

Procedural Deadline Submission – Deadline 3, 24th January 2023

Response to National Highways’ Response to Written Representations

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’ Written Representations [REP1-019.1].

| Examination Library Reference | Interested Party | Response Topic(s) | Written Representation | National Highways Response | CCC / EDC Response at Deadline 3 |
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| REP1-019.1 | Cumbria County Council and Eden District Council | Design and Engineering | 2.1 M6 Junction 40 and Kemplay Bank (paragraphs 2.1.1-2.1.15) that relies on the findings of the LIR (J40 and Kemplay Bank Roundabout at paragraphs 4.14-4.20) | National Highways has responded to this matter in its response to the Councils’ Local Impact Report; Applicant’s Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.2.10 – 3.2.32). | <p>The results of the September 2022 traffic survey were shared with the Councils on 16/01/23. These suggest that existing congestion will not be addressed, particularly on the Friday pm peak.</p> <p>It may be that improvements to the traffic signal phasing could improve the performance of the junctions.</p> <p>The results indicate that the current scheme design can accommodate the 45% predicted traffic growth.</p> <p>Vissim modelling information is not yet available so no further comments can be made at this stage.</p> |
| REP1-019.1 | Cumbria County Council and Eden District Council | Design and Engineering | 2.2 De-Trunking (paragraphs 2.2.1-2.2.4) that relies on the findings of the LIR (De-Trunking at paragraphs 5.1-5.13)) | National Highways has responded to this matter in its response to the Councils’ Local Impact Report; Applicant’s Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.3.1 – 3.3.10). | <p>The Council’s principles document was produced in 2022 to initiate the discussion on de-trunking with the Applicant without any insight to its strategy. The Councils did not have any feedback on the document but welcome the discussions which are now progressing well on the 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</p> |

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| | | | | | direct compensation and not be reliant on unsecured future funding strategies. |
| REP1-019.1 | Cumbria County Council and Eden District Council | Transport | 2.3 Active Travel (paragraphs 2.3.1-2.3.4) that relies on the findings of the LIR (Active Travel at paragraphs 6.1-6.14) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.4.1 – 3.4.12). | Continued engagement with the Councils is needed as the design progresses to ensure that the standard of provision meets the standards within LTN 1/20 as far as possible. |
| REP1-019.1 | Cumbria County Council and Eden District Council | Design and Engineering | 2.4 Appleby Horse Fare (paragraphs 2.4.1-2.4.3) that relies on the findings of the LIR (Appleby Horse Fair 6.15-6.21) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.4.13-3.4.19). | 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. |
| REP1-019.1 | Cumbria County Council and Eden District Council | Design and Engineering | 2.5 Diversions (paragraphs 2.5.1-2.5.7) that relies on the findings of the LIR (7. Diversions paragraphs 7.1-7.9) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.5.1 – 3.5.21). | The Councils still have concerns that the detailed proposals for diversions, both temporary and operationally, have not been 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). |
| REP1-019.1 | Cumbria County Council and Eden District Council | Design and Engineering | 2.6 HGVs (paragraphs 2.6.1-2.6.4) that relies on the findings of the LIR (8. HGVs at paragraphs 8.1-8.9) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.6.1 – 3.6.9). | <p>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.</p> <p>In addition, and as stated in paragraph 8.7 of the Local Impact Report (LIR) document reference REP1-019, the current insufficient facility provision will become more severe within the next five years and beyond. The adverse impacts of this are a consequence of the project and should therefore be mitigated.</p> <p>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.</p> |
| REP1-019.1 | Cumbria County Council and Eden District Council | Socioeconomics | 2.7.1 Socioeconomics that relies on the findings of the LIR (9. Socioeconomics at paragraphs 9.1-9.16) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.7.1-3.7.16). | 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: |

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| | | | | | <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 • Community Engagement Plan • Skills and Employment Strategy. <p>The Councils would request that specific theme-based meetings with the Applicant's Delivery Integration Partners (DIPs) are scheduled as soon as possible to help guide and inform the content of all plans and strategies listed above.</p> |
| REP1-019.1 | Cumbria County Council and Eden District Council | Environment and EMP | 2.8.1 The Councils have been in detailed discussions with NH over the development of appropriate mechanisms to ensure maximum benefit from, and to mitigate the impacts of, the Project. Given the overall strategic and local benefits of the Project, the Councils are fully supportive of efforts to deliver the scheme in as timely way as possible and support the aspiration for the Environmental Management Plan (EMP) to be developed so as to capture the wide range of mitigation measures in one single document. This support is on the proviso that the EMP process provides the same safeguards, level of consultation and involvement of the local authorities and CCC in its capacity as local highway authority and certainty with regard to management and mitigation of impacts as would normally be secured through requirements in a DCO. | National Highways welcomes the support for the principle of the EMP. | Noted, however the Councils reiterate the point that the EMP must provide the same safeguards, level of consultation and involvement and certainty about mitigation as would normally happen through the requirements process. |

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| REP1-019.1 | Cumbria County Council and Eden District Council | Environment and EMP | <p>2.8.2 In response to the A66 Section 42 consultation, the Councils identified a number of areas where mitigation was required to minimise negative local impacts and ensure the full benefits of the Project are realised.</p> <p>2.8.3 These were identified as the Council's 'key tests' for the Project and represent the issues of greatest importance to the Council. The key tests are: (a) Connectivity: Improving Connections to Local Communities, maintaining north south connections and minimising severance; (b) Key Junction Improvements; (c) De-trunking of the Existing A66; (d) Active Travel; (e) Network Resilience; (f) Improved Facilities for HGVs; (g) Maximising Socio- Economic Benefits; (h) Construction impacts (including Diversion Routes); and (i) Environmental Mitigation, including drainage.</p> <p>2.8.4 The EMP has a key role in relation to all of the above matters and the Councils are concerned that appropriate safeguards are in place to ensure that as the relevant local planning authority, local highway authority and lead local flood authority they are appropriately engaged during the development, amendment and approval of the EMP.</p> | <p>National Highways are committed to continue working closely with the Councils on the further development of the EMP (Document Reference 2.7, APP-019) and finalising how the mitigation contained therein will be implemented. The EMP, within Section 1, sets out the consultation procedures that will be implemented with regard to the development of the second iteration of the EMP. A commitment has also been added to the EMP REAC table (Table 3.2. commitment D-GEN-22), prescribing that National Highways shall set up regular engagement forums with the prescribed consultees to continue ongoing engagement. This amendment shall be included in an updated version of the EMP which will be submitted to the examination at Deadline 3.</p> | <p>The Councils welcome the Applicant's proposed commitment to set up regular forums to continue ongoing engagement on the development of the EMP. However, the Councils would welcome further information on what this means and how the Councils' views will be taken on board in developing the EMP. The Councils will comment further once the updated version of the EMP is submitted.</p> |
| REP1-019.1 | Cumbria County Council and Eden District Council | Environment and EMP | <p>2.8.5 Some assessments presented within the Environmental Statement (ES) are not considered to be suitably progressed to the extent that the likely significant effects, that are predicted to be experienced by sensitive receptors within the statutory protection of the Councils, are adequately and appropriately mitigated. This is due to an absence of survey information or design information that would provide certainty about the effect.</p> | <p>National Highways has responded to this matter in its response to the Council's LIR: Applicant's Comments on the Local Impact Reports (Document Reference 7.9) at paragraphs 3.8.2 – 3.8.9.</p> | |
| REP1-019.1 | Cumbria County Council | Environment and EMP | <p>2.8.6 The Councils reserve their position following discussion at Issue Specific Hearing 2 regarding the</p> | <p>National Highways notes the comments made. It should first be noted that it is not yet confirmed that second iteration EMPs will be</p> | <p>The Councils were not aware that EMPs for each Scheme could be bundled up into a single 2nd iteration EMP, but still consider that a substantial amount of work will be</p> |

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| | and Eden District Council | | <p>suitability of Article 53 and the EMP rather than including the usual requirements in the DCO. In advance of reviewing NH's revised position (if any) the Councils have concerns regarding the proposed consultation processes in relation to the timescales for response and mechanisms for agreeing potential changes to the EMP. The volume of work involved in reviewing and commenting on the second iteration EMPs will be significantly increased, because they are to be developed on a scheme specific basis rather than as a single document. In summary the Councils would wish to see:</p> <p>an extension from 20 working days to 30 working days for the relevant authorities to review information submitted to them; clarity regarding the Councils' involvement when a change to the EMP is proposed and, in particular, in some form of regulatory check being introduced to enable the Councils to have influence over whether a proposed change is referred to the Secretary of State for approval.</p> <p>the wording of the DCO changed to make clear that the second iteration of the EMP should be prepared "substantially in accordance with" the first iteration EMP and not "substantially based upon"; and more detail and clarity regarding the circumstances in which NH are able to exercise their self-approval powers and ensuring the local authorities are consulted as part of this process.</p> | <p>brought forward on a scheme by scheme as opposed to another geographic basis – that will need to be determined by the contractor, post consent (for example, certain schemes could, instead, be 'bundled up' into a single second iteration EMP).</p> <p>Turning to the primary points made in terms of the consultation process in respect of the EMP, amendments to second iteration EMPs, specific drafting of article 53 and the mechanisms for determinations able to be made by National Highways in respect of the Environmental Management Plans, National Highways has addressed all of these in its Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (including written submissions of oral case) [REP1-009]. In particular:</p> <ol style="list-style-type: none"> 1. It is acknowledged that there may be circumstances where extensions to the consultation time periods are required and, as such, National Highways intends to include provisions in the next draft of the first iteration EMP (to be submitted at Deadline 3) to provide for extensions to be agreed between the parties on a case-by-case basis. However, it is critical to the timely delivery of the Project that a clear, consistent process applies, in general, to consultation in respect of the EMPs; 2. New provisions have been included in article 53 (a revised version of which has been submitted into the examination at this Deadline 2) to introduce a mechanism whereby the Secretary of State must be informed where National Highways intends to determine an amendment to an approved second iteration EMP, with a mechanism for the Secretary of State to 'call-in' such a determination; and 3. Article 53 has been amended to refer to 'substantially in accordance with' National Highways will continue to engage with the Councils on these points, particularly in terms of the circumstances where National Highways can determine matters | <p>involved in responding to one or more EMP's – significantly more than responding to individual requirements that would be more likely to be submitted over a longer time-period and be individually less onerous to review. The Councils have commented on the Applicant's post hearing note from ISH2 and made observations about the EMP process (see REP2-028).</p> <p>The Councils understand that timely delivery and a clear and consistent process is required, but still consider that 20 working days for consultation is insufficient. The content of the EMP is extensive and will require input from a range of technical disciplines to ensure that all matters are properly considered. Given that ongoing engagement in the Project is beyond business as usual for the Councils it will be challenging for them to respond within 20 working days and would request that consideration is given to amending this to 30 working days</p> <p>The Councils welcome the amendment to Article 53 and continued engagement with the Applicant.</p> <p>The Councils have given further consideration as to how the EMP process should operate and believe that it must allow for the Councils to influence the content and decision making regarding the matters within the EMP as would normally be the case if those matters were approved through the requirements process.</p> |
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| | | | | itself and how the prescribed consultation provisions in the first iteration EMP would apply in such circumstances. | |
| REP1-019.1 | Cumbria County Council and Eden District Council | Environment and EMP | 2.8.7 Within the context of the proposed EMP process the Councils would like to understand how the local planning authority can deal with the enforcement of non-compliance. In particular, the Councils wish to secure reassurance through a response to these representations in terms of their ability to highlight breaches of the Order and ensure the relevant parties are held accountable and appropriate enforcement is undertaken. | <p>Section 7 of the first iteration EMP (which would need to be carried forward into a second iteration EMP) contains provisions dealing with monitoring of activities under the EMP and remedying non-compliance with the commitments therein. This includes commitments in respect of record keeping and inspections by regulatory bodies, such as the Councils.</p> <p>National Highways also intends to amend the first iteration EMP to provide that the relevant local planning authority must be notified (alongside other regulatory bodies) of any non-compliance with the EMP commitments, having regard to the nature and scale of the non-compliance issue in question. Such an amendment will be reflected in the revised version of the first iteration EMP submitted at Deadline 3.</p> <p>It should also be noted that any breach of the EMP provisions would be treated as a breach of the terms of the DCO (given compliance with the EMP is secured within article 53 of the DCO). As such, the enforcement provisions in Part 8 of the Planning Act 2008 would apply. Under these provisions, a local planning authority can take enforcement action (section 161). This extends to seeking injunctions from the court (section 171). In addition it would of course be open to any party to apply to the court for a judicial review of any action taken by the Applicant under the terms of the DCO.</p> <p>National Highways will continue to engage with the Councils on this point.</p> | The Councils welcome the commitment to allow the Councils to inspect records and to be informed of any breaches of the EMP. The Councils will wish to see further information on the process and protocols in the next iteration of the EMP. |
| REP1-019.1 | Cumbria County Council and Eden District Council | Environment and EMP | <p>Wetheriggs Country Park:</p> <p>It is important that a detailed plan is prepared and agreed with the Councils that identifies the impacts on this area and the most appropriate layout and mitigation. The site is seriously affected by additional land take, removal of trees, change to the environment of the area and potential loss of sports pitches and associated informal facilities. The site adjoins the urban area with sensitive receptors</p> | National Highways have responded to the points regarding Wetheriggs Country Park in the Procedural Deadline submission – Applicant’s Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013). National Highways will continue to engage with CCC and EDC on these points, which will be documented within the Statement of Common Ground (Document Reference 4.5, APP-277). | The Councils welcome the support from the Applicant for the development of a masterplan for Wetheriggs Country Park and look forward to continued engagement with the Applicant to resolve any concerns. |

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| | | | including sheltered housing, residential areas and a hotel. The Councils require an opportunity to work with NH on a detailed plan for the area, that should be implemented through the DCO.” | | |
| REP1-019.1 | Cumbria County Council and Eden District Council | Design, Engineering and Construction | Compounds and Pre DCO applications Early clarity must be provided on the locations of compounds based on proper consideration of impacts and identification of mitigation and related land requirements. The Councils understand that NH is seeking advanced approval through the Town and Country Planning Act 1990 process and to ease this some certainty on agreement of impacts and mitigation would provide reassurance that these applications are relevant and in line with likely eventual outcome of the DCO. | Should any compounds be sought to be advanced ‘early’, the proposals would be subject to engagement and the consultation requirements of a conventional Town and Country Planning Act 1990 planning application, should this be the chosen consenting route. Any application submitted under this regime would need to be determined in the normal way by the local planning authority, in line with local planning policy unless material considerations indicate otherwise. National Highways will continue to engage with the local planning authorities on this topic. | It is the Councils’ understanding that approval for the compounds will still be sought via the DCO, even if they are advanced earlier through conventional planning applications through the Town and Country Planning Act 1990. Information on the assessment of impacts and required mitigation from the DCO process would assist in the determination of any such planning application. It is accepted that any planning application outside of the DCO would need to be determined on its own merits. |
| REP1-019.1 | Cumbria County Council and Eden District Council | DCO – Policy and Guidance | Draft DCO: Article 3(1)(b) – Disapplication of Section 23 of the Land Drainage Act 1991 The application does not include the design details of watercourse crossings. Without this detail in the draft DCO (dDCO) [APP-285] there is no means to secure the designs of the watercourse crossings in the DCO itself. The design is constantly being changed and is already out of the date. The Councils cannot agree to the disapplication of the Land Drainage Consent process (a prescribed consent) unless this detail is included in the application or a legal side agreement is entered into requiring approval of details. | A set of protective provisions for the benefit of drainage authorities has been included in the revised draft of the DCO submitted at this Deadline 2. These provide for the approval of works by the authorities that would otherwise be subject to the proposed disapplied consenting regime under the Land Drainage Act 1991. National Highways will continue to engage with the drainage authorities on the form of these protective provisions, with a view to reaching agreement on them before the end of the examination. | The protective provisions included in the revised draft DCO submitted by the Applicant was not anticipated nor expected. The appropriateness of the draft protective provisions will be discussed with the Applicant and the Councils will update the Examining Authority on the status of negotiations throughout the Examination. |
| REP1-019.1 | Cumbria County Council and Eden District Council | DCO – Policy and Guidance | Article 19 – Compulsory Acquisition of Land Article 19 onwards – Part 3 of the dDCO [APP-285] deals with powers of compulsory acquisition. In relation to land and rights required of the | The land identified by National Highways as being required to be subject to compulsory land powers in the DCO has been carefully considered, having regard to the engineering and environmental requirements of the Project. However, as the detailed design of the Project | As discussed in CAH1, the Councils are concerned by the lack of meaningful engagement with regards to the use of its compulsory purchase powers included within the DCO and the effect that the use of these powers will have on |

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| | | | <p>Councils, the Councils would expect both protective provisions to be included in the DCO to protect its operational land and a legal side agreement with NH for voluntary acquisition of these rights and any requirement for the need for temporary possession of the Councils land. Whilst CCC is supportive of the Project, it is unclear from NH as to the need for the extent of permanent or temporary land take particularly in relation to operational CCC land.</p> | <p>is progressed, more accurate information about exactly what land is required, and for what purpose, is expected to become available, and this will inform the extent of land which does actually need to be acquired or used to enable the delivery of the Project, should the DCO be granted. As such, the current land shown as being subject to compulsory land powers in the DCO can be seen as a 'worst case'. How this principle is reflected in the draft DCO was discussed at CAH1 and is set out in some detail under agenda item 2.2 in the Applicant's Compulsory Acquisition Hearing 1 (CAH1) Post Hearing Submissions (including written submissions of oral case) [REP1-007].</p> <p>Ultimately it is National Highways' aim to reach agreement with all affected landowners, including the Councils, as opposed to having to resort to exercising compulsory land powers contained in the DCO. As such, National Highways will continue to engage with the Councils in respect of their affected land interests</p> <p>It should be noted however, that National Highways does not consider there to be a need to include protective provisions in the DCO for the Councils' benefit as described. This point, amongst others, will be the subject of continued engagement between the parties.</p> | <p>both their land holdings and their ability to perform its statutory functions.</p> <p>Since CAH1, there has been little engagement from the Applicant and the Councils still await clarity as to the extent of land that is and is not required and for what purpose. The Councils would welcome positive meaningful engagement from the Applicant as a matter of some urgency as the Councils are willing to engage and find mutually acceptable solutions.</p> <p>In relation to the need or otherwise of protective provisions, the Councils will discuss this with the Applicant.</p> |
| REP1-019.1 | Cumbria County Council and Eden District Council | DCO – Policy and Guidance | <p>Skirsgill Depot</p> <p>NH has identified essential operational land at Skirsgill for permanent land take including part of CCC's Highways Depot which services the majority of Cumbria's highway network including essential maintenance and gritting provision. NH's intentions to date include the provision of a new access from CCC non-operational land into the operational Skirsgill site and NH's proposed compound. CCC has made numerous attempts to agree heads of terms for a lease for the compound and access on the non-operational land between the A66 and the Skirsgill site. To date despite NH appointing the valuation office agency to negotiate a lease of the proposed compound area and arrangements for the access,</p> | <p>National Highways original intention for a compound on Scheme 0102 was to lease the empty office on plot on 0102-01-35 in late 2022 / early 2023 and then expand into plot 0102-01-43. Please note that the inclusion of the occupied office at the Northern point of plot 0102-01-35 was an error and it was never National Highways intention to take possession of this facility.</p> <p>National Highways contacted CCC regarding the lease of the empty office on plot 0102-01-35 and was informed that, due to a change of circumstance, CCC required this facility to relocate staff that were based at Penrith Hospital.</p> <p>Plot 0102-01-43 required more time to discuss, due to the sensitive nature of its use by a local charity. National Highways informed CCC that negotiations on this plot could not</p> | <p>CCC does not accept that the information provided to the Examination by the Applicant is entirely accurate nor reflects the discussions between the parties throughout the last two years. National Highways has stated that it will take the Eamont Building and Block N which is located within the DCO limits of deviation.</p> <p>This is correct.</p> |

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| | | | <p>no meaningful progress has been made despite CCC making attempts to engage with NH. The relevant plots are 0102-01-43, 0102-01-29, 0102-01-38, 0102-01-31, 0102-01-30, and 0102-01-28 [AS-013]. CCC also has concerns that NH will close either temporarily or permanently its emergency exit from the Skirsgill Depot onto the southbound carriageway to the M6 as the access is included in Plot 0102-01-23 [AS-013] which is essential should the only other access/ egress onto the A66 become blocked/ closed. The area of land included in Plot 0102-01-43 [AS-013] includes 2 offices known as the Eamont Building and Block N. These buildings provide accommodation for vital statutory safeguarding services for both vulnerable adults and children throughout Cumbria. NH has previously indicated that they were going to take these offices on a permanent basis despite its intended future use being on a temporary basis by NH throughout the construction phase of the Project. CCC strongly objects to such land being taken either on a temporary or permanent basis as it has no alternative suitable options to relocate these vital statutory services. CCC requires NH to clarify why it is intending to only temporarily acquire Plot 0102-01-46 [AS-013] when the surrounding land is required by NH on a permanent basis. The temporary acquisition effectively severs CCC's land.</p> | <p>progress until the position was agreed with the local charity. The agreed position has been progressed and negotiations with CCC have since resumed albeit with the detail set out below.</p> <p>In addition, and as a result of the above, National Highways re-evaluated its compound strategy for Scheme 0102. Another existing building, outside of Skirsgill depot, has been identified to replace the empty office on plot on 0102-01-35. Negotiations are underway to secure a lease.</p> <p>It is envisaged that the compound on this plot will be constructed after the DCO has been made, but early access will be required for surveys.</p> <p>National Highways are in dialogue with CCC regarding licences for survey access and this will continue.</p> <p>National Highways will continue to work with CCC with regards to access arrangements and these will be confirmed with CCC as a part of the on- going negotiations.</p> <p>National Highways will not seek to acquire either of the occupied office buildings or their associated facilities, such as car parking, on plot 0102-01- 43.</p> <p>National Highways will not seek to acquire Plot 0102-01-46 now that the associated building is not available.</p> | <p>The Applicant appointed the VOA to negotiate the lease for a compound on this land, but these discussions ceased more than 6 months ago. CCC is not aware that this land is used by a local charity – CCC has granted a short-term grazing lease to an Alison Noble.</p> <p>Noted.</p> <p>CCC has received no contact from the Applicant regarding a licence for surveys on this land.</p> <p>The Applicant has promised CCC a new and safe access into the Skirsgill depot to improve safety for large and slow highways vehicles accessing and egressing the site. However, there has been no discussions with the Applicant on this issue for more than six months.</p> <p>CCC has not been advised in writing until now that the Applicant does not want to permanently or temporarily take the office buildings known as the Eamont Building nor block N. CCC would welcome further clarity on this issue.</p> <p>Noted.</p> |
| e | Cumbria County Council and Eden District Council | DCO – Policy and Guidance | <p>Kemplay Bank</p> <p>CCC is unclear as to why NH intends to permanently acquire Plot 0102-02- 44 [AS0-13] and the entirety of Plot 0102-02-47 [AS-013]. CCC (in particular Cumbria Fire and Rescue Service) has development proposals to build an essential county wide fire and rescue training and storage facility</p> | <p>A United Utilities wastewater diversion is required to facilitate the grade separation of Kemplay Bank roundabout. United Utilities were asked to look at the possible routes to divert this asset and they advised National Highways that options are limited because</p> <p>i) Upstream – there is a need to ensure that the number of flooding events in Weatheriggs Country Park is not</p> | <p>The Councils welcome the Applicant's commitment to finding a suitable solution and to engage with CCC.</p> <p>The Councils consider that it is essential that every effort is made by the Applicant, in partnership with United Utilities, to resolve existing flooding problems and sewage spillages when designing the wastewater diversion. It would be a missed opportunity to resolve a longstanding issue if the objective is only to avoid worsening the current situation.</p> |

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| | | | <p>to the North of Plot 0102-02-47 [AS-013] and parts of Plot 0102- 02-44 [AS-013]. After a 10-year search for suitable land across the county, this land has been identified as the only option to provide this facility for the county's Fire and Rescue service. CCC understand that NH potentially want to diver a sewer under this land and CCC requires clarity as to whether alternative diversions have been explored and whether their development aspirations on this land can still be achieved with the sewer diversion in situ. CCC would welcome some meaningful dialogue with NH to resolve this concern.</p> | <p>worsened*.</p> <p>ii) Downstream – there is a need to ensure that the number of spillages from the combined sewer overflow is not worsened.</p> <p>United Utilities advised that the optimal route for the diversion is across plots 0102-02-44 & 0102-02-56 & 0102-02-61, but if surveys (topographical and ground investigation) find this is not feasible then the alternative would be across plots 0102-02-44 & 0102-02-47.</p> <p>National Highways subsequently became aware of aspirations to expand the facilities at the Fire and Rescue centre and asked United Utilities to re- evaluate the options previously considered. National Highways also consulted with CCC and agreed, subject to surveys, to amend the diversion route along the boundary of plot 0102-02-44. National Highways is now in the process of procuring the surveys to inform the route alignment. National Highways are grateful to CCC for their assistance to date in progressing the licence required.</p> <p>National Highways have assured CCC that whilst these plots are shown as permanent acquisition, this would only be relied on as a last resort, and it is hoped that through negotiation the landowner would grant directly the easements required by United Utilities for the diversion of its apparatus.</p> <p>Even were compulsory acquisition powers to be used as a last resort on completion of the diversion this land could be returned to CCC, albeit with an easement associated with the diversion, in accordance with the Crichel Down Rules.</p> <p>* National Highways is in dialogue with United Utilities to understand if there is an opportunity to design the diversion such that it reduces the impact of flooding on Weatheriggs County Park; albeit this is strictly outside the scope of the project.</p> | <p>CCC is unclear why the Applicant needs to permanently compulsorily acquire all of the undeveloped land at Kemplay Bank leading down to the River Eamont. It appears to only be needed for biodiversity net gain/ ecology mitigation which could be provided elsewhere. The extent of the proposed land take and the remoteness from the A66 works is disproportionate.</p> <p>It has been stressed in a number of meetings between the Applicant, CCC and Cumbria Fire and Rescue that CCC land to the west of the Fire and Rescue HQ/ Blue Light Hub is essential for the future use of the fire station and the operation of Cumbria Fire and Rescue Service in Cumbria. CCC are currently working on a project to provide a Fire Training and Storage Facility on this land which will serve fire personnel throughout Cumbria. The Applicant has alluded to the permanent acquisition of this land for biodiversity net gain/ relocation of protected species/ ecology mitigation which would permanently blight the development of the land by the Fire and Rescue Service.</p> <p>CCC notes that the Applicant does not specifically address this point in its responses and refers only to the relocation of the United Utilities foul sewer. CCC is strongly opposed to the location of this sewer on the fire station expansion land due to the impact it would have on the development of the planned Training and Storage facility. CCC would welcome meaningful dialogue with the Applicant on this point.</p> |
| REP1-019.1 | Cumbria County Council and Eden District Council | DCO – Policy and Guidance | <p>Fire Station</p> <p>CCC is deeply concerned regarding the temporary and permanent acquisition of all the land where the access roads are situated as it represents the only access into the Fire Station. The Fire Station is also used as the Emergency Planning</p> | <p>Please see National Highways' response above for discussion on the route alignment.</p> <p>National highways understand, from discussions with CCC, that whilst the preferred entry route of the fire appliance is via plots 0102-02-56 & 0102- 02-61 it can also gain entry via the car park and manual gate access.</p> | <p>The Councils concerned that the Applicant is ignoring the vital importance of the Fire and Rescue Service HQ to Cumbria. Despite many site meetings and inspections, The Applicant appears not to understand how the Fire and Rescue Service HQ operates and that emergency vehicles can only enter the site from the road to the rear of the Fire and Rescue HQ and exit onto the Kemplay Bank Roundabout. The emergency vehicles cannot return via</p> |

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| | | | <p>Headquarters for Cumbria in the event of any natural disaster and/ or significant events in the county and therefore access to the Fire Station needs to remain unfettered and uninterrupted 24 hours per day. The Plot references relevant to the Fire Station and its access are Plots 0102-05-49 0102-02-51, 0102-02-55, 0102-02-56, 0105-02-59 and 0105-02-61 [AS013].</p> | <p>National Highways will endeavour to minimise disruption to the Fire Station, but will ensure that at least one of the above accesses is maintained at all times and this is communicated in advance to avoid confusion.</p> | <p>the Fire and Rescue HQ Car Park and the Applicant was shown this at the last site meeting it attended. The Councils fail to understand why the Applicant is not clear on this position.</p> <p>The permanent and temporary acquisition of land to the front of the Fire and Rescue HQ will result in the facility being unable to operate 24/7 which is unacceptable.</p> <p>CCC and the Fire and Rescue Service have significant concerns regarding the Applicant's misunderstanding of how the site operates. If the Applicant insists on interfering with the Fire and Rescue Service in the way suggested then the only viable solution is to find alternative premises for the Fire and Rescue Service to respond safely and effectively to emergencies across Cumbria.</p> <p>CCC would welcome effective and meaningful dialogue with the Applicant on these extremely serious concerns.</p> |
| REP1-019.1 | Cumbria County Council and Eden District Council | DCO – Policy and Guidance | <p>Article 40(6) – Handover procedure for de-trunking Article 9(5) of the dDCO [APP-285] refers to a date of de-trunking of roads listed in Schedule 7 to be set by NH on “such date as the undertaker may determine, unless otherwise agreed in writing with the local highway authority”. CCC will only agree to a handover date for the de-trunked sections of highway when all due diligence has been undertaken, remedial repairs, alteration, conversion and improvement works (if these are to be undertaken by NH rather than CCC – this has not yet been agreed) have been completed to the reasonable satisfaction of CCC which would include the removal of redundant assets (cables, services, plant and equipment or for funding to be made available to CCC to do this). The process and procedure for engagement between NH and CCC needs to be clearly set out in detail and secured through a legal side agreement. CCC requires further details to be provided in relation to the proposed areas to be de-trunked and CCC needs to be able to adequately evaluate the current condition,</p> | <p>National Highways issued draft de-trunking documents to CCC, between 14/9/22 and 21/9/22, which include proposed pre-requisites to handover. This includes, but is not limited to commuted sums for</p> <ul style="list-style-type: none"> i) Any outstanding issues from the safety audit to be remediated ii) Renewal of elements that are at or nearing (defined as less than half) of their serviceable life. iii) Minor repairs, which are not cost-effective to undertake by themselves, but could and should be incorporated into the next significant intervention <p>In addition, National Highways have committed to undertaking structural assessments / or reviews to ensure that the all the certification is in place.</p> <p>National Highways have repeatedly tried to contact WSP, who CCC have appointed as their Consultant to advise on the de-trunking proposals, with no success.</p> <p>For completeness, National Highways has provided CCC and the other Local Authorities with details of the assets to be de-trunked and reports on their condition, where available.</p> | <p>The Councils welcome the work that the Applicant has undertaken to progress the de-trunking principles. There are further issues still to be agreed between the Councils and the Applicant, which are expected to be resolved before the end of Examination.</p> <p>The Councils have been working with their consultant and other host local authorities to ensure that the level of detail in the de-trunking proposals are appropriate and consistent across the Project.</p> |

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| | | | remedial works needed and who is to undertake these works secured through the legal side agreement. Until this time CCC does not agree with NH having the ability to determine the date of de-trunking in the dDCO. | | |
| REP1-019.1 | Cumbria County Council and Eden District Council | DCO – Policy and Guidance | <p>Article 52 – Consents, agreements and approvals Article 52(3) of the dDCO [APP-285] makes provision for consent, agreement or approval to be deemed if the relevant authority has received an application and fails to notify NH of its decision before the end of the period 28 days beginning with the date on which the application was received. Due to the scale of this Project, 28 days is too short a period for the Councils to consider any applications. The Councils would concur with the ExA in their First Written Questions at ISH2.DCO.16 that a 42-day period is a more reasonable period for consideration of the applications before deemed consent is provided and that Article 52 should be updated accordingly.</p> | National Highways has responded to this point in its response to the ExA's question reference ISH2.DCO.16 – this is contained in the Applicant's Responses to the Examining Authority's Issue Specific Hearing 2 Additional Questions [REP1-005]. | <p>The Applicant has committed to setting up regular forums in relation to the EMP. Is it the intention of the Applicant to replicate this process in respect of the rest of the DCO whereby consents/ agreements or approvals are needed? Without these forums being in place, the 28-day deemed consent time-period imposes a significant resource burden on the Councils. The Applicant is asked to confirm whether or not these forums will be in place.</p> <p>In any event, the Councils consider that the 42-day period is a more reasonable period than 28 days for the deemed approval and that Article 52 should be updated accordingly.</p> |
| REP1-019.1 | Cumbria County Council and Eden District Council | DCO – Policy and Guidance | <p>Article 53 – Environmental Management Plan Article 53 of the dDCO [APP-285] effectively replaces the usual Requirements contained in the Schedule to a DCO and the Councils reserve their position to make further representations on the effectiveness of the EMP until a further draft DCO is submitted by NH at Deadline 2 and the Councils have had the opportunity to review the proposed amendments. However, the Councils fundamentally have concerns regarding the self-approval process contained in Article 53 (4) and (5) whereby once the Secretary of State has approved the second iteration EMP, NH can make amendments to the EMP if they are "substantially in accordance with the</p> | <p>A summary of National Highways' position on this point is set out in the Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (including written submissions of oral case [REP1-009] – see from page 15. In particular, please note the 'post hearing note' section from page 16, with particular reference to the following text:</p> <p><i>"However, taking on board both these difficulties and comments made at the Hearing, the Applicant proposes to instead include a mechanism in either the draft DCO or first iteration EMP (the appropriate 'home' for this is still to be confirmed, pending further consideration) whereby the Secretary of State is notified when the Applicant wishes to determine a change to the second iteration EMP itself. There would then be a prescribed period within which the Secretary of State could 'call-in' that decision, should they consider that the change is more properly</i></p> | <p>The Councils welcome the Applicant's proposal to include a mechanism for notification to the Secretary of State (SoS), when it is proposed to determine a change to the 2nd iteration EMP, giving the SoS the opportunity to 'call-in' the decision. To enable the Councils' views to be taken into account by the SoS in deciding whether to exercise call-in powers, it is requested that the Councils and other interested parties be informed at the same time as the notification to the SoS takes place, to afford them an opportunity to make representations to the SoS about the matter.</p> <p>A period of 14 days for the SoS to decide on whether to issue a direction that the Applicant should submit the proposed changes to the second iteration EMP to them is insufficient, particularly if adequate opportunity is to be afforded to other parties to make representations to the SoS, as suggested above.</p> <p>The Councils would like the SoS to be consulted now to ascertain his view on whether the proposed approval</p> |

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| | | | <p>relevant second iteration of the EMP that has been approved by the Secretary of State...and would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement". The Councils have concerns that there is no regulatory control/ checking mechanism to determine whether or not a proposed change from NH was such that it could legitimately be self-approved by NH or it had to be submitted to the Secretary of State for approval. In Issue Specific Hearing 2, there was discussion on this issue and the Councils seek assurance from NH that there will be a regulatory check requiring NH to notify the Secretary of State that a proposed change to the EMP was contemplated and to receive a determination from the Secretary of State as to whether this was agreed and if not, direction given to NH to submit the proposed amendments to the Secretary of State for approval.</p> | <p><i>determined by them, having regard to the parameters summarised above.</i> <i>This mechanism will be included in the next draft of the relevant document submitted into the examination"</i></p> <p>National Highways has included these provisions in the revised version of the draft DCO submitted at this Deadline 2 – see article 53. It is hoped this gives the authorities the necessary assurances. National Highways intends to record agreement on this point in the Statement of Common Ground between the parties.</p> | <p>process for the EMP is acceptable.to him and that the timescales are reasonable and that he will be able to reply as otherwise this will operate as deemed approval due to limited time and resources available to the SoS and will set a precedent for other DCOs</p> <p>The Councils have concerns that there are no provisions in relation to the approval of the third iteration EMP to deal with any material changes to that version.</p> <p>The requirement for the third iteration to 'reflect' the second iteration is too vague and the Councils request that it should be changed to 'substantially in accordance with' the second iteration EMP. There does not seem to be a process for independent decision-making where the third iteration is not in substantial accordance with or does not reflect the second iteration (whichever wording applies) This needs to be rectified and provision made within Article 53.</p> |
| REP1-019.1 | Cumbria County Council and Eden District Council | DCO – Policy and Guidance | <p>EMP and the Site-Specific Written Schemes of Investigation (SSWSI) As previously stated the Councils are uncertain as to what mitigation measures are proposed and will be implemented prior to construction of the Project. The Councils therefore welcomes NH's confirmation in Paragraph B3.3.5 of Annex B3 to the EMP [APP- 023] that no works shall take place until the Local Authority is in agreement to the SSWSI for each site or group of sites. However, the draft DCO makes no reference to these SSWSIs being included as a requirement or in the EMP and the Councils therefore do not understand the process by which they are secured</p> | <p>Article 53 of the draft DCO sets out the process for how the commitments in the first iteration EMP, including those relating to SSWSIs, would be secured. Ultimately, if a commitment is included in the first iteration EMP, it is secured through article 53 and would not need to be repeated 'on the face' of the DCO. As National Highways set out in its Issue Specific Hearing 2 Post Hearing Submissions [REP1-009], commitments contained in the first iteration EMP, given its proposed status a document to be certified for the purposes of the DCO, have equivalent legal enforceability as commitments given on the face of the DCO.</p> <p>Article 53 provides that a second iteration EMP, including the commitments in the first iteration EMP, must be consulted on and approved by the Secretary of State prior to the start of works. Specifically, commitment number D-CH-01 within the first iteration EMP (Document Reference 2.7, APP-019) requires that a Site-Specific Written</p> | <p>The Councils need authority to sign off on the approval of all areas of archaeological investigation</p> |

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| | | | | Scheme of Investigation is produced for each scheme and included as part of a Detailed Heritage Mitigation Strategy, which, in turn, must be consulted upon and approved by Secretary of State as part of a second iteration of the EMP. | |
| vestigatsREP1-019.1 | Cumbria County Council and Eden District Council | DCO – Policy and Guidance | <p>Article 54 – Detailed Design Article 54(1) of the dDCO [APP-285] requires that “Subject to Article 7 (limits of deviation) that the authorised development must be designed and carried out so that it is compatible with (a) the design principles, (b) the works plans and (c) the engineering section drawings; plan and profiles and the engineering section drawings; cross sections”. Whilst the Councils are content with the level of detail for the works, the Council are not satisfied with the level of detail in the environmental surveys, assessment assumptions and therefore mitigation that NH has put forward as part of the application. The information should have been available to public and stakeholders. Clarity needs to be given to the mechanism by which adequate and appropriate engagement and consultation takes place in lieu of the normal statutory consultation process.</p> | <p>National Highways considers that the environmental surveys and the likely significant effects reported across the Environmental Statement (ES) (Document Reference 3.2, APP-044 to APP-059) provide a robust assessment of the likely significant effects arising from the Project. Across each of the topic chapters, embedded and essential mitigation is reported in sub section 9 whilst likely significant effects are reported in subsection 10, accounting for the mitigation measures outlined. This is fully in line with the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and relevant guidance and policy, as reported in each topic chapter of the ES.</p> <p>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.</p> <p>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. The local authorities can engage with the information provided by</p> | <p>The Councils welcome the continued engagement with the Applicant on the detailed design and mitigation of environmental impacts.</p> <p>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 its liabilities under the requirements of the EIA Regulations. The Councils’ position therefore remains unaltered.</p> |

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| | | | | <p>National Highways as part of this DCO examination process, as they are doing.</p> <p>It should be noted that much of the mitigation is contained within the first iteration Environmental Management Plan. This, along with article 53 of the DCO, sets out the process by which detailed second iteration Environmental Management Plans need to be developed and consulted on (including with the local authorities) prior to submission to the Secretary of State for approval. All of this must be undertaken prior to the start of works. As such, the authorities will be consulted on and engaged with throughout the detailed design process, including in relation to detailed mitigation proposals.</p> <p>Finally, National Highways consulted on preliminary environmental information during the statutory consultation process, as it is required to.</p> <p>There is no obligation to consult on full environmental information prior to a DCO application being submitted.</p> <p>National Highways will continue to engage with the authorities on these issues, amongst others.</p> | |
| REP1-019.1 | Cumbria County Council and Eden District Council | Environment and EMP | 2.9.1 Environmental Mitigation that relies on the findings of the LIR (Environmental Mitigation 10.1-10.2) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.8.1-3.8.9). | Noted. |
| REP1-019.1 | Cumbria County Council and Eden District Council | Air Quality | 2.9.2 Air Quality (bullet points a-b) that relies on the findings of the LIR (Air Quality at paragraphs 10.3-10.14) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.8.10-3.8.25). | Noted. |
| REP1-019.1 | Cumbria County Council and Eden District Council | Biodiversity | 2.9.2 Biodiversity (bullet points c-e) that relies on the findings of the LIR (Biodiversity 10.15- 10.21) | <p>National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9), as follows:</p> <ul style="list-style-type: none"> • Biodiversity (paragraphs 3.9.1-3.9.10) • Habitats (paragraphs 3.10.1-3.10.19) <p>Species (paragraphs 3.11.1-3.11.10) BNG (paragraphs 3.12.1 – 3.12.5)</p> | Noted. |
| REP1-019.1 | Cumbria County Council | Climate | 2.9.4 Climate Change (page 12) that relies on the findings of the LIR | National Highways has responded to this matter in its response to the Councils' Local Impact | Noted. |

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| | and Eden District Council | | (Climate Change at paragraphs 10.22-10.25) | Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.13.1-3.13.8) | |
| REP1-019.1 | Cumbria County Council and Eden District Council | Cultural Heritage | 2.9.4 Cultural Heritage (page 12) that relies on the findings of the LIR (Cultural Heritage at paragraph 10.26-10.29) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.14.1-3.14.11). | Noted. |
| REP1-019.1 | Cumbria County Council and Eden District Council | Geology and Soils | 2.9.4 Geology and Soils (page 12) that relies on the findings of the LIR (Geology and Soils at paragraphs 10.30-10.32) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.15.1-3.15.17). | Noted. |
| REP1-019.1 | Cumbria County Council and Eden District Council | Landscape and Visual | 2.9.4 Landscape and Visuals (page 13) that relies on the findings of the LIR (Landscape and Visuals at paragraph 10.33-10.42) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.16.1-3.16.27). | Noted. |
| REP1-019.1 | Cumbria County Council and Eden District Council | Minerals and Waste | 2.9.4 Minerals and Waste (page 14) that relies on the findings of the LIR (Minerals and Waste at paragraph 10.43-10.46) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.17.1-3.17.23). | Noted. |
| REP1-019.1 | Cumbria County Council and Eden District Council | Noise and Vibration | 2.9.4 Noise and Vibration (page 14) that relies on the findings of the LIR (Noise and Vibration at paragraph 10.47-10.50) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.18.1-3.18.33). | Noted. |
| REP1-019.1 | Cumbria County Council and Eden District Council | Road Drainage and the Water Environment | 2.9.4 Road Drainage and the Water Environment (page 14-15) that relies on the findings of the LIR (Road Drainage and Water Environment at paragraph 10.55-10.58) | National Highways has responded to this matter in its response to the Councils' Local Impact Report; Applicant's Comments on Local Impact Report (Document Reference 7.9) (at paragraphs 3.20.1-3.20.14). | Noted. |