council. The	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		It is acknowledged that National Highways have presented details for de-trunking aspects to the Councils for discussion, including drainage. These discussions will

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		<p>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.</p>	<p>be compatible with (see commitment DRDWE-02 in the Environmental Management Plan (document reference 2.7, APP-019) is to provide separate drainage ponds for Trunk Road and Local Road drainage systems, in accordance with the Design Manual for Roads and Bridges and to outfall these ponds via pipes and/ or ditches into the nearest available watercourse. National Highways and the Local Authorities recognise there may be efficiencies in combining the proposed ponds and this will be considered as part of our detailed design work. This may involve amendments to current indicative pond locations and/or shape within the DCO Order Limits and in 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. 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</p>		<p>continue through the Examination.</p> <p>The Council welcomes the Applicant's acknowledgement of flooding on the de-trunked section and although the risk will not increase as a result of the project, the concern is that these numerous incidents will now be before the responsibility of the Council.</p> <p>It is anticipated that, irrespective of how developed the agreement is for drainage on the de-trunking section, a formal proposal of the detailed strategy for de-trunking is submitted at an appropriate deadline to allow the Council time to formally consider and respond, capturing any requirements as part of the DCO.</p>

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			<p>Local Authority. Flood risk in these areas is not increased as a result of the proposed scheme. Existing asset information was shared with NYCC between June and July 2022 and a draft de-trunking agreement proposal was issued on 15 September 2022. National Highways will continue to engage with NYCC and RDC on these points, which will be documented within the Statement of Common Ground (SoCG) (Document Reference 4.5, APP-281).</p>		
122-6	Landscape and Visual	<p>Landscape and Visual Improvements The Authority is satisfied that the DCO Application includes an adequate Landscape and Visual Impact Assessment (LVIA) subject to inclusion of selected illustrations (elevations, cross sections and photomontages) to help explain significant effects and illustrate key features of the scheme in a wider context (such as the proposed overbridges).</p> <p>The Application should also include an explanation of the design principles in order to demonstrate good design. The Applicant states that the Structures have undergone an aesthetic review to ensure they comply with the overarching design aspirations (ES 10.9.4). Reference is also made to a Project Design Principles</p>	<p>The Project Design Principles document (Document Reference 5.11, APP-302) is available as part of the DCO Application and sets out the underpinning principles on which the mitigation is based. Interested Parties will have an opportunity to comment on this document during the examination and National highways will consider comments made. In addition, National Highways will continue to engage on these matters with NYCC and RDC as will be recorded in the Statement of Common Ground. Annex B1 of The Environmental Management Plan (EMP) (Document Reference 2.7, APP-021) contains an outline Landscape and Ecological Management Plan (LEMP). The EMP requires that the LEMP is developed in further detail in consultation with various stakeholders, including the local planning authorities. Compliance with</p>		<p>The Council's acknowledge the Project Design Principles document [5.11, APP-302] has been submitted with the application and that the EMP contains and outline Landscape and Ecological Management Plan. The Council acknowledges the applicants attempts to secure the documents through the DCO as they have stated.</p> <p>The Councils are keen to continue to develop PDP and LEMP.</p> <p>At present the Councils consider the documents to be inadequate at this stage. Specifics of these inadequacies are set out in the Council's Local Impact Report at</p>

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		<p>document (PDP) (Application Document 5.11). However, this review or PDP document are not clear or evident in the Application. It is acknowledged that illustrative layouts of the key mitigation principles are shown on the visual Environmental Mitigation Maps (Application Document 2.8). However, these are illustrative layouts not intended to be secured by the DCO (ES 2.7.4). The Authority would wish to see an outline landscape strategy (incorporating mitigation) secured through the DCO and would welcome an opportunity to continue to work with the Applicant on detailed aspects of the landscape and visual mitigation, to ensure an appropriate response. The Authority would also wish to see further information and clarification for long-term maintenance and management of proposed landscape mitigation including responsibilities and how landscaping is secured as a permanent element of the scheme through the Order.</p>	<p>this process is secured through article 53 of the draft DCO. This will then be subject to approval from the SoS prior to the start of works. The LEMP once approved will contain specifications for long term management and monitoring. The Project Design Principles (PDP) (Document Reference 5.11, APP-302) outlines key landscaping design considerations with Theme A outlining key principles to promote landscape integration and landscape character amongst others. The detailed design of the Project must be carried out so as to be compatible with the PDP, this is secured in article 54 of the DCO, if made.</p>		<p>section 15. Specifically 15.18-15.21 and 15.23-15.30.</p>
122-7	Biodiversity and BNG	<p>In relation to Biodiversity Net Gain, the authority welcomes the use of the metric and whilst it is not yet mandatory we</p>	<p>Biodiversity Net Gain it is not currently a requirement for Nationally Significant Infrastructure Projects. However, National</p>		<p>The council's acknowledge the applicant's response.</p>

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		would advocate for 10% net gain across area based, linear and river habitats.	Highways are committed to maximising biodiversity delivery achieved by the Project. In order to demonstrate effective mitigation for habitat impact and loss the Project has applied the principle of No Net Loss. To measure this outcome the application of 0% Biodiversity Net Gain (BNG) as set out within Natural England's BNG Metric 2.0 was applied (Metric 2.0 being the available metric at the time of mitigation determination). This approach was discussed and agreed with the Strategic Environmental Bodies, including Natural England, as part of the Evidence Base process, documented in ECi14 of the Evidence Base table in Appendix 1.1 of the Environmental Statement (Document Reference 3.4, APP-146).		The council's wish to re-iterate that they advocate for 10% net gain across area based, linear and river habitats. The councils are aware of other NSIPs that are adopting the emerging guidance and seeking to achieve 10% Further details on the response of the Councils on the issue of Biodiversity Net Gain are in the Council's Local impact Report at 16.31-16.36
122-8	Cultural Heritage	Cultural Heritage The Environmental Statement includes a Cultural Heritage chapter that is supported by a number of specialist assessments. These include a desk based assessment (Appendix 8.1), a geoarchaeological assessment (Appendix 8.3) and an assessment of aerial photographs and LIDAR data (Appendix 8.4). The desk based work is supplemented by the results of archaeological field evaluation in the	National Highways note that NYCC and RDC consider that the Cultural Heritage chapter of the ES (Document Reference 3.2, APP-051) and mitigation detailed within it provides a comprehensive review of the significance of the archaeological resource and the impact of the scheme upon it.		

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		<p>form of geophysical survey (Appendix 8.5) and trial trenching (Appendix 8.6). Overall these assessments provide a comprehensive review of the significance of the archaeological resource and the impact of the scheme upon it. I am pleased to see that a Historic Environment Research Statement (Appendix 8.9) has also been produced to guide the assessments and any future mitigation. The part of the scheme in North Yorkshire between Stephen Bank and Carkin Moor will have a direct impact on the Scheduled Monument of Carkin Moor Roman fort and native settlement. The various assessments, particularly the field evaluations, have demonstrated that significant archaeological remains are likely to extend beyond the Scheduled area in the form of a Roman vicus with industrial areas. Various measures have been taken to limit the impact of the proposal on the Scheduled Monument at Carkin Moor by restricting the width of the easement and limiting the amount groundwork.</p>			
122-9	Noise and Vibration	Environmental Health The assessment of noise and vibration levels in the relevant	National Highways will review and comment on the Local Impact Report through the examination and will continue to engage with		

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		chapter of the ES can be broadly agreed with. It is important that all aspects of the scheme are considered fully. Further assessment of the adequacy of dealing with these effects will form part of the Local Impact Report.	NYCC and RDC to seek to agree matters as will be reported in the SoCGs.		
122-10	Biodiversity	The DCO application includes an ecological impact assessment, with associated figures and appendices. The authority has not yet had the chance to review all of these technical documents in detail and will provide comments through the Local Impact Report. The ES identifies that a residual adverse effect remains in relation to barn owl during the operational phase of the development. The authority wishes to work with the applicant to identify appropriate mitigation to minimise the residual effect as far as possible.	Barn Owl assessments are detailed within Chapter 6 Biodiversity of the Environmental Statement (Document Reference 3.2, APP-049). The residual impact identified upon Barn Owl was identified under the assumption that a departure from highway design standards was not possible to allow planting within the usual 4.5m offset for shrubs, 7m for trees with a girth of less than 450mm and 9m for larger trees. Therefore, the assessment undertaken on a worse case basis. National Highways continues to investigate potential mitigation measures having regard to highway design standards and will engage with NYCC and RDC on this point as part of the SoCG process.		The Council's acknowledge the Applicant' response at this stage and will continue to work with them with the view to minimise the impact as much as possible.
122-11	Funding and Delivery	More work is needed to understand the role of the Authority within the discharge of requirements, Should the role of the Authority become burdensome it is expected that appropriate resources are put in place to support the Authority.	A project funding allocation has been approved by National Highways to provide continuation of (and setup of new) PPAs with all Local Authorities to support further engagement through the DCO Examination period. A subsequent funding package to support Local Authorities and their discharge		

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			of requirements associated with (but not limited to) Town and Country Planning Act applications and the Environmental Management Plan has been discussed and will be revisited for consideration once the full scope of these requirements is better understood.		