

Procedural Deadline Submission – Deadline 3, 24th January 2023

Response to National Highways' Response to Local Impact Reports

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 the joint response of Cumbria County Council ('CCC') and Eden District Council ('EDC') (together referred to as the 'Councils') to the Applicant's response to the Councils' Local Impact Report (LIR) [REP2-018].

CCC/ EDC			
Background			
Ref	Ref	NH Comment on LIR	CCC / EDC Response
1	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.	The Councils welcome the commitment to engagement but would like to see clear milestones by Deadline 5 from the Applicant on when and how this matter will be resolved.

Overview of Planning and Highway Policy Context			
Ref	Ref	NH Comment on LIR	CCC / EDC Response
2	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'.	Noted

3	2.2.6	<p>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.</p>	<p>The Councils are disappointed that the internal workings of the Applicant have not yet identified funds and an implementation plan for EVCI on the A66 to provide a co-ordinated and collaborative solution for the customer. It would be poor reflection on all parties if the scheme was opened without EVCI, which then had to be retrofitted, also bearing in mind that the opening date for the completed road is well beyond the publication of the blueprint.</p>
4	2.2.7	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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</p>	<p>The Councils position is as set out in Section 3 of the LIR.</p> <p>The Councils would appreciate seeing a programme of discussion milestones to align with the detailed design process by Deadline 5.</p>

	Infrastructure Plan, will be considered as part of the detailed design process.	Need to agree governance of 'sign-off' if after the Examination
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Clear and Effective Junction Connectivity Strategies		
Ref	NH Comment on LIR	CCC / EDC Response
5	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.	The results of the September 2022 traffic survey were shared with the Councils on 16/01/23. However, the results suggest that existing congestion will not be addressed, particularly on the Friday pm peak. It may be that improvements to the traffic signal phasing may improve the performance of the junction. The results indicate that the current scheme can accommodate the 45% predicted traffic growth. Vissim modelling information is not yet available so no further comments can be made at this stage.
6	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.	The results of the September 22 traffic survey were shared with the Councils on 16/01/23. However, the results suggest that existing congestion will not be addressed, particularly on the Friday pm peak. It may be that improvements to the traffic signal phasing may improve the performance of the junction. The results indicate that the current scheme can accommodate the 45% predicted traffic growth. Vissim modelling information not yet available so no further comments can be made at this stage.
7	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.	The Councils welcome the retention of the J40 M6 southbound on-slip to the Skirsgill Depot.

		<p>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.</p>	<p>The Councils require detailed discussions on the widening of the A66 westbound carriageway, between J40 and Kemplay Bank, to understand the implications for the Skirsgill depot and its relocated entrance, during and post-construction, before any further comments can be made. It should be noted that the depot remains operational 24 hours per day, 7 days per week. 365 days per year.</p>
8	2.3.5	<p>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).</p>	<p>This is noted and some of the modelling data and results were shared with the Council on 16/1/23. However, the Council still needs to see the detailed analysis of the predicted operation of the junctions in the Do Something and Do Minimum Scenarios in comparison to the base (current year). The Councils and the public will be concerned with whether the scheme can improve the current situation regarding congestion and queuing (on the A66/M6 and Penrith town centre).</p>
9	2.3.6	<p>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</p>	<p>Noted. Until detailed designs are available the Councils cannot make any further comments.</p>

		<p>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).</p>	
10	2.3.7	<p>M6 J40 to Kemplay Bank Roundabout (and the A6 south) Paragraph 4.10 of the LIR states that: <i>"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."</i> 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</p>	<p>Noted. The CTMP will also need to be developed and agreed with the Councils.</p>

		<p>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:</p> <ul style="list-style-type: none"> • Details of proposed traffic management measures, including phasing plans, route restrictions and speed limits • Details of planned carriageway and local road closures, including proposed stakeholder and community engagement protocols in advance of closures. • Details of proposed diversion routes, durations of use and proposals for encouraging compliance with designated diversion routes (with consideration for potential noise impacts). 	
11	2.3.8	<p>A66 / Brougham Junction Paragraph 4.11 of the LIR states that: "<i>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</i>". 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</p>	<p>Noted, however it would be useful to understand the numbers of users that will be impacted and would divert onto other routes. Other issues will need to be agreed as part of the de-trunking discussions.</p>

		<p>provide safer journeys on the newly-dualled sections of the A66. To reduce risk, we have designed the improvements so there are no gaps in the central reservation, removing right turns. 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.</p>	
12	2.3.9	<p>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</p>	Noted.

		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.	
13	2.3.10.	Paragraph 4.13 of the LIR states that: <i>“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.”</i> 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.	Noted, however this does not answer the diversion issue.
14	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).	The Councils wish to see further details regarding the operation of the base and future year models to understand the suitability of the tools chosen and whether they represent accurately the conditions known to occur frequently at these junctions. They are aware that revised modelling, using new 2022 survey data, has been undertaken and therefore these updated results now need to be shared. It has been acknowledged by the Applicant that the current congestion and queuing is hard to replicate within the Vissim model and the exploration of other junction modelling software such as Linsig or Transyt is requested as a cross-check to ensure that the Vissim assessment is robust.
15	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	The Council has raised this high level of change in predicted traffic from 2019 to highlight the point that the scheme will need to accommodate much more traffic than currently.

		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	<p>The LIR and other representations state that the M6 J40 and Kemplay Bank roundabouts are currently congested and that flows exceed the operational capacity for extended periods, especially on a Friday.</p> <p>The issue that the Council wishes to raise is the certainty that the Applicant have in the scheme design being able to cope with such a large increase in traffic without causing the current issues on the A66 and within Penrith to worsen.</p>
16	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.	The new 2022 modelling information will inform whether this is an issue, as the previous model validation had a discrepancy for the key movement westbound from the A686. The Councils' concern is that the A66 congestion currently experienced leads to some traffic re-routing through Penrith town centre. This traffic is not included within the Vissim model and as such the full impacts of upgrading the A66 are not covered.
17	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.	The new 2022 modelling information will inform whether this is an issue, as the previous model validation had a discrepancy for the key movement westbound from the A686.

18	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.	The strategic model is acknowledged to show some unrealistic results, such as high levels of traffic routing via Clifford Road, so there is a need for further sensitivity tests in the operational models to understand the true impacts with regard to the wider network.
19	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	Noted and the Councils welcome the opportunity to see the detail of this new modelling with the testing of the revised designs.
20	2.3.20	Paragraph 14.17 of the LIR states that: <i>“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.”</i>	The Councils have been made aware of revised Friday modelling. However, this does not include sensitivity testing for the peak summer months when congestion is worst.
21	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	The Councils have been made aware of revised Friday modelling which incorporates a longer modelled period, however the details and acceptability of the approach need agreement.

		rather that the demand is sustained over a longer period of time.	
22	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.	The view of the Councils is that the additional demand on a Friday is not a limited number of days. The National Highways WebTRIS data (site 30361690) for westbound traffic in 2019 shows a 19% increase in daily traffic on a Friday compared to the average for Monday to Thursday. An increase of more than 15% was seen on Fridays for all months except April and December.
23	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.	The Councils have been made aware of revised Friday modelling which incorporates a longer modelled period, however the details and acceptability of the approach need agreement. The traffic patterns on a Friday are shown to be atypical in that they do not show a usual peak hour or peak period of a few hours, but that traffic builds up around midday and stays at a similar level through to the evening. As such the Councils believe that an alternative approach is required to understand the true operational performance at this location.
24	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	The Strategic model is acknowledged to show some unrealistic results, such as high levels of traffic routing via Clifford Road, so there is a need for further sensitivity tests in the operational models to understand the true impacts upon the wider network.

		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.	
25	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.	With policy aspirations to improve conditions for active travel and encourage more use, noting that this junction forms part of a route onwards to Pooley Bridge and the Lake District, it is felt necessary to test the impact of greater numbers of users and subsequent calls of the signals upon the operation of the junction. The Councils are of the opinion that minor changes in operational performance will have large impacts upon queuing and congestion.
26	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	The revised modelling will require detailed examination by the Councils and the Applicant should produce further evidence related to the operational performance of the junction and the assumptions made in terms of signal set up.

capacity on the approaches/circulatory, and how much also requires the use of the overbridges.

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2.3.28

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%

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

The revised modelling will require detailed examination by the Councils and the Applicant should produce further evidence related to the operational performance of the junction and the assumptions made in terms of signal set up. Further details are required for the movement from the A66 to J40 as a greater proportion of this traffic will need to use the overbridge on the southern side.

		of road safety implications resulting from traffic queuing back onto the M6 southbound carriageway (north of J40).	
28	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.	The revised modelling will require detailed examination by the Councils and the Applicant should produce further evidence related to the operational performance of the junction and the assumptions made in terms of signal set up.
29	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.	Noted. The Councils would be interested to see this analysis for the section between M6 J40 and Kemplay Bank to understand whether the change in speed limit from 70mph to 50mph will realistically lead to traffic diverting onto local routes in Penrith as a result of the scheme (as predicted by the strategic modelling).
30	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	Noted. The Councils are interested to see the equivalent predicted speeds from the revised

		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.	modelling in the base and future years with and without the scheme in place.
31	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.	The Councils' comment still stands and an initial meeting was held with the Applicant (16/1/23) to review the 2022 traffic data that has been used to revise the modelling.
32	2.3.35	Paragraph 14.22 of the LIR states that: " <i>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.</i> " 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).	Noted and agreed.

De-Trunking			
	Ref	NH Comment on LIR	CCC / EDC Response
33	2.4.4	National Highways reviewed the working draft and advised CCC that: <ul style="list-style-type: none"> Aspects are unachievable. 1. Residual serviceable life has been specified for assets, including those for which there is no recognised means of	The Councils' de-trunking principles document was produced in 2022 to initiate the discussion on de-trunking with the Applicant without any insight to the Applicant's strategy. The Councils did not have any feedback on the document but welcome the discussions which are now progressing well on the

	<p>assessment e.g. gully system residual serviceable life is expected to be 6yrs</p> <p>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).</p> <ul style="list-style-type: none"> • Proposals do not represent value for taxpayers. <p>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.</p> <p>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.</p> <p>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.</p>	<p>technical aspects of the different assets to be included in the de-trunking process. The examples of residual serviceable life issues noted here by the Applicant have already been discussed and, along with other aspects, are in the process of being resolved with the Applicant.</p> <p>The Councils believe that the requested funding from the project to support improvement to sub-standard assets and for their ongoing maintenance after handover is a justified use of taxpayers' money as it will go through the rigorous local highway governance process and efficient delivery processes.</p> <p>The consequence of the Project to significantly increase the assets to be maintained by the Councils should have direct compensation and not be reliant on unsecured future funding strategies.</p>
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34	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.	The Councils will continue to work with and seek to come to an agreement in principle with the Applicant on the de-trunking strategy.
35	2.4.6	<p>Inventory and condition report: 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.</p>	<p>The Councils welcome the documentation provided by the Applicant on each asset type and are in the process of reviewing the inventory and condition reports.</p> <p>For example, the Councils' structures specialist has stated that the Applicant should undertake scour re-assessments closer to opening and continually inspect the bridge to confirm scour issues have not been exacerbated. They also note scour remediations can only be undertaken between the months of June and September, due to issues with fish spawning.</p>
36	2.4.7	<p>Key areas still in discussion: 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.</p>	<p>The Councils' specialist has discussed the detailed records of this structure and welcome the proposal which is in line with the Councils' principles document, Appendix A to the LIR [REP1-019].</p> <p>The Council notes the Crackenthorpe bored pile wall and retaining wall must be resolved together. However, the Council has concerns about the high alumina cement content in Walk Mill High structure. Certainty over adequate condition of all assets is required before handover, otherwise the Applicant must retain asset ownership.</p> <p>It is noted that the requirement for the Councils to undertake works immediately after the Project is complete, with commuted sums, will not be desirable due to ongoing disruption to the public.</p>

37	2.4.8	National Highways proposal and CCC response: 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.	The Councils have welcomed the work that the Applicant has undertaken to progress the detrunking principles into proposals. There are residual issues to agree a position between the Councils and the Applicant, which are expected to be completed before the end of Examination.
38	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.	The Councils agree that ADEPT is a suitable mechanism to ascertain the commuted sums. However, the Councils are continuing to review the assumptions required for the ADEPT calculation and will feed back the Councils' position to the Applicant before the end of the Examination.
39	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.	The Councils have been working with their consultant to ensure, internally, that the level of detail in the de-trunking proposals are appropriate and across the joint Councils to ensure there is consistency of approach. A workshop with the Applicant will be arranged once this is complete, prior to completion of the Examination.

Active Travel (including Appleby Horse Fair)			
	Ref	NH Comment on LIR	CCC / EDC Response
40	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.	The Councils will continue to engage with the Applicant as the design progresses to ensure that the standard of provision meets the standards within LTN 1/20.
41	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	The provision of a continuous east-west route should not be reliant on alternative funding sources.

		<p>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.</p>	<p>There is no guarantee that future funding will be secured, which may leave parts of the routes inaccessible (particularly at Coupland), impacting the viability of this strategic route.</p>
42	2.5.4	<p>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.</p>	<p>Noted.</p>
43	2.5.5	<p>Paragraph 6.3 of the LIR states that: “The proposed provision on the detrunked A66 is narrow (less than 2m wide in places), unsegregated, does not include side road treatment or have</p>	<p>Noted. The Councils request consultation as detailed designs are prepared so that final designs can be agreed.</p>

		<p>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.</p>	
44	2.5.6	<p>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</p>	<p>Noted. The Councils welcome continued engagement to ensure suitable provision for active travel is provided.</p>

		<p>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.</p>	
45	2.5.7	<p>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</p>	<p>The provision of a safe and attractive junction for active travel journeys should not be reliant on alternative funding sources. There is no guarantee that future funding will be secured, which may result in fewer active travel journeys due to this unattractive junction.</p>

		provision at J40 and welcome future discussions regarding a potential designated fund opportunity at or close to this location.	
46	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 rejoin the existing bridleway north of the A66. It is intended that the alternative provision will be suitable for horses.	Noted.
47	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	Noted. The Councils welcome continued engagement with the British Horse Society.

		most recent being on 27th June 2022. We will continue to engage with them as the project moves into detailed design.	
48	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.	Noted. The Councils request consultation as detailed design are prepared so that final designs can be agreed.
49	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.	Noted. The Councils request consultation as detailed designs are prepared so that final designs can be agreed.
50	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	The provision of a continuous east-west route should not be reliant on alternative funding sources. There is no guarantee that future funding will be secured, which may leave parts of the routes

		<p>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.</p>	<p>inaccessible (particularly at Coupland), impacting the viability of this strategic route.</p>
51	2.5.13	<p>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.</p>	<p>Noted.</p>

52	2.5.15	<p>Appleby Horse Fair</p> <p>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.”</p> <p>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.</p>	Noted
53	2.5.16	<p>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</p>	<p>The Councils note the continued dialogue on this matter. We still encourage the Applicant to incorporate design features that will maximise use of the de-trunked sections of A66 for horse-drawn traffic when accessing Appleby Horse Fair, which in the majority is from the east.</p>
54	2.5.17	<p>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 (MASC) Traffic Management Plan for Appleby Horse Fair.</p>	<p>The Councils note the continued commitment to engage on this matter as part of planning the construction phase.</p>
55	2.5.18	<p>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</p>	<p>The Councils note the continued commitment to engage on this matter as part of planning the construction phase.</p>

		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.	
56	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.	The Councils note the continued commitment to engage on this matter as part of planning the construction phase.
57	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 detrunked 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.	The Councils believe that the scheme has created conditions that make the likelihood of stopping by horse-drawn vehicles more likely, as a result of the new alignment and quieter de-trunked sections. Therefore, there is a need to consider this as part of the scheme design to encourage and accommodate safe stopping for those travelling to Appleby Horse Fair.
58	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.	The Councils believe that the change in design at Appleby does not impact on the need for accommodating better movement of fair traffic on and off the site and onto the A66. The request for, at minimum an eastbound entry slip to the A66 and ideally a westbound exit from the A66, still stands.

		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.	
59	2.5.22	Brough Hill Fair 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).	Noted.
60	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..	Noted.

Diversions and Network Resilience			
	Reference	NH Comment on LIR	CCC / EDC Response
61	2.6.2	National Highways Comments 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	Noted.

		<p>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.</p>	
62	2.6.3	<p>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.</p>	<p>The Councils still have concerns that the detailed proposals for diversions, both temporary and operationally, have not be set out and assessed as part of the DCO and that there are no detailed commitments from the Applicant to address the concerns raised in the Councils’ Diversions Assessment Report, Appendix C to the LIR [REP1-019].</p>
63	2.6.4	<p>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-</p>	<p>Noted.</p>

		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.	
64	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.	The Applicant's agreement with the initial statement is unfortunate as the paragraph goes on to state the Councils' ongoing concerns about the impact of construction on the local community and this has not been addressed directly.
65	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.	Noted.
66	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 Kirkby 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	<p>The Councils are concerned that the Applicant acknowledges here that further detail and information is needed to develop the traffic management and that re-assessment and further consultation is required to address the concerns raised in the Councils' Diversions Assessment Report, Appendix C to the LIR (REP1-019), but that these have not resulted in any detailed commitments in the DCO.</p> <p>The Councils will continue to work with the Applicant through the latter stages of the Project's traffic management plan to minimise the impacts on the local community.</p>

		required during detailed design to ensure diversions are appropriate.	
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Improved Facilities for HGVs			
	Reference	NH Comment on LIR	CCC / EDC Response
67	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).	The Councils are disappointed that the Applicant has suggested that the Councils' concerns raised around HGV facilities are considered to be outside the scope of the Project. The Councils recognise that the Project will substantially increase the volume of HGV traffic using this part of the A66, with volumes expected to double by 2051. In addition, and as stated in paragraph 8.7 of the LIR (document reference REP1-019), the current insufficient facility provision will become more severe within the next five years and beyond. The Councils would urge the Applicant to reconsider concerns raised around HGV facilities and embed adequate HGV proposals into the Project rather than cite the nation-wide Freight Study as a mechanism to potentially address the Councils' concerns. It is reasonable that HGV impacts caused by the Project are mitigated directly in the implementation of the Project.
68	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.	The Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013), pages 72 – 74 sets out a series points which does not address the main issue. The stated growth set out on page 72 of PDL-013 underplays the level of HGV growth between the base year of 2019 and future year of 2044. It presents the differences in growth between different scenarios within the same year (i.e. 2044 with

			<p>project, and 2044 without project). It is silent on the expected growth from the baseline of all traffic (including HGVs), for which there is significant growth (nearly double on some sections of the A66).</p>
69	2.7.3	<p>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 out with 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.</p>	<p>The Nationwide Freight Study is not set to conclude in time for its findings to be incorporated into the A66 Northern Trans-Pennine Project DCO. It is understood that it is not the intention of the study to address the issues directly related to HGV increases from the A66 Northern Trans-Pennine Project. We seek clarity on the relationship between this study and the A66 NTP DCO.</p> <p>The existing provision of lorry parking across the A66 corridor to cater for overnight stays is not compliant with Government Guidance. DfT guidance sets out that on the trunk road network a rest area should be provided every 28 miles (Annex B of DfT Circular 02/2012 - 'Roadside facilities for road users on motorways and all-purpose trunk roads in England')</p> <p>A gap analysis of the existing service areas on the A66 and surrounding routes has revealed that there is a gap of circa 12 miles in provision for northwest - southeast movements during the day. At night, this gap increases to 65 miles as Stainmore Services is closed at night. Lorry parking capacity along the A66 corridor is already full, and extra HGV demand will increase nuisance, unhygienic and</p>

			<p>unsafe HGV parking at inappropriate locations (such as Gilwilly Industrial Estate in Penrith), or laybys along the A66 which are not designed to be HGV sleeping areas.</p> <p>The layby provision does not address the issue of lack of capacity for HGV overnight stays. Indeed, it is illegal for laybys to be used in such a way. Enforcing such laws is difficult in practice, and this results in its improper use and nuisance parking.</p>
70	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.	Is this study specifically for the A66 Northern Trans-Pennine route? What feedback have you received from existing lorry parking providers and HGV drivers that use the A66?
71	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.	<p>The Applicant should outline how the recommendations will be implemented within the DCO and how recommendations that are not contained within the DCO, can be delivered within the A66 Northern-Trans-Pennine project.</p> <p>The facilities for HGVs that exist along the A66 are already known and improvements could be made to these facilities to cater for additional HGV demand, However, there is a disconnect between knowing what is needed and implementing this to cater for the direct impacts of the A66 Northern Trans-Pennine project. The success of the project, of which safety is the most important objective, could be compromised if there is insufficient HGV parking available, leading to laybys on the A66 becoming oversaturated with inappropriate HGV parking.</p>

72	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.	Given lorry parking along the A66 is already at capacity, creating extra capacity for lorry parking with appropriate welfare facilities is considered to provide significant benefits for the A66 NTP and should rank highly in a prioritised list of interventions to address the issue of a significant growth in HGV traffic on the A66
73	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.	The list of mitigations seems appropriate. However, they need to be coherently implemented into the A66 NTP so that the impacts of HGV parking can be addressed within the DCO, rather than retrofitting any remedial solution out-with the DCO, as this reduces the likelihood of their deliverability and therefore the successful outcomes of the A66 NTP.
74	2.7.8	Engagement with all of the 'hosting' local authorities is being undertaken as part of this survey and began in December 2022.	Engagement in December set out a baseline of existing provision, and it was acknowledged that existing lorry parks (with overnight stay) were already at capacity along the A66.
75	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.	Is the study still expected to be complete by February 2023? Can the analysis and expected impacts for the A66 be shared at the point of completion so that the Councils can understand the implications of the study and whether their key concerns have been appropriately captured and that future impacts have been appropriately considered and mitigated.
76	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	The Councils note the continued commitment to engage on this matter as part of the HGV study and look forward to meaningful engagement to find the optimum solution.

		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. PM	
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Maximising Socio-Economic Benefits			
	Reference	NH Comment on LIR	CCC / EDC Response
77	One response covering paragraphs 2.8.3, 2.8.4, 2.8.5, 2.8.7, 2.8.8, 2.8.9, 2.8.11, 2.8.12 and 2.8.14	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.	<p>Whilst the Applicant's responses in paragraphs 2.8.7, 2.8.8, 2.8.10, 2.8.11 and 2.8.12 of document reference REP2-018 are noted, the Applicant has not addressed comments regarding specific requests for the following strategies, assessments and plans to the Councils' satisfaction:</p> <ul style="list-style-type: none"> • Supply chain support strategy • Socio-economic assessment • Health impact assessment • Benefits realisation plan. <p>The Councils consider that these are essential standalone documents required to maximise the opportunities for legacy benefits deriving from the Project:</p> <p>In addition, whilst the Applicant's responses in paragraphs 2.8.3, 2.8.4, 2.8.5 and 2.8.11 of document reference REP2-018 are noted, the Councils have not yet seen any of the following documents populated beyond simple templates with insufficient detail:</p> <ul style="list-style-type: none"> • Construction Worker Travel and Accommodation Plan

			<ul style="list-style-type: none"> • Community Engagement Plan • Skills and Employment Strategy. <p>The Councils would request that specific theme-based meetings with the Applicant's Delivery Infrastructure Partners (DIPs) are scheduled as soon as possible to help guide and inform the content of all plans and strategies listed above.</p>
78	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.	The Councils note the response and look forward to discussions on each planning application.

Environmental Mitigation			
	Reference	NH Comment on LIR	CCC / EDC Response
79	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 point that has been raised by the Councils is that the mitigation is insufficiently presented – this is independent of whether the Applicant has discharged their liabilities under the requirements of the EIA regulations. The Councils' position is therefore unaltered.

		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.	
80	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	The Council's position is unaltered, but the Councils will continue to liaise with the Applicant to address the matters of concern.
81	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.	Notwithstanding that compliance with the EMP will be a legal requirement upon the Applicant, the Councils are concerned that some details regarding mitigation are not available at this stage.
82	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	Notwithstanding that compliance with the EMP will be a legal requirement upon the Applicant, the Councils are concerned that some details are not available at this stage.

		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).	
83	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.	The Councils will also continue to engage with the Applicant.
84	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.	The Councils note the Applicant's response but remain of the opinion that undertaking this assessment will identify to the Councils categorically as to whether this is a matter of concern. The Councils do not consider that this is an onerous request given the importance of maintaining public health and EDC's statutory obligation for air quality.
85	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	The Councils' position is unaltered
86	2.9.16	Paragraph 10.8 of the LIR refers to the Councils' concern that construction compound locations lie adjacent to receptors	The Councils' position is unaltered

		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, APP045). 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).	
87	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.	The Councils' position is unaltered
88	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	The Councils' position is unaltered, and they have concerns about the validity of relying upon monitoring data collected in the winter of 2020/2021 during a period of significantly suppressed traffic due to Covid-19.

		Quality Management Technical Guidance (TG16) at locations along the A1(M), A66 and M6.	
89	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.	The Councils' position is unaltered, and they do not believe that further monitoring is an onerous request given the importance of maintaining air quality within statutory levels especially because the Councils in response to 2.9.14 have identified a significant concern about the assessment.
90	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: <ul style="list-style-type: none"> • 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. 	The Councils will review this information.
91	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.	The Councils' position is unaltered

92	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).	The Councils' position is unaltered, and we would request that the Applicant expands upon why some monitoring sites within 200m of the ARN were considered inappropriate.
93	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.	The Councils' position is unaltered.

Environmental Mitigation - Biodiversity			
	Reference	NH Comment on LIR	CCC / EDC Response
94	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	The Councils' position is unaltered.

		<p>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.</p>	
95	2.10.7	<p>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.</p>	<p>This is welcomed by the Councils.</p>
96	2.10.10	<p>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, APP049) 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.</p>	<p>The Councils' position is unaltered.</p>

Habitats			
Reference	NH Comment on LIR	CCC / EDC Response	
97	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).	The Councils' position is unaltered.
98	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 Highway's 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	The Councils' position is unaltered.

		Environmental Statement Appendix 14.3 Water Quality Assessment (Document Reference APP222) 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).	
99	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.	The Councils' position is unaltered, and the Councils do not see how enhancement is not a requirement of the Project as paragraph 5.23 of the National Policy Statement for National Networks clearly requires the Applicant to show how opportunities to enhance biodiversity has been achieved. The Councils have raised in their LIR opportunities for this.
100	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.	The Councils' position is unaltered, and the Councils do not see how enhancement is not a requirement of the Project as paragraph 5.23 of the National Policy Statement for National Networks clearly requires the Applicant to show how opportunities to enhance biodiversity has been achieved. The Councils have raised in their Local Impact Report proposed opportunities for this.

101	2.11.7	<p>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).</p>	<p>The Councils' position is unaltered.</p>
102	2.11.8	<p>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</p>	<p>The Councils note the response and look forward to discussions on each planning application.</p>

		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).	
103	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).	The Councils await this new information.
104	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	The Councils' position is unaltered. The Applicant has not provided any information as to why these impacts cannot be avoided.

		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).	
105	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).	The Councils' position is unaltered. The Applicant has not provided any information as to why these impacts cannot be avoided.
106	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).	The Councils maintain that these impacts would be best avoided rather than mitigated and consider that greater detail should be provided on what is to be lost and why it cannot be avoided.
107	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.	The Councils' position is unaltered
108	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.	The Councils' position is unaltered.

		Further detail in relation to seed mixes, planting plans etc will be provided during the detail design stage as is secured through the EMP.	
109	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).	The Councils' position is unaltered.
110	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).	The Councils' position is unaltered.
111	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	The Councils' position is unaltered.

		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.	
112	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.	This amendment is welcomed.

Species			
Reference	NH Comment on LIR	CCC / EDC Response	
113	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	The Councils 'position is unaltered.

		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).	
114	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).	The Councils welcome this confirmation.
115	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.	The Councils' position is unaltered.
116	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.	The Councils are content to defer agreement on this specific matter to Natural England.
117	2.12.9	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	The Councils' position is unaltered

		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.	
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Provision of Biodiversity Net Gain			
	Reference	NH Comment on LIR	CCC / EDC Response
118	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).	The Councils note that the requirement for 10% net gain is not set out in the NPSNN, however the 10% target should nevertheless be an ambition of the Project.

Climate Change			
	Reference	NH Comment on LIR	CCC / EDC Response
119	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	The Councils' position is unaltered.

		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.	
120	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.	Noted.
121	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	The Councils' position is unaltered. The Applicant is asked to reconsider the Councils' request in Paragraph 10.24 of the LIR. For the avoidance of doubt, the Councils are not questioning the data sources that have been used but rather have highlighted where the assessment has identified the

		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.	greatest carbon cost. Greater transparency of how these costs have been collated would surely allow the Applicant to target the greatest opportunities for carbon reduction which would be to every party's benefit.
122	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."	No response required
123	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.	The Councils' look forward to continuing these discussions with the Applicant.

Geology and Soils			
	Reference	NH Comment on LIR	CCC / EDC Response
124	2.16.1	This section sets out National Highways' comments on the Geology and Soils which is set out on page 53 and	No response required

		paragraphs 10.30 – 10.32 of the Environmental Mitigation topic of the LIR (REP1-019).	
125	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.”	No response required
126	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: <ul style="list-style-type: none"> • 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: DGS-02). 	The Councils’ position is unaltered.
127	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.	The Councils’ position is unaltered.

128	2.16.5	A Soil Resource Plan will inform pre-construction soil statements with the intention to provide for soil restoration post construction.	The Councils' position is unaltered.
129	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.	The Councils look forward to receiving this new information at Deadline 3.
130	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-MAW01 (Document Reference 2.7, APP-019).	The Councils welcome this response.
131	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	The Councils' position is unaltered.

		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.	
132	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.	The Councils welcome this approach but wish to see a commitment that this will be provided.
133	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.	The Councils do not see how this can be outside of the scope of the Project when the NPS NN clearly states in Paragraph 5.23 that the onus is on the Applicant to “ <i>show how the project has taken advantage of opportunities to...enhance geological conservation interests</i> ”. At the present time, the Applicant has committed to engage and has not shown what these measures are.

Landscape and Visual			
	Reference	NH Comment on LIR	CCC / EDC Response
134	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).	The Councils’ position is unaltered. Whilst it is understood that the Applicant is seeking the power through the DCO to remove all the vegetation on the site clearance area, this is clearly the worst-case scenario that presents an overly bleak picture of the likely impact. The Council is seeking clarity from the Applicant as to how their design has evolved in the time since the DCO application was submitted and what vegetation can be retained so that the Councils can have a more appropriate understanding of the nature and scale of the effect.
135	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	The Councils’ position is unaltered.

		Design Principles (Document Reference 5.11, APP-302) and is illustrated in the Project Design Report (Document Reference 2.3, APP-009).	
136	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.	The Councils welcome the proposal to protect trees, but this response does not elaborate on which ones this will be other than the limited ones already identified on the Environmental Mitigation Maps. The Councils' position is therefore unaltered in so far that removal of a tree narrowly within the boundary of the Order Limits is likely to, in some circumstances, impact negatively upon the health of a tree out with the Order Limits. This effect has not been considered in the ES and the Councils are seeking assurances from the Applicant as to how they will ensure that trees are protected.
137	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	The Council is grateful for this clarification.

		(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.	
138	2.17.14	National Highways highlights that the mitigation measures are illustrated on the Environmental Mitigation Maps (Document Reference 2.8, APP041) 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).	The Councils' position is unaltered.
139	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.	The Councils' position is unaltered. The Councils were seeking further information and clarity from the Applicant on these points and the document that has been referenced does not provide this.
140	2.17.18	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.	The Councils' welcome this engagement, but their position remains unaltered.
141	2.17.20	Response to 10.40: Please refer to response to 10.39 above.	The Councils' welcome this engagement, but their position remains unaltered.
142	2.17.22	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	The Applicant has only responded to the first point raised by the Councils in Paragraph 10.41. There is no further information about the relationship of properties on Lane End or about the request for an additional photomontage.

		Reference 5.11, APP-302), a certified DCO deliverable. Within that document, specific Design Principles of relevance here include:	
143	2.17.23	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.	The same response as 2.17.22.
144	2.17.24	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.	The same response as 2.17.22.
145	2.17.25	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.	The same response as 2.17.22.
146		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).	The same response as 2.17.22.

Materials and Waste			
	Reference	NH Comment on LIR	CCC / EDC Response
147	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	The Councils welcome this clarification.

		<p>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:</p> <ul style="list-style-type: none"> • 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%]. • Project achieves less than 70% overall material recovery / recycling (by weight) of non-hazardous CDW to substitute use of primary materials. 	
148	2.18.4	<p>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, APP054).</p>	The Councils welcome this clarification.
149	2.18.6	<p>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</p>	The Councils welcome this clarification.

		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.	
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Noise and Vibration			
	Reference	NH Comment on LIR	CCC / EDC Response
150	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.	To clarify, the Councils were seeking specific mitigation rather than generic mitigation and the Applicant has provided no further detail and hence the Councils' position is unaltered.
151	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	The Councils' position is unaltered.
152	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.	The Councils' position is unaltered.

		<p>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.</p>	
153	2.19.7	<p>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.</p>	<p>The Councils consider that noise mitigation should be fully addressed through the road design and noise mitigation proposals, rather than relying upon the provisions of the Control of Pollution Act 1974 to remedy any problems that arise.</p>
154	2.19.8	<p>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.</p>	<p>The Councils consider that it is important for them to be able to understand if the health and wellbeing of some local people is going to be compromised through having to be rehoused during the construction phase of the Project. The Councils therefore do not consider that it is unreasonable to request a Temporary Re-housing Assessment drawing upon the existing construction phase assessment which has already considered impacts at individual noise sensitive receptors in the absence of mitigation. The Councils therefore do not consider that this is an onerous request given the importance of this issue to the Councils and the local community.</p>

155	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.	The Councils' position is unaltered.
156	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.	In Paragraph 10.49 of the LIR the Councils have requested further information from the Applicant as to why they consider any further mitigation to be unfeasible due to engineering constraints and sustainability. This is particularly in respect to the Kirkby Thore area. The additional information from the Applicant has not clarified and addressed the Applicant's concerns as it is generic in its response. Therefore, the Councils re-iterate their concern about the impacts from road traffic noise at Kirkby Thore and would expressly ask why further mitigation cannot be provided. The Councils wish to see modelling of different heights of barriers or clear justifications as to why greater depths of cutting or heights of bunds cannot be accommodated.
157	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	The same response as 2.19.20 but relating to these properties rather than specifically to Kirkby Thore.

		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).	
158	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.	Please can the applicant provide this assessment for the Councils to consider it?
159	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.	This approach to this appraisal is not questioned by the Councils, however they wish to view the assessment and supporting evidence to demonstrate where "all reasonable steps....to mitigate and minimise adverse effects" has been taken (NPSE 2010)
160	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	The same response for 2.19.26.

		<p>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.</p>	
161	2.19.29	<p>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 moves 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.</p>	The same response as 2.19.25 and 2.19.28

162	2.19.30	<p>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.</p>	<p>The Councils need to be provided with the assessment that this response refers to.</p>
163	2,19,31	<p>Additionally and in part also related to the cost, to be effective, a barrier to protect some of the receptors would require substantial additional engineering to be included in the design of the viaduct over Trout Beck to accommodate the effects of wind loading.</p>	<p>The Councils welcome this clarification.</p>
164	2.19.33	<p>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.</p>	<p>The Councils position is unaltered.</p>

Population and Human Health			
Reference	NH Comment on LIR	CCC / EDC Response	
165	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, APP030) must be consulted on with the LPA's, in accordance with REAC reference D-PH-01.	The Councils position is unaltered.
166	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: <ul style="list-style-type: none"> • 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. 	The Councils position is unaltered.
167	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).	The Councils position is unaltered.

Road Drainage and the Water Environment			
Reference	NH Comment on LIR	CCC / EDC Response	
168	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).	The Councils understand that protective provisions have now been included in the dDCO Schedule 9 Part 7 for the benefit of the drainage authorities. These protective provisions will be the subject of discussions between the Applicant and the Councils.

169	2.21.5	<p>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).</p>	The Councils position is unaltered.
170	2.21.9	<p>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</p>	The Councils position is unaltered.

		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).	
171	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.	The Councils welcome this engagement.
172	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, APP019) 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, DRDWE-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	The Councils position is unaltered.

		<p>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.</p>	
173	2.21.14	<p>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</p>	The Councils position is unaltered.

		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.	
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Appendix A: The Council's Assessment of Departures from Standards Overview			
	Reference	NH Comment on LIR	CCC / EDC Response
174	2.22.2	<p>National Highways Comments</p> <p>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.</p>	<p>The Council shared a template for high risk departure assessments in April 2022. The Council remains concerned that the provisions made within the Order limits will preclude the optimum safe mitigation being adopted by the Project if this work is only undertaken at detailed design.</p> <p>The Council require the Applicant to provide information on the high risk departures by Deadline 5.</p>

Appendix B: Technical Assessment of the Project Impact on Appleby Horse Fair Overview			
	Reference	NH Comment on LIR	CCC / EDC Response
175	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 Councils believe that the change in design at Appleby does not impact on the need for accommodating better movement of fair traffic on and off the site and onto the A66. The request for,

		the Fair site relative to a junction which has now been removed from the Project.	at minimum an eastbound entry slip to the A66 and ideally a westbound exit from the A66, still stands.
176	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.	The Councils note the continued dialogue on this matter. We still encourage the Applicant to incorporate design features that will maximise use of the de-trunked sections of A66 for horse-drawn traffic when accessing Appleby Horse Fair, which in the majority is from the east.
177	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 (MASC) Traffic Management Plan for Appleby Horse Fair.	Noted.

Appendix C: Assessment of Potential Diversions Route Overview			
	Reference	NH Comment on LIR	CCC / EDC Response
178	2.24.2	<p>National Highways Comments</p> <p>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</p>	<p>The Council concerns persist that there is insufficient detail of the health and safety mitigations for the diversion routes, both during temporary and operational traffic management, as stated in paragraph 7.5 of the LIR [REP1-019].</p> <p>There are no significant changes, nor further detail, to the potential routes from the plan in Appendix D and Figure 12.9 Possible Diversion Routes [APP-120].</p>

		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.	
179		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.	<p>The Councils will continue to work with the Applicant through the latter stages of the Project's traffic management plan to minimise the impacts on the local community.</p> <p>The Councils request that the Applicant provides a schedule of milestones for resolution of the traffic management concerns by Deadline 5.</p>