

Procedural Deadline Submission

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 North Yorkshire County Council and Richmondshire District Council (the 'Councils') to the Applicant's response to the Councils' LIR [REP2-018].

Chapter	Introduction			
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.1	4.1.1	This section sets out National Highways comments on the overview provided at paragraphs 1.1 and 1.2 of the LIR.		Noted
	4.1.2	The Introduction sections are set out at paragraphs 1.1 and 1.2 of the North Yorkshire County Council and Richmondshire District Council LIR (NYCC and RDC LIR).		Noted
	4.1.3	National Highways note the strong support for the principle of dualling the remaining carriageway sections of the A66 between Penrith and Scotch Corner as well as the proposed improvements to junctions in North Yorkshire at Scotch Corner and between Stephen Bank to Carkin Moor	MR	Noted

Chapter		Scope		
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.2	4.2.1	This section sets out National Highways' comments on the scope of the LIR as is reported in paragraphs 2.1 to 2.8.		Noted
	4.2.2	National Highways note that NYCC and RDC set out the scope of the LIR and its purpose and structure at pages 3 and 4 and also note the references to the Statement of Common Ground with National Highways within this section.		Noted

Chapter		Planning Policy		
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.3	4.3.1	This section provides National Highways' comments on the planning policy commentary provided in paragraphs 3.1 to 3.10 of the Local Impact Report.	MR	Noted
	4.3.2	At Section 3 of the LIR, NYCC and RDC set out the national and local planning policies the Authorities consider relevant to the DCO Application.		Noted
	4.3.3	National Highways considers that this section of the LIR provides an appropriate overview of local policy and relevant local documents for North Yorkshire County Council (NYCC) and Richmondshire District Council (RDC).		Noted
	4.3.4	The Legislation and Policy Compliance Statement (LPCS) (APP 242), submitted with the DCO		Noted

		application, provide an assessment of the Project against relevant legislation and policy (national and local) in line with the requirements of the Planning Act 2008. The PA 2008 requires that an application for a DCO is determined in accordance with the relevant National Policy Statement ('NPS'). In this case the National Networks NPS (NNNPS) is the relevant NPS and therefore the primary basis for decision making. The applicant has carefully considered the policy requirements and referenced legal obligations set out in the NNNPS, including the Habitats Regulations and Water Framework Directive ('WFD'), within the LPCS.		
	4.3.5	In addition, the LPCS sets out and discusses 'other matters which the SoS [may] think are both important and relevant to its decision' on the DCO application (section 104(2) (d) of the PA 2008). This includes the Project's conformity with the adopted development plan policies, as defined by section 38(6) of the Planning and Compulsory Purchase Act 2004, including development plan policies of NYCC and RDC and the NPPF. The Project's conformity with their adopted development plans and other local strategies and plans of the local authorities, which may be relevant to the decision making has been considered as part of the LPCS.		Noted
	4.3.6	With respect to the relevant development plan policies within RDC that are referenced we confirm that they are addressed in Appendix D Local Policy Accordance Table of the LPCS as follow: <ul style="list-style-type: none"> • Spatial principle SP3 Rural Sustainability: how the project conforms with this policy is set out in Appendix D (page 331) and concludes that "the A66 and the proposed 		Noted

		<p>scheme upgrades offer the opportunity to complement the overall North Richmondshire Spatial strategy including its proximity to the Primary Service Villages which share a close geographical relationship to the A66”.</p> <ul style="list-style-type: none"> • Spatial Principle SP5 The scale and distribution of Economic Development: how the project conforms with this policy is set out in Appendix D (page 331) and concludes that “the Project offers the opportunity to act as a catalyst for future economic development within its vicinity.” • Core Policy CP2 Responding to Climate Change: how the project conforms with this policy is set out in Appendix D (page 334) and concludes that “the Project has taken into account the opportunity to be adaptable to climate change through its design”. • Core Policy CP4 Supporting Sites for development: the project accords with this policy through improving the road network which supports further economic development and employment and housing development. This is one of the objectives of Government for development of the national road network, as confirmed in NNNPS paragraph 2.22. • Core Policy CP7 Promoting a sustainable economy: how the project conforms with this policy is set out in Appendix D (page 339) and concludes “the proposed dualling of the A66 will conform with Core Policy CP7, Promoting a Sustainable Economy 		
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		<p>due to the development promoting the key economic sector of tourism, due to the heavy traffic travelling to the Lake District and further afield.”</p> <ul style="list-style-type: none"> • Core Policy CP9 Supporting Town and Local Centres: the project accords with the policy through supporting the economic growth objectives of the Northern Powerhouse, which include joining up the North’s great towns, cities and counties, pooling their strengths, and tackling major barriers to productivity to unleash the full economic potential of the North • Core Policy CP10 Developing Tourism: The project conforms with the policy as Journeys will become more reliable, and access will be improved to key tourist destinations, such as the North Pennines and Lake District and tourism facilities such as Centre Parks. While all journeys to these destinations and facilities are not exclusively served via the A66, a significant portion of these journeys are currently made along this route, and as the road improves, this is expected to increase, with perception of the improved route attracting more tourism related users (see Case for the Project – page 233 (APP-008)) • Core Policy CP12 Conserving and Enhancing Environmental and Historic Assets: how the project conforms with this policy is set out in Appendix D (page 340) of the LPCS and concludes “based on the Project design and associated construction activities, the Project has the potential to 		
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		<p>impact upon Cultural Heritage during both construction and operation. However, with the implementation of the essential mitigation identified in section 8.8 of Chapter 8 (Cultural Heritage) in the ES, the residual effects of the Project design is considered moderately adverse to minorly adverse on heritage assets.” With respect to landscape mitigation it concludes that “Landscape mitigation for the Project seeks to replace lost features where practicable and to ameliorate or offset impacts on landscape character”.</p> <ul style="list-style-type: none"> • Core Policy CP13 Promoting High Quality Design: how the project conforms with this policy is set out in Appendix D (page 345) and concludes “the Project incorporates high quality design principles and meets the requirements of Core Policy CP13”.Core Policy CP14 Providing and Delivering Infrastructure: how the project conforms with this policy is set out in Appendix D (page 347) and concludes “that the development conforms with the policy in so far that it is providing infrastructure which will serve other developments and the local economy, whilst ensuring that any adverse impacts arising from the provision of this new infrastructure is minimised”. 		
	4.3.7	With respect to the relevant policies of the Minerals and Waste Joint Plan in the NYCC area we confirm that they are addressed in Appendix D Local Policy Accordance Table of the LPCS (APP-242) at paragraphs 4.11.4 – 4.11.15 and in		Noted

		Appendix C – County Policy Context Conformity Table (pages 241-244)		
	4.3.8	Paragraph 3.10 refers principally to guidance and strategies of Strategic and Local Environmental Bodies, such as the Environment Agency, Natural England and the Wildlife Trust. These have been taken into account in relation to specific topics of the Environmental Statement (Document Reference 3.2, APP-044 to APP-059), where relevant and appropriate to that topic.		Noted

Chapter Assessment of Impacts				
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.4	4.4.1	Section 4, page 6 of the LIR confirms the structure of the subsequent sections of the LIR, which identify the relevant national and local planning polices and how the Authorities consider the Application accords with them. Those sections also consider the adequacy of the assessment for each identified subject area and any potential impacts. National Highways have no comments on this section.		Noted

Chapter Description of Area				
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.5	4.5.1	This section provides National Highways comments on the description of the Area provided by the Authorities in paragraphs 5.1 to 5.15 of the Local Impact Report.		Noted

	4.5.2	Section 5 of the LIR confirms that there are two schemes within the NYCC and RDC administrative areas including: Stephen Bank to Carkin Moor proposals and A1(M) junction 53 Scotch Corner proposals. It then provides a description of the area. National Highways considers that the description provided by NYCC and RDC provides an appropriate summary of the Project and its surroundings.		
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Local Highways Authority Overview					
Chapter	Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.6		4.6.1	Overview This section sets out National Highways' comments on the overview provided by the Local Highways Authority at 6.1 to 6.4 of the Local Impact Report.		Noted
		4.6.2	National Highways Comments Section 6 of the Local Impact Report summaries the views of the Local Highways Authority including confirmation of support for the principle of the Project and the opportunity to improve connectivity within and out of the county district. It sets out a number of benefits and also negative impacts that the Authority consider could be further mitigated.		Noted
		4.6.3	National Highways welcomes NYCC and RDC support for the proposed dualling of the A66 and agrees that the A66 NTP has the potential to bring about a number of benefits to North Yorkshire, including those listed at paragraph 6.4.		Noted
		4.6.4	Paragraph 6.2: is concerned with Project Speed, which NYCC and RDC consider has resulted in an		

		application that has been submitted against extremely tight deadlines. The impact of Project Speed on the preparation of the DCO application has been addressed through responses to relevant representations of Cumbria County Council (p 59 of the Applicant's Response to Relevant Representations – Part 4 of 4). This is reproduced below:		
	4.6.5	'As described in section 1.4 of the Case for the Project (Document Reference 2.2, APP-008) Project Speed is a Government initiative not only "to bring forward proposals to deliver public investment projects more strategically and efficiently" but also "to cut down the time it takes to design, develop, and deliver the right things better and faster than before". There are positive initiatives taken to achieve this such as "regular and early engagement with the Planning Inspectorate ('PINs'), Local Authorities ('LA's) and Statutory Environmental Bodies ('SEBs') (with a focus on design and stakeholder issues)". This has involved sharing emerging design and findings from assessments with the LAs and SEBs during the pre-application stage and obtaining LA and SEB specialist advice and local knowledge to inform the mitigation measures that are needed to address the negative impacts of the Project. Nevertheless, as would be expected of a DCO Project of this scale and complexity the dialogue on design and mitigation continues during (and as part of) the Examination'.		The response is noted however there is a high volume of matters left until post examination as result of the structure of the application and that is a concern to the Authorities both in terms of assessing the impacts of the application and the future resource implications.
	4.6.6	Paragraph 6.3 sets out NYCC's and RDC's concern 'that there are some negative impacts of the Scheme that could have been further mitigated with time for more consultation. The Authorities		

		hope that the examination process can be used to agree additional mitigation to reduce negative impacts.' This has been addressed through responses to relevant representations of Cumbria County Council (p 66 of the Applicant's Response to Relevant Representations (part 4 of 4) (Document Reference 6.5, PDL-013)). This is reproduced below:		
	4.6.7	'The likely significant effects of the Project on the environment have been assessed and reported in the Environmental Statement (Document Reference 3.1 and 3.2, APP-043 to APP-059). As part of this, required mitigation has been identified. The delivery of this mitigation is secured through the Environmental Management Plan (EMP) (Document Reference 2.7, APP-019) and Project Design Principles (PDP) (Document Reference 5.11, APP-302), compliance with which is secured by the DCO. The Illustrative Environmental Mitigation Plans (Document Reference 2.8, APP-041) set out the indicative proposals for environmental mitigation across the Project.		The Authorities have concerns over the level of detail available at this stage of the examination. That is set out further in our responses to the landscape concerns.
	4.6.8	National Highways acknowledge the potential benefits to North Yorkshire identified in paragraph 6.4, and the key areas the Authorities consider require further development throughout the examination and detailed design stages.		Noted

Chapter	Detailed Design			
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.7	4.7.1	Overview		No response required

		This section sets out National Highways' comments on the detailed design topic reported in paragraph 7.1 of the Local Impact Report.		
	4.7.2	National Highways Comments Section 7 of the LIR notes that improvements between Stephen Bank and Carkin Moor have the potential to deliver significant benefits to journey times. It goes on to confirm that the Council expect that clear and effective junction configurations should be developed, not just on the newly dualled section but also the existing junctions on the route. It then states that "the Authorities consider that the scheme should see greater junction safety and legibility" (paragraph 7.1).		No response required
	4.7.3	National Highways welcomes the support of NYCC and RDC for the proposed improvements to the A66 between Stephen Bank and Carkin Moor, including "significant benefits to journey times that will free up the existing A66 to support all local users and journeys."		No response required
	4.7.4	Clear and effective junction configurations will be developed through Detailed Design for existing junctions on the route alongside the newly dualled section of the route between Stephen Bank and Carkin Moor, ensuring the scheme introduces greater junction safety and legibility as highlighted by the Authorities.		The Council consider that the scheme should see greater junction safety and legibility and will continue to work with the Applicant through the latter stages of the Project.

Chapter		De-trunking		
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.8	4.8.1	<p>Overview</p> <p>This section sets out National Highways' comments on de-trunking as is reported in paragraphs 8.1 to 8.15 of the Local Impact Report.</p>		
	4.8.2	<p>National Highways Comments</p> <p>The A66 Northern Trans-Pennine Project (NTP) will provide a continuous dual carriageway between M6 J40 and A1(M) J53, through a combination of on-line widening and local bypasses. The latter will result in lengths of the existing A66 being de-trunked, with these assets to be transferred to either CCC, DCC or NYCC.</p>		
	4.8.3	<p>A working draft of De-trunking Principles Document, was issued by CCC to National Highways and separately by CCC to DCC and NYCC* in April 2022. The North Yorkshire County Council website contains interim guidance note 28, dated March 2022, on commuted sums for maintaining infrastructure assets.</p>		Noted
	4.8.4	<p>In June 2022, National Highways provided each of the local authorities an inventory of the assets to be de-trunked along with condition reports, where records are available. National Highways requested workshops with the local authorities subject matter experts, accepting that any agreement would need final sign-off by their senior leadership team. The following workshops were held.</p>		<p>The Council welcome the documentation provided by the Applicant on each asset type and are in the process of interrogating the inventory and condition reports.</p>
	4.8.5	<p>The principle areas that are still subject to on-going discussion are as below:</p>		<p>The Councils are continuing to liaise with the Applicant to agree general approach on the use of the Applicant's design standards and the Councils' rural</p>

		<p>1. Pavement - NYCC have stated verbally that Thin Surfacing Course (TSC) is not permitted for use as a pavement on their network so, regardless of the residual life at handover, it must be replaced with Hot Rolled Asphalt. As this statement appears to contradict NYCC INTERIM GUIDANCE NOTE 28 (dated March 2022), , National Highways has requested written confirmation of this change in policy. National Highway does not consider the replacement of serviceable assets to be acceptable from an environmental, sustainability or financial perspective.</p> <p>2. Structures - NYCC have stated that waterproofing the masonry arched structure (Mainsgill) is required prior to handover. This is an aged structure that, despite never having been waterproofed is not reported in the bi-annual inspection reports to have any discernible deterioration, so the works are considered to be disproportionate to the benefit due to the need to provide a concrete saddle would needed as an enabler (this is typically only appropriate / justifiable where strengthening is required, which is not applicable in this instance).</p>		<p>roads design criteria for detailed design. For the points noted:</p> <p>Section 07-01 of current Council standards gives design guidance on road types and surfacing.</p> <p>The Council suggests that HRA is the only acceptable material for Moor Lane junction (and approaches) and Mainsgill Farm approaches. Treatment outside of these specific areas will depend on predicted traffic flow figures and types of traffic.</p> <p>The Council also notes that any agreements to standards must be comparable to those in the recent A1(M) Junction 49 side road scheme, where the Applicant reached suitable agreements with the Council.</p> <p>The Council welcomes discussion around pavement assets in future workshops with the Applicant.</p> <p>The Council are also still in ongoing internal discussions to reach agreement on waterproofing requirements for Mainsgill bridge arch and culverts.</p>
	4.8.6	<p><u>National Highways proposal and NYCC response:</u> The output from the workshops was formalised in the following de-trunking proposals.</p>		No response required.
	4.8.7	The above includes pre-requisites to handover of the assets to each local authority, which for NYCC includes, but is not limited to		The Councils have welcomed the work that the Applicant has undertaken to progress the de-trunking principles into proposals. There are residual issues to agree a position between the Councils and the

		<ul style="list-style-type: none"> i. Commuted sums* for the renewal of elements that are at or nearing (defined as less than half) of their serviceable life. National Highways accepts that, at handover, some assets will be at or nearing (defined as less than half) the end of their serviceable life and it is appropriate that a commuted sum is provided to allow the local authority to fund renewal works at the optimal time for an intervention and not before. Assets, at handover, with more than half of their residual life remaining are expected to be inspected by the local authority and renewal works planned and funded through the uplifted central Government grant. ii. Commuted sums* for minor repairs, which are not cost-effective to undertake, but could and should be incorporated into the next significant intervention iii. A geotechnical inspection to be carried out 6 months prior to the transfer of asset ownership. Any feature grade 4 or 5 defects will be rectified prior to handover. iv. A drainage asset inventory survey shall be carried out, 6 months prior to the transfer of asset ownership, that is in accordance with CS 551 (or if it has been withdrawn its successor) with condition grade assessed at asset level and the output in a format that it compatible with both National Highways and North Yorkshire County Council systems. Prior to handover 		<p>Applicant, which are expected to be completed before the end of Examination.</p> <p>The Councils confirm they have no objections to the design principles of new drainage basins, described in Table 5.2 and the associated figures in the Applicant's de-trunking proposals. However, further discussion is required to rationalise the detention basins and determine which fall under the Council's ownership.</p>
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		<ul style="list-style-type: none"> a) All assets with a condition grade of 4 and 5 in accordance with CD535 shall be remediated. b) All gullies shall be cleaned out and gully connections jetted or dig-downs carried out if connections not free running. c) Blockages on main drainage runs to be removed through jetting or dig-downs. 		
	4.8.8	<p>In addition to the above, the works proposed by National Highways at the two localised flooding hotspots shall be complete prior to the transfer of asset ownership (assuming lining is feasible).</p> <ul style="list-style-type: none"> v. A certified structural assessment is required as a prerequisite to handover, due to the absence of a HB capacity and the additional loading that will be imparted by the new shared use path (either from the path itself or a revised means of restraint). As this is an existing structure that has supported the highway with no sign of distress the assessment is considered to be a formality but should works be required to bring the load capacity up to a reasonable standard then the completion of these works, or funding in lieu of the works, shall be a prerequisite to handover. Reasonable standard is defined by North Yorkshire County Council as 40t and 30 units of HB vi. The condition of the VRS will be inspected and jointly assessed by a representative from CCC and NH, against the NH condition grading standard SED 02 01- 		<p>The Council is satisfied with the joint assessment of VRS prior to handover. Once the condition is assessed as suitable, the Council would consider a scenario to leave the barrier in-situ and monitor for potential removal. The form of the barrier in front of the Fox pub appears to be a significantly out of date type and unlikely to be acceptable.</p> <p>The Council would like the Applicant to provide information where the assumed maintenance boundaries are around junctions and the extents of liabilities per asset type.</p>

		<p>GN04 (see appendix), no greater than six-months prior to the proposed handover date and if its condition is</p> <ul style="list-style-type: none"> a) Grade 1* - no commuted sum is required. b) Grade 2 or 3* (surface corrosion) – A commuted sum* of ½ the ADEPT value shall be provided, to reflect that it will still have a significant residual life. c) Grade 4 or 5* (moderately / severely corroded) – A commuted sum* of 1 x the ADEPT value shall be provided, to reflect that it will still have a significant residual life 		
	4.8.9	<p>* proposed amounts for commuted sums have, where possible, been based on The Association of Directors Environment, Economy Planning and Transport (ADEPT - formerly the County Surveyors Society) which is endorsed by NYCC. For those items that are outside the scope of ADEPT, rates have been based on recent similar local authority schemes. An extract is below for information.</p>		<p>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.</p>
	4.8.10	<p>NYCC separately appointed the Consultant WSP to provide them with advice on the acceptability of the National Highways proposals, but despite several requests for comments and / or a workshop, it has not been possible to make any progress.</p>		<p>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.</p>

Chapter	Diversions and Network Resilience			
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.9	4.9.1	<p>Overview</p> <p>This section sets out National Highways' comments on the diversions and network resilience topic detailed in paragraphs 9.1 to 9.15 of the LIR.</p>		No response required
	4.9.2	<p>National Highways Comments</p> <p>Paragraph 9.1 of the LIR acknowledges that the scheme "has the potential to deliver significant benefits to journey times that will free up the existing A66 to support all local users and journeys." It then raises concern that "during construction it is expected that traffic impacts will be detrimental to the local area."</p>		No response required
	4.9.3	<p>Paragraphs 9.2 to 9.5 of the LIR provides a combination of concerns in relation to provision for diversions and alternative routes including; limitations in the current level of detail for the traffic management plans. It acknowledges that Appendix F of the Transport Assessment [Document Reference 3.7, APP-236] does provide a description of proposed diversionary routes around each scheme, but does identify some inconsistencies where Figure 12.9 does not reflect what is shown in Appendix F. National Highways will review any inconsistencies and issue errata where inconsistencies are present.</p>		The Council looks forward to receiving any amendments and further details related to diversion routes by Deadline 5.
	4.9.4	<p>Paragraphs 9.6 to 9.15 of the LIR notes the requirements for ongoing consultation with the Local Authorities and acknowledge that the level of detail required to agree local routes and closures will not be anticipated before the end of the</p>		Although the Applicant may be in agreement with the Councils that the level of detail does not appear to be available before the end of the Examination, the Council's position still have concerns that the construction impacts have therefore not been considered and mitigated for within the DCO.

		examination. National Highways are in agreement with these positions.		
	4.9.5	Paragraphs 9.8 to 9.15 of the LIR also provide the key metrics of concern that the Local Highways Authority would expect to be covered in the assessment of the schemes diversion routes as set out in paragraph 9.9 and then the subsequent Paragraphs provide scheme specific areas of concern, including scheme 09 diversion length, a request to undertake the reassessment of all bridges, the Scheme 11 diversion through the village of Middleton Tyas and the rat run through the villages of East and West Layton. National Highways are in agreement with NYCC and RDC that further detail and information is required in the CTMP during detailed design including consideration of any reassessment activities required prior to handover in order to mitigate risks and further consultation is required during detailed design to ensure diversions are appropriate.		<p>The Councils are reviewing the impacts of potential diversions and rat runs associated with their boundary, during the course of the Examination, which will be shared with the Applicant. The Council had anticipated that this would be used to complement the details.</p> <p>The Council notes Appendix F of the Transport Assessment [APP-236] describes a Scheme 09 diversion that is entirely outside the Council's boundary, and therefore cannot comment on the suitability and potential impacts.</p> <p>Scheme 11 diversion through Middleton Tyas is a route that has known existing issues with HGV's and increased traffic in the area. The Councils note that several reasonable mitigation measures must be applied to this route if the Applicant formally proposes the Scheme 11 diversion through the village.</p>
	4.9.6	National Highways also agree with the statement in paragraph 9.15 of the LIR that "prior to construction, the LHA must agree a set of diversion routes with the Applicant, alongside any remedial works required to make those routes satisfactory within the planning limitations and agree the strategic operational diversion once the scheme is opened." National Highways will continue to work with NYCC and RDC to progress traffic management plans during the detailed design stage as also outlined in the National Highways response to Relevant Reqs pages 98 and 99 (Document Reference 6.5, PDL-013).		<p>The Council welcomes this collaboration with the Applicant to come to agreement on diversion routes and extent of remedial works required prior to construction.</p>

Chapter		Active Travel		
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.10	4.10.1	This section provides National Highways' comments on the Active Travel topic set out at paragraphs 10.1 and 10.2 of the Local Impact Report.		None - Delete
	4.10.2	Section 10 of the LIR states that "the scheme should seek to improve north-south connectivity where the existing PRow network has been severed by the A66 in the past." It confirms that "the Council will continue to work with the applicant to ensure that Schemes 09 and 11 enhance local routes and connectivity for walkers, cyclists and horse riders in North Yorkshire."		None - Delete
	4.10.3	At paragraph 10.2 The Council states that it "...supports an offline route strategy for walking and cycling between M6 and A1(M) as an important endeavour for this scheme, that will bring a meaningful benefit for connecting local communities and other road users. In particular the Authorities consider that the scheme should seek to support delivery of a Scotch Corner to Penrith "off A66" route suitable for walking and cycling. This would include enhancements along the de-trunked sections of the A66."		None - Delete
	4.10.4	National Highways welcomes the support of NYCC and RDC for the proposed walking, cycling and horse-riding strategy for the Project and will continue to work with both Authorities in the development of the proposed WCH routes for Schemes 09 (Stephen Bank to Carkin Moor). As per the response to RR-122 in the Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013, page 100), it		Noted

		is proposed to retain the existing WCH provision at Scheme 11 (A1(M) Junction 53 Scotch Corner).		
	4.10.5	Reference should be made to the Walking, Cycling and Horse-Riding Proposals (APP-010) and the Rights of Way and Access Plans (Document Reference 5.19, APP-348 and APP-349) which sets out details of the proposed north-south and east-west connectivity for Schemes 9 and 11 respectively. Environmental Statement Chapter 13 Population and Human Health (Document Reference 3.2, APP-056). Section 13.9 provides further information as to how the severance of communities has been addressed and local routes and connectivity have been enhanced.		Noted

Chapter Drainage Strategy				
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.11	4.11.1	This section provides National Highways' comments on the drainage strategy topic set out in paragraph 11.1 of the Local Impact Report.		None
	4.11.2	The LIR states the following in regard to the Drainage Strategy: "A drainage review should consider the combining of drainage ponds to reduce costs / land take, along with rationalising of the maintenance of the drainage ponds to be owned by the Council. The current drainage strategy submitted as part of the DCO, gives concern to NYCC, over the existing flooding of the A66 which is to be de-trunked and therefore the responsibility of the Council. This issue remains unresolved."		None

4.11.3	National Highways considers that these matters are addressed on Page 98 and Page 100 of the following document: 6.5 Applicant's Response to Relevant Representations Part 4 of 4 (Document Reference 6.5, PDL-013).		Noted
4.11.4	National Highways recognise there may be efficiencies in combining the proposed ponds and this will be considered as part of our detailed design work. This may involve amendments to current indicative pond locations and/or shape within the DCO Order Limits and in accordance with the Project Design Principles (Document Reference 5.11, APP-302) (as permitted by the DCO) to better fit the existing landscape including field patterns.		The Councils welcomes the opportunity to work with the Applicant to rationalise the drainage configuration during detailed design.
4.11.5	<p>There are numerous incidents of flooding to the existing A66 (identified on HADDMS – National Highways trunk road database) that do not directly affect the proposed dual carriageway but affect de-trunked sections of road. These shall be further investigated during future design stages and the drainage design refined where necessary, to satisfy the de-trunking requirements agreed between NH and the Local Authority. Flood risk in these areas is not increased as a result of the proposed scheme.</p> <ul style="list-style-type: none"> National Highways will continue to engage with NYCC and RDC on these points, which will be documented within the Statement of Common Ground (SoCG) (Document Reference 4.5, APP-281). 		<p>The Council is concerned that, without a better understanding of these issues at this time, suitable mitigation for future flooding incidents on de-trunked sections will be constrained by the DCO Order limits.</p> <p>Although the Applicant claims that the Project will not increase the flood risk, the ownership of the issue will be new for the Councils.</p>

Chapter		HGVs		
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.12	4.12.1	This section sets out National Highways' comments on HGVs as is reported in paragraphs 12.1 and 12.2 of the Local Impact Report.	VH / DH	Noted
	4.12.2	Section 12 of the LIR notes that Cumbria County Council and Eden District Council commissioned a study on the impact of the scheme on HGVs on the A66 and surrounding routes. The LIR states that "Whilst the majority of the impact report falls outside of the administrative Boundary of North Yorkshire it is considered helpful to the Examining Authority to summarise the findings of the initial work and state that the Authorities fully support the endeavours of our neighbouring Authorities to ensure adequate HGV facilities across the route." The LIR goes on to summarise the impacts and issues raised by the study.		Whilst the Freight Study commissioned by NH is welcome the Councils continue to reiterate that consideration of freight needs is an explicit requirement of the scheme given its strategic function for long distance freight movements.
	4.12.3	National Highways acknowledge there may be demand for improved HGV facilities along the A66, but we consider this to be outside the current scope of the A66 NTP project. We can confirm that laybys in both the eastbound and westbound directions have been proposed in the preliminary design for Scheme 09 in accordance with DMRB standards. This provision is a like for like replacement. The General Arrangement Drawings (Document Reference 2.5, APP-017) show where proposed replacement laybys are located.		As 4.12.3
	4.12.4	National Highways have commissioned a study through the Customer, Strategy and Communications Directorate to identify interventions to improve the service we provide to our freight customers on the A66 Northern Trans-		The Councils will continue to engage constructively with the Freight Study and expect it to demonstrate how the freight needs outlined by the freight sector

		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.		can be met within the scope of the scheme between Scotch Corner and Penrith.
	4.12.5	Communities situated on unofficial A66 diversion routes welcome interventions that support the mitigation of high volumes of freight traffic on local roads and there is concern amongst residents that HGVs will use inappropriate diversions both during project construction and during disruption on the A66.		The Councils will continue to engage constructively with the Freight Study and expect it to demonstrate how freight needs can be met with the scope of the scheme and how the impacts of freight traffic can be managed appropriately.
	4.12.6	The study will identify solutions to mitigate HGV incidents, improve diversion routes and reduce the impact of illegal / antisocial HGV parking. The study will produce recommendations for implementation both during and post-construction of the A66 NTP project, however some recommendations may be made on the already dualled sections of the A66. Interventions may be required on other routes approaching / near to the A66 and will not necessarily be physical in nature. Provision of new freight facilities along the A66 is outside the project scope however the project will identify any existing facilities that could be improved to mitigate problems with HGV parking.		As 4.12.5
	4.12.7	Interventions will be identified and prioritised based on deliverability, the expected costs / benefits as well as their impact on the A66 Northern Trans-Pennine project programme.		Whilst the Freight Study commissioned by NH is welcome the Councils continue to reiterate that consideration of freight needs is an explicit requirement of the scheme given its strategic function for long distance freight movements.
	4.12.8	Potential activities include: improving existing facilities, information provision by VMS (including the installation of new MS4s), better signing of diversions (including HGV restrictions), root-cause analysis of incidents and measures to improve		As 4.12.7

		customer experience at laybys. The study will also understand key issues impacting Kirkby Stephen (during construction and operation), review the effectiveness of the current HGV ban and proposing enhancements, review signage to deter HGVs using A685 and an analysis of the current traffic modelling.		
	4.12.9	Engagement with all the local authorities is being undertaken as part of this survey and began in December 2022.		As 4.12.7
	4.12.10	This study is a feasibility study, expected to be completed in February 2023. It is anticipated that this study will seek further future bids to the Users and Communities designated fund, particularly the freight and roadside facilities themes. The A66 Northern Trans-Pennine Project integrated project team will be working closely with the team undertaking the study in order to understand any potential impact on the A66 NTP project and where findings from the study can be applied to the project.		As 4.12.7
	4.12.11	The study will take into consideration the issues raised within the LIR. The study has already undertaken analysis of existing facilities and has undertaken surveys to ascertain usage of these facilities as well as analysing forecasted growth; the study will go some way to addressing most points in paragraph 12.2. The study will continue to engage with local authorities and interested parties throughout its development. There is currently a £20m lorry parking improvement fund that is available to improve existing facilities up until March 2025.		As 4.12.7

Chapter Scheme 9 – Moor Lane				
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.13	4.13.1	This section sets out National Highways comments on Scheme 9-Moor Lane as set out in paragraphs 13.1 to 13.7 of the Local Impact Report.		Noted
	4.13.2	Section 13 of the LIR highlights that East Layton Parish Council have continued concerns regarding the use of Moor Lane and the potential for increased traffic in the village both during construction and after scheme completion.		Noted
	4.13.3	National Highways acknowledges NYCC relaying representations made by residents of East Layton regarding traffic in the village. National Highways welcomes the Authorities' acknowledgement that it is expected that the proposed scheme will lead to improvements in the village.		Noted
	4.13.4	Paragraph 13.3 of the LIR notes that “there are concerns expressed that scheme stops short of Winston Crossroads to the east of Moor Lane, which is an at grade crossroads junction with central reserve gap on the existing dual carriageway section of the A66.” Chapter 8.1 of Transport Assessment (Document Reference 3.7, APP-236) contains details of the impact of the Scheme, including the proposed junction at Moor Lane, on the Local Roads around East Layton. Figure 8-24 shows that East of East Layton on West Lane, there is a 63 vehicle AADT increase. To the west of East Layton on West Lane there is a -33 vehicle Average Annual Daily Traffic (AADT) decrease. The increase on Moor Lane itself is forecast to be 101 vehicles. It should be		The concerns set out in the LIR still apply here.

		recognised that these changes in traffic flows are very small. 100 vehicles per day is equivalent to around 10 vehicles per hour, or 1 vehicle every 6 minutes.		
	4.13.5	Considering the overall change on the local road network due to the Project, these are mostly small (less than 500 vehicles per hour, which corresponds to less than 1 vehicle per minute). In many cases, reductions in flow occur on the local roads because traffic is drawn to the A66 for more of its journey such that advantage is taken of the higher speeds. This is because the dual A66 adds around 15-20mph compared to the speed on the unimproved single carriageway. This reassignment of traffic to higher standard roads, with better safety records (i.e. the upgraded A66) leads to the overall improvement in safety. Section 9.4 of the Transport Assessment (Document Reference 3.7, APP-236) describes the impact of the Project on Road Safety. It forecasts that the Project will save 530 casualties (including 14 fatalities) over the 60-year appraisal period.		No response
	4.13.6	In response to paragraph 13.4, regarding the proposed TCPA application for construction related works, National Highways can confirm that there are currently no proposals to retain the proposed temporary works roundabout in the permanent design.		Noted
	4.13.7	Paragraph 13.4 to 13.7 refer to discussions held between the DIPS and the Authorities regarding a proposed Town and Country Planning Application for construction related works. The LIR notes that "whilst it is understood that the application has been brought forward under TCPA to facilitate early preparatory works, the application will need		Noted

		to be considered closely with the DCO application to ensure traffic and environmental impacts are cumulatively assessed where appropriate.” (Paragraph 13.7).		
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Chapter Socio Economic Impact				
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.14	4.14.1	This section provides National Highways comments on the socio-economic impact topic, set out in paragraphs 14.1 and 14.2 of the Local Impact Report.	MR	Noted
	4.14.2	Section 14 of the LIR acknowledges that “the scheme will bring positive economic benefits in terms of supporting growth, but the Councils wish to see National Highways maximise the opportunities for local businesses and people to secure contracts and work on the project.”(Paragraph 14.1). Paragraph 14.2 goes on to note that: “The Authorities consider that strategies relating to skills and employment, business support and worker accommodation need to be developed by National Highways to support local opportunities and training, maximise the benefits for the local economy. Areas on the route in Cumbria and Eden specifically will be affected by the high accommodation need and the Authorities support Cumbria and Eden Councils in their pursuit of effective accommodation strategies.”		Noted
	4.14.3	National Highways agree that strategies relating to skills and employment, business support and worker accommodation need to be developed to		Noted

		<p>support local opportunities and training, maximise the benefits for the local economy. In response National Highways can confirm that Annex B12 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-032) provides an outline Skills and Employment Strategy, which will set out measures to upskill and maximise the use of a local workforce and supply chains. Annex B10 of the EMP (Document Reference 2.7, APP-030) provides an outline Construction Worker Travel and Accommodation Plan, which will be developed in consultation with the Local Planning Authorities. It will ensure that additional demand created by non-home-based workers does not place excessive pressure on the local housing market and visitor accommodation supply. Both documents will be produced in consultation with the Local Planning Authorities during detailed design.</p>		
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Chapter	Landscape			
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.15	4.15.1	This section provides National Highways comments on the Landscape topic, set out at paragraphs 15.1 to 15.35 of the Local Impact Report.		noted
	4.15.2	Paragraphs 15.1 to 15.15 covering the Landscape policies, commentary and visual effects are duly noted and National highways has no further comments.		Noted
	4.15.3	Paragraph 15.16 of the LIR notes that: “the Application includes Indicative Site Clearance Boundary drawings (Figure 2.2) which show indicative site clearance areas. These suggest		Noted

		potential for indiscriminate removal of notable landscape features, notable trees and hedgerows within the general DCO Application Area and general construction working areas. It is not clear how the detailed design or construction working could be adjusted to prevent unnecessary removal.”		
	4.15.4	National Highways can confirm that important individual trees to be protected within the order limits are shown on the Environmental Mitigation Maps (Document Reference 2.8, APP-041). Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (Document Reference 7.3, REP1-009) agenda item 3.5 confirms the commitment D-LV-01 contained in the REAC tables in the first iteration EMP (Document Reference 2.7, APP-019), which secures the production of an AIA prior to the start of the construction of the main works. In addition, the EMP secures Tree Protection Plans to be prepared for the protection of trees retained in line with relevant British standards within and immediately adjacent to the Order limits.		Comments in the LIR stand. The level of detail is such that it is not clear how tree loss has been assessed and how it will be compensated for, managed and reviewed.
	4.15.5	Paragraph 15.17 of the LIR states that: “The Application does not include a detailed topographical survey, tree survey or Arboricultural Impact Assessment. The Authorities would typically expect to see these within an Application at this stage in order to understand the scale of likely effects and to guide sufficient design and mitigation proposals.”		
	4.15.6	National Highways refer to the Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (Document Reference 7.3, REP1-009) agenda item 3.5 confirms the commitment D-LV-01 contained in the REAC tables in the first iteration		Please see our comment at 14.15.4

		EMP (Document Reference 2.7, APP-019), which secures the production of an Arboricultural Impact Assessment prior to the start of the construction of the main works. In addition, the EMP secures Tree Protection Plans to be prepared for the protection of trees retained in line with relevant British standards within and immediately adjacent to the Order limits.		
	4.15.7	Paragraph 15.18 of the LIR notes that it is not clear or evident in the application that the design of structures has undergone an aesthetic review.		
	4.15.8	National Highways can confirm that within the Project Design Principles document (Document Reference 5.11, APP-302) are a series of Design Principles which set out the aesthetic, design and contextual integration parameters for these structures. The Design Principles were developed in collaboration with the Scheme Design leads/engineers. The relevant Design Principles in the Project Design Principles (Document Reference 5.11, APP-302) in this regard are Design Principles LI03-LI08.		<p>Design Principles document provides very broad, high level principles and reinforced the margin of design parameters.</p> <p>There are Project-wide Design Principles which are very broad and general, often relating to the function of the road and structures rather than describing the qualitative requirements. These Principles allow a wide range of outcomes, not necessarily those illustrated on the Environmental Mitigation Maps (not secured through the DCO).</p> <p>Phasing often uses terms such as 'so far is reasonably practicable' and 'consideration must be given to', which are not clear statements of intent.</p>

				<p>Scheme-specific design principles within the NY sections are limited and general, again using terms such as 'where reasonably practicable'. There are no scheme specific design principles which sufficiently explain how the engineered scheme would be sensitively integrated. There are some principles to retain open views relating to specific locations.</p> <p>There are 09 scheme-specific design principles within scheme 9 listed in a table. As far as I can see these number references are not shown on the Mitigation Maps, but there are some other corresponding text labels on the Maps. These Environmental Mitigation Maps are not secured in the DCO.</p> <p>This is typical and whilst seeming to protect archaeology are potentially very 'engineered' solutions:</p> <p>Reference 09.05 - "Ensure that any structures and design interventions near and adjacent to Carkin Moor Roman Fort Scheduled Monument (CH74500) are minimal and that the new retaining structure to the southern side of the road, to build up the highway to enable the required dualling, minimises any impact on the Scheduled Monument. Any planting must be</p>
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				open grassland or species rich grassland and non-intrusive e.g. no tree or shrub planting. The adjacent new attenuation ponds must have a compact and minimum footprint to reduce impacts on the archaeology and its setting, by having the minimum number and size of balancing ponds required (having regard to functional requirements of the ponds), as well as locating them as far away from the Scheduled Monument as reasonably practicable.”
	4.15.9	Paragraph 15.19 of the LIR refers to the Works Plans and Engineering Sections Drawings and that it is considered by the Authorities that these provide a standard engineering approach based on alignment of a road centre line with 1:3 embankments and cuttings proposed through this scheme section. It concludes that “there are no specific proposals to explain how the engineered scheme would be better designed and integrated with local landform.”:		
	4.15.10	In response National Highways refers to the Environmental Mitigation Plans (Document Reference 2.8, APP 041), which illustratively show the landscape integration earthworks and associated gradients, overlaid upon these General Arrangements /engineering layouts. These are cross referenced with appropriate Design Principles in the Project Design Principles (Document Reference 5.11, APP-302).		The Authorities were unable to identify any site specific grading to better respond to local sensitivities and layout.
	4.15.11	Paragraphs 15.20 and 15.21 note that there are a number of significant proposed engineered structures within the scheme that are likely to be visible from sensitive receptors and that such structures are not currently a notable feature of the		

		existing A66. The Authorities request “further clarification of these within the Application at this stage, to explain how good design and aesthetics would be achieved, sensitive to the setting and location.”		
	4.15.12	National Highways can confirm that integration of such structures has been central to the context informed design approach set out in the Project Design Principles (Document Reference 5.11, APP-302). Most notably Design Principles LI02-LI10 within that document set out the design approach which is to be used to secure sensitive design and landscape integration of such structures in relation to their context and receptors.		Noted. The Authorities repeat their concerns regarding the Project Design Principles Document.
	4.15.13	We note the requirement for further information and clarification as to the visual appearance of such structures in their context. As part of our post hearing note to the ExA following the Issue Specific Hearings in November/December 2022, we have committed to producing a number of illustrative visualisations, to be submitted at Deadline 4, showing key structures such as the viaducts at Trout Beck, Cringle Beck and Moor Beck, in their landscape context and from key vantage points/representing the likely visual experience of sensitive receptors (REP1-009, Agenda Item 3.1, pg 29 – 32). These visualisations will provide an interpretation of the Design Principles set out in the Project Design Principles (Document Reference 5.11, APP-302) and of the current design information, and will enable to the scale, form, geometry and potential materiality of such structures to be understood in their landscape context.		The response from the applicant does not list any proposed visualisations relating to scheme 9. Therefore our comments remain.

4.15.14	Paragraph 15.22 states that “current photomontages do not fully explain likely extent of adverse effects (worst case) and views of key engineered structures, including view from the road (e.g. photomontage 9.8 is poorly located).”		
4.15.15	National Highways considers that these points are addressed in the Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (Document Reference 7.3, REP1-009) agenda item 3.1.		
4.15.16	Paragraph 15.23 states that “a clear landscape strategy has not been submitted with the Application. The Application does include illustrative layouts of some landscape and visual mitigation which are shown on the visual Environmental Mitigation Maps (Document Reference 2.8, APP-041). However, these are illustrative layouts at a large scale, not intended to be secured by the DCO (ES 2.7.4).” The Application is supported with a suite of documents which articulate the landscape strategy, the Project Design Report (Document Reference 2.3, APP 009), the Project Design Principles (Document Reference 5.11, APP-302) and the Landscape and Ecological Management Plan (Document Reference 2.7, APP-021). See further commentary on this below.		
4.15.17	National Highways consider that whilst the Environmental Mitigation Maps (Document Reference 2.8, APP-041) are indeed illustrative, they are consistent with the Design Principles in the Project Design Principles (Document Reference 5.11, APP-302), which is a certified DCO document setting out the design commitments that will be required of the		The Authorities understand that there are design principles secured in the DCO. The concern remains that these principles are broad and high level and site specific principles in place for scheme 9 are limited. It is hard for Authorities to understand what will be secured by the DCO.

		contractors delivering the schemes which make up the Project.		
	4.15.18	The Authorities consider that the Application does not explain how the wider green infrastructure and public amenity benefits would be incorporated as identified by relevant national and local policy standards (paragraph 15.24).		
	4.15.19	National Highways note that wider green infrastructure connectivity, opportunity and benefits in terms of matters such as functionality, ecological connectivity and environmental resilience are set out in Design Principles GB01-GB03 within the Project Design Principles (Document Reference 5.11, APP-302). These Design Principles also complement those in relation to landscape character, integration and cultural heritage set out within Theme A of the Project Design Principles (Document Reference 5.11, APP-302) – an integrated, multi-functional, landscape scale and green infrastructure informed design approach.		
	4.15.20	Paragraph 15.25 goes on to state that “at this stage it is not clear how and when the detailed landscape design, drawn plans and specification will be provided and agreed, to ensure that this will deliver sufficient mitigation.”		
	4.15.21	National Highways can confirm that these matters were discussed during the Issue Specific Hearings. Please see pages 19-25 of the applicant’s post-hearing submissions (REP1-009) which sets out that matters retaining to landscape design will be secured in a second iteration of the Environmental Management Plan (Document Reference 2.7, APP-019) which must be approved by the Secretary of State).		The Authorities refer to other responses relating our concerns over article 52 and 53 of the DCO. Specifically in our response to Written Representations.

4.15.22	Paragraph 15.26 of the LIR lists out particular areas of concern the Authorities have with the landscape strategy and mitigation proposals in the DCO application, which are listed a – f and copied below. We set out our responses to each of these points, and with reference to the relevant Design Principles set out within the certified DCO deliverable Project Design Principles (Document Reference 5.11, APP-302):		
4.15.23	a) “Integration, design and aesthetics of engineered structures; not explained” National Highways refer to Design Principles LI02-LI08 in the Project Design Principles (Document Reference 5.11, APP-302) which explain the approach to these.		
4.15.24	b) “Integration of wider Green Infrastructure and public amenity benefits including recreational access and PROW strategy (how this links to the wider network).” Please see the Design Principles GB01-GB03 which addresses green and blue infrastructure aspects. Specific principles in relation to recreational/ProW access and connectivity are addressed in the individual scheme-specific Design Principles contained within Section 4 of the Project Design Principles (Document Reference 5.11, APP-302):		
4.15.25	c) “Integration of the visibly open sections of the scheme and potential appearance of engineered structures (cuttings, embankments, structures and drainage ponds – e.g. mitigation area around Catkin Moor Fort, but includes other areas along this section of the route).” Please refer to response to a) above. In addition, landscape integration principles for such structures and elements are set out In the other Landscape Integration (LI) Design		

		Principles set out under Theme A in the Project Design Principles (Document Reference 5.11, APP-302):		
	4.15.26	d) "Insufficient space within parts of the scheme Development Limits needed to deliver screen planting and other mitigation (e.g. northern scheme boundary near View Points 9.2 and 9.6)". National Highways acknowledges the concern raised. National Highways considers the Order limits to be sufficient to incorporate the required planting. The precise location and planting detail will be confirmed during detailed design. Local Authorities will be consulted on the proposed planting set out in the Landscape and Ecology Management Plan (Document Reference 2.7, APP-021), which will be approved by the SoS as part of the second iteration EMP. National Highways will continue to engage with the Council on this point further as part of SoCG discussions.		
	4.15.27	e) "tree replacement proposals missing (based on the proposed outline scheme, tree survey and Arboricultural Impact Assessment, landscape mitigation strategy)" Please refer to Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (Document Reference 7.3, REP1-009) agenda item 3.5 confirms in the post meeting note the commitment to provide a 'Tree Loss and Compensation Report into the examination by deadline 4.		
	4.15.28	f) "long term maintenance and management of landscape mitigation (beyond the initial 5 year planting establishment aftercare; including those areas outside the scope of BNG 30 year aftercare)" in the EMP (Document Reference 2.7, APP-019) REAC commitment D-DB-01 BNG		Noted – The key issues remains with regard to the lack of scheme specific design principles. The applicants response set out in 14.15.23 – 14.15.28 do not address the issues at the local level which is the purpose of the local impact report. The Authorities have highlighted local issues. The response to those

		aftercare and monitoring requirements have been outlined as 30 years after construction.		local issues is a DCO wide response referring to broad design principles and the Authorities have not been given any clarity of how the local impact will be addressed.
	4.15.29	Paragraphs 15.27 to 15.30 refer to the Outline Landscape and Ecological Mitigation Plan.		
	4.15.30	National Highways notes the comments made. In respect of the detailed landscape design, commitment ref. D-LV-02 in the first iteration EMP (Document Reference 2.7, APP-019) requires that a detailed landscaping scheme must be prepared, in consultation with certain bodies (including local planning authorities) before being submitted to the Secretary of State for approval as part of a second iteration EMP. This approval must be in place before the start of works and the approved scheme must then be implemented. It is through this mechanism that the detail of landscaping will be secured and this, in effect, takes the place of a 'usual' landscaping design DCO requirement.		The Authorities concerns on the structure of the application has been made and responded to in the response to written representations.
	4.15.31	In addition, please refer to the Project Design Principles document (Document Reference 5.11, APP-302) as this contains much of the detailed information with regard to design principles for landscape integration, for boundary treatments, drainage ponds and hydrological engineering, as well as wider amenity, setting and green infrastructure aspects. As a certified DCO document, the Project Design Principles also set out the commitments that will be required of the contractors implementing the schemes which make up the Project. Compliance with the Project Design Principles is secured through article 54 of the DCO and, indeed, the landscaping scheme		Noted

		mentioned above must also be developed in accordance with this Project Design Principles.		
	4.15.32	Paragraphs 15.31 to 15.32 refer to the adequacy of the draft DCO and the Environmental Management Plans that are secured within Part 5, paragraph 53, particularly having regard to the LEMP and the long-term maintenance and management of landscape mitigation. National Highways commented on this point in its Issue Specific Hearing 2 Post Hearing Submissions (REP1-009), specifically on page 24 onwards. The pertinent points are re-produced below:		The Authorities concerns on the structure of the application has been made and responded to in the response to written representations.
	4.15.33	The first iteration EMP (Document Reference 2.7, APP-019) sets the obligation for a landscaping scheme and the outcomes it must achieve (see Table 3.2 Register of Environmental Actions and Commitments, ref D-LV-02). The commitment specifically references that the landscaping scheme must comply with the Project Design Principles (Document Reference 5.11, APP-302) and describes further what it must include. It also defines the consultation that must be carried out on that landscaping scheme. The landscaping scheme sits alongside the environmental mitigation scheme (commitment D-BD-05), which itself must also be consulted upon. Commitment D-BD-01 also sets out the obligation to produce a Landscape and Ecological Management Plan (LEMP), which will sit alongside the landscaping scheme, and states that this will “identify what the landscape and ecology mitigation measures are, how they will be implemented, monitored, maintained and managed; and who will be responsible for ensuring they achieve their stated functions”. Also relevant are commitments D-LV-03		The Authorities concerns on the structure of the application has been made and responded to in the response to written representations.

		(regarding the selection of native species and planting stock), and M-LV-01 (regarding the monitoring required of landscape elements post-construction) and M-BD-01/M-BD-03 (which set out the relevant ecological monitoring requirements). At Annex B1 (Document Reference 2.7, APP-021), there is an outline of the LEMP which includes as much information about the landscaping scheme as can be provided at the current preliminary design phase.		
	4.15.34	A second iteration EMP will include, for each part, the detailed landscaping scheme and an updated LEMP for that part. The detailed landscaping scheme will show exactly how and where the planting will occur to meet the landscape commitments in the first iteration EMP and PDP. The LEMP will be developed with reference to the detailed landscaping scheme, providing specific instructions regarding the planting, monitoring and management of each landscape area/habitat parcel. The second iteration EMP will include information to evidence how the landscaping scheme and the LEMP meet the outcomes specified in the first iteration EMP.		The Authorities concerns on the structure of the application has been made and responded to in the response to written representations.
	4.15.35	A third iteration EMP is not anticipated to provide any further detail to that contained in the second iteration EMP, as the monitoring and maintenance requirements for the landscape scheme will be specified in the second iteration EMP (specifically in the LEMP). At this stage, the third iteration EMP (including the LEMP) will be refined to include the as-built landscaping design drawings and the LEMP will be amended if necessary to reflect the scheme that has been implemented (e.g. if planting is included for a specific screening		The Authorities concerns on the structure of the application has been made and responded to in the response to written representations.

		purpose and the nature/location of that screening changes during construction in response to site conditions, the monitoring and maintenance required for that planting parcel will be updated to reflect what has actually been planted). This will include a record of any minor changes that occurred during the construction stage as reported through the Evaluation of Change Register, which forms Annex E of the 2nd Iteration and 3rd Iteration EMPs.		
	4.15.36	Paragraphs 15.33 to 15.35 of the LIR refer to points relating to article 54 of the DCO. National Highways has responded to both in the 'Adequacy of the DCO' section below and those points are not repeated here.		The Authorities concerns on the structure of the application has been made and responded to in the response to written representations.

Chapter Ecology and Biodiversity				
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.16	4.16.1	This section sets out National Highways' comments on the ecology and biodiversity topic set out at in Section 16, paragraphs 16.1 to 16.36 of the Local Impact Report.	MR / JC	Noted
	4.16.2	Section 16 of the LIR sets out the Ecology and Biodiversity matters. Paragraphs 16.1 to 16.3 confirm that NYCC and RDC consider that the relevant national policy concerning ecology and biodiversity has been considered in the submission and that the application accords with the relevant national policy.		Noted
	4.16.3	Paragraphs 16.4 to 16.10 refer to the Richmondshire District Council policy concerning ecology and biodiversity.		Noted

4.16.4	Section 16 of the LIR then goes on to refer to the conclusions of the ES with specific regard to the Stephen Bank to Carkin Moor scheme and A1(M) Junction 53 Scotch Corner Scheme.		Noted
4.16.5	Section 16 then refers to the EMP, LEMP and BNG (paragraphs 16.31 to 16.33) and the adequacy of the draft DCO (paragraph 16.36) in respect of ecology and biodiversity.		Noted
4.16.6	National Highway's notes the comments in relation to relevant national and local planning policy set out at Paragraphs 16.1 to 16.19.		Noted
4.16.7	In response to paragraphs 16.11 to 16.19 detailed hedgerow data has been provided scheme by scheme within the Hedgerow Technical Appendix 6.4 (Document Reference 3.4, APP-158). This information was used to inform the route-wide assessment on hedgerows provided in Appendix 6.1 (Table 6-3) (Document Reference 3.4, APP-154). Although appropriate provision of additional hedgerow creation to mitigate/compensate loss of hedgerows both in Stephen Bank to Carkin Moor and route-wide are illustrated within the Environmental Mitigation Maps (Document Reference 2.8, APP-041), it is acknowledged that the ratio of habitat replacement provided in Tables 6-19 to 6-12 (Document Reference 3.2, APP-049) and secured in Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05 in the Environmental Management Plan (Document Reference 2.7, APP-019), do not include hedgerows.		Noted
4.16.8	In response National Highways propose to include the following text in Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05: 'Sections of hedgerow being		We have made this comment as a local impact. We want 1:1.59 to be contained within our scheme. We would want clarification that his response is limited to

		lost will be replaced on a 1:1.59 ratio as a minimum. New sections of hedgerow will be native species rich hedgerow with trees'. Similarly to the habitat replacement ratios detailed in Tables 6-18 to 6-21 (Document Reference 3.2, APP-049), this ratio has been developed using prevailing Natural England Biodiversity Metric guidance (Natural England, 20217). In light of both the provision of hedgerow mitigation/compensation as illustrated within the Environmental Mitigation Maps ((Document Reference 2.8, APP-041) and now secured in Table 3.2 Register of Environmental Actions and Commitments, reference D-BD-05 (Document Reference 2.7, APP-019), it is hoped this provides further confirmation to support the assessment of the loss of hedgerows within Stephen Bank to Carkin Moor to be minor with a residual minor benefit, as stated within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049).		scheme 9 and not to be spread or diluted across other schemes.
	4.16.9	In response to paragraphs 16.20 to 16.21 please refer to the response above provided for paragraphs 16.11 to 16.19.		Noted
	4.16.10	In response to paragraphs 16.22 to 16.24 the comments are duly noted by National Highways. The Councils will be consulted on subsequent iterations of the EMP and LEMP with further detail relating to the design of ecological mitigation features including greening of bridges as part of the detailed design stage.		Noted - welcomed
	4.16.11	In response to paragraphs 16.25 and 16.26 the comments are duly noted by National Highways. The Councils will be consulted on subsequent iterations of the EMP and LEMP including further detail on suitable mitigation to avoid adverse		Noted - welcomed

		impacts on barn owl as a result of traffic collision once in operation.		
	4.16.12	In response to 16.27 the comments are duly noted by National Highways. National Highways has sought to achieve a balance between minimising land take and securing sufficient land to deliver ecological mitigation measures identified as being required within the ES Biodiversity Chapter 6 (Document Reference 3.2, APP-049). Efforts to further minimise habitat loss and fragmentation, where possible, will continue to be considered during the detailed design stage.		Noted - welcomed
	4.16.13	In response Paragraphs 16.28 to 16.30 National Highways duly notes the comments.		Noted
	4.16.14	In response to paragraphs 16.31 to 16.33 the Outline LEMP provided as part of the DCO submission (Document Reference 2.7, APP-021) provides the first iteration and a framework for achieving the design objectives and mitigation measures outlined in the Environmental Mitigation Maps (Document Reference 2.8, APP-041). This includes a framework of how specified mitigation measures will be implemented, monitored, maintained and managed which includes outline monitoring proposals for each mitigation element for up to a 30 year period. As set out within the outline LEMP (Paragraph B1.1.4), subsequent to the first iteration of this LEMP, at least two further refined LEMP documents will be developed and will include refined targets and timescales relating to monitoring proposals developed through continued consultation with relevant Local Planning Authorities and Statutory Environmental Bodies. It should also be noted that the Outline LEMP forms part of the Environmental		Noted - welcomed

		Management Plan (Document Reference 2.7, APP-019), so measures outlined in it are secured under the DCO.		
	4.16.15	In response to paragraphs 16.34 to 16.35 the environmental mitigation design has been developed to ensure that mitigation is provided for impacts on protected species and designated sites, and that replacement habitats are provided for those lost, achieving a minimum of no net loss. Opportunities to maximise biodiversity enhancements have been sought where possible. For example, providing habitat linkages to increase connectivity to areas of semi-natural habitats within the wider area and therefore enhancing and tying into existing green infrastructure networks. This approach is compliant with the NPSNN, as set out in Table 6-2 within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049), and the NERC Act 2006 through the full regard of all habitats and species of Principle Importance (Document Reference 3.2, APP-049). Whilst biodiversity net gain is not currently a requirement within the policy set out in the NPSNN, opportunities have been sought in order to maximise biodiversity within the footprint of the Project. Ratios for habitat replacement have been based on the prevailing national guidance within the Natural England Biodiversity Metric (Natural England, 20218) and aim to achieve a no-net-loss outcome on a habitat replacement basis (See 6.9.3, ES Chapter 6 Biodiversity, Document Reference 3.2, APP-049).		Noted
	4.16.16	The Defra Biodiversity metric has been used as a tool to inform the environmental mitigation design . The Defra Biodiversity metric will be updated as		Noted

		required to continue to inform design iterations as part of the detailed design stage.		
	4.16.17	In response Paragraph 16.36 National Highways duly notes the comments.		Noted

Chapter Cultural Heritage				
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.17	4.17.1	This section sets out the Authorities comments on the Cultural Heritage topic, which is set out in paragraphs 17.1 to 17.11 of the Local Impact Report.	MR / PR	
	4.17.2	Section 17 of the LIR provides the Authorities comments on cultural heritage matters. It refers to local impacts at paragraph 17.1 and 17.2		
	4.17.3	Paragraphs 17.3 to 17.6 acknowledge the Cultural Heritage chapter within the Environmental Statement and that “all of these assessments have been conducted to the relevant professional standards and provide an adequate baseline from which to assess the impacts of the scheme on heritage assets of archaeological interest.”		
	4.17.4	Paragraph 17.10 concludes section 17 and states: “the documentation set out in the DCO represents a reasonable and proportionate assessment of the impact of the proposal on the archaeological resource within the North Yorkshire County Council area of the scheme (NPPF para. 194). The incorrectly titled ‘Detailed Mitigation Strategy’ and relevant sections of the EMP set out the approach to mitigation, which is again reasonable and proportionate. The Authorities would wish to make detailed comments on these documents but appreciate that this might better be		Noted. The Authorities look forward to seeing these amendments.

		<p>achieved through a further written representation or peer to peer with the National Highways project team.”</p> <p>The North Yorkshire Comments above are noted and any errors and omissions will be dealt with in a subsequent errata submission. A response to detailed comments on the relevant sections of the EMP can be made following the Applicant’s submission of the updated EMP which will be submitted to the ExA at Deadline 2.</p>		
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Chapter		Environmental Health		
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.18	4.18.1	This section sets out National Highways’ comments on the Environmental Health topic, which is set out in paragraphs 18.1 to 18.6 of the Local Impact Report.	MR /	Noted
	4.18.2	Section 18 Environmental Health refers to relevant legislation and local impacts. Paragraph 18.1 confirms that “the Authorities have agreed with the proposed assessment methodology which follows DMRB LA 111 and uses the concept of observed effect levels documented in PPGN.” It also confirms that the Authority is satisfied that the Environmental Statement identifies and addresses the relevant aspects in Regulation 10(3) of the EIA Regulations.		Noted
	4.18.3	The Section goes on to refer to the detailed design process and the implications for the noise assessment.		Noted

4.18.4	It is noted that the Authorities agree with the noise and vibration assessment methodology used in the ES, which follows DMRB LA 111.		Noted
4.18.5	It is also noted that the Authority is satisfied that the Environmental Statement identifies and addresses the relevant aspects in Regulation 10 (3) of the EIA Regulations.		Noted
4.18.6	It is noted that the Richmondshire Local Plan Core Strategy, adopted 9 December 2014 policy is Core Policy 4, Supporting sites for development as noted in paragraph 18.3 of the LIR.		Noted
4.18.7	National Highways are pleased that the Authorities are satisfied that the impacts of the scheme have been identified satisfactorily and are happy to see that diversion routes have been considered as requested in their response to the Statutory Consultation, as noted in paragraph 18.4. The identified beneficial and adverse likely significant effects are presented in section 12.10 of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055) for the construction and operation of Scheme 9 Stephen Bank to Carkin Moor. It is noted that the ES did not identify any adverse likely significant effects upon nearby non-scheme roads.		Noted
4.18.8	The assessment of impacts associated with diversion routes during construction is presented in section 12.10 Assessment of likely significant effects of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055) under the 'Diversion routes' section. As noted in the ES, specific mitigation measures for diversion routes will be developed by the contractor appointed to deliver the Project and in line with EMP (Document Reference 2.7, APP-019) and the associated noise		Noted

		and vibration management plan (Document Reference 2.7, APP-025). Commitment D-GEN-10 of the EMP Register of Environmental Actions and Commitments notes that a CTMP, to be approved by the Secretary of State as part of a second iteration EMP, will set out details of proposed diversion routes, durations of use and proposals for encouraging compliance with designated diversion routes (with consideration for potential noise impacts).		
	4.18.9	Response to paragraph 18.6: The noise assessment reported in the Environmental Statement was based on stated limits of deviation (LoD) for the route and considered the worst case within the LoD, having regard to the established Rochdale envelope approach. Consistent with normal practice, the Project design will be refined post consent, but within the LoD, which were assessed in section 12.5 of the ES Chapter 12 Noise and Vibration (Document Reference 3.2, APP-055). Noise and vibration mitigation, implemented through the NVMP, as part of the EMP, amongst other measures, will be developed for approval in parallel with the design development. A second iteration of the EMP will be developed in consultation with stakeholders including Local Authorities and will require approval by the Secretary of State.		Noted

Chapter	Public Rights of Way			
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response

4.19	4.19.1	This section sets out National Highways' comments on the Public Rights of Way topic, which is set out in paragraphs 19.1 to 19.17 of the Local Impact Report (LIR).	TR / Andrew Brown NYCC	Delete
	4.19.2	National Highways welcomes the Authorities' acknowledgement that the proposed mitigation does much to address the severance of the Public Rights of Way network and road safety issues due to the existing A66.		Delete
	4.19.3	National Highways acknowledge the Authorities' Deadline 1 submission of Written Representations regarding what it says are its requirements for changes to public rights of way (Section 2.0 of REP1-040) and in relation to what are said to be drafting errors in the DCO schedule relating to public rights of way (Section 3.0 of REP1-040). National Highways consideration of the drafting highlighted in the submission is reported in its response to Written Representations (REP1-040).	NYCC	Noted
	4.19.4	Paragraphs 19.2 through 19.4 of the Authorities' LIR describe the existing public rights of way from the perspective of North Yorkshire County Council, including information about the perceived use of existing facilities. National Highways welcomes this insight from the Authorities.		Delete
	4.19.5	Paragraphs 19.5 through 19.7 of the Authorities' LIR describe the Project proposals between Carkin Moor and Stephen Bank. National Highways agrees that this is an accurate representation of the proposals for Scheme 09 Stephen Bank to Carkin Moor, however National Highways wishes to re-confirm the following points Public bridleway 20.23/5/1 will be diverted to the new Mains Gill Junction and cross under the proposed A66 and	NYCC	Noted - NYCC request to be involved in the further design stages to ensure these PRow amendments are appropriate. NYCC agreed 20.35/5/1 appears to have been referenced in error

		reconnect to Warrner Lane via a new equestrian track. Public bridleways 20.30/8/1 and 20.30/9/1 and 20.33/24/1 located directing at the existing Warrener lane junction with the A66 will be connected via a new bridleway underpass under the proposed A66 dual carriageway. National Highway's note that there is no Public Bridleway 20.35/5/1 and assume this is a referencing error in the LIR.		
	4.19.6	Paragraphs 19.8 through 19.15 outline the Authorities' support for the proposals for affected public rights of way and proposed mitigation for Scheme 09 Stephen Bank to Carkin Moor.		Delete
	4.19.7	National Highways note the Authorities' points in paragraph 19.9 of the LIR regarding the potential for some modification of Ravensworth public footpath 20.55/1/1 depending on the detailed design of the junction of the old A66 and Collier Lane. Public footpaths 20.72/1/1 and 20.23/8/1 severed by the proposed dual carriageway will be diverted and re-connected via the new Collier Lane Overbridge.		Noted - NYCC request to be involved in the further design stages to ensure these PRow amendments are appropriate.
	4.19.8	Paragraph 9.13 of the LIR includes the suggestion from the Authorities that the proposed underpass taking Moor Lane under the A66 dual carriageway should incorporate hardened verges on both sides of the road to provide safe passage for pedestrians and less confident horse riders and cyclists. Current design proposals include a single set back bridlepath and footway next to the carriageway. This request will be considered within the constraints of the DCO at detailed design.		Noted - NYCC request to be involved in the further design stages to ensure these PRow amendments are appropriate.
	4.19.9	The Authorities recommend consideration of an additional bridleway link along the north of the dual carriageway to join with the proposed underpass	NYCC	Noted - NYCC still believe that a bridleway link between 20.35/5/1 and 20.30/8/1, retaining the

		on bridleway 20.23/5/1, to create more options for circular and direct routes and improve the connectivity and usability of the PRow network (paragraph 19.14 of the LIR). It is noted that this link would be required to cross the Carkin Moor Scheduled Monument and that National Highways have previously considered this link infeasible due to ground conditions and land use constraints and National Highways remains of that view.		existing natural surface, would have no discernible adverse impact on the Scheduled Monument.
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Chapter Minerals and Waste				
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.20	4.20.1	This section sets out National Highways' comments on minerals and waste topic, which is set out in section 20 of the Local Impact Report (LIR). Paragraphs 20.1 to 20.3 of the LIR are duly noted, but National Highways provide further comments on the additional paragraphs below.		Noted
	4.20.2	Paragraph 20.4 notes that "Given that parts of the area are within mineral safeguarding areas a minerals assessment should be undertaken to assess the mineral resource to ensure no unnecessary sterilisation of the resource does not take place."		Noted
	4.20.3	National Highways refers to the minerals assessment that has been completed in the ES including the schemes in North Yorkshire (Stephen Bank to Carkin Moor and A1(M) Junction 53 Scotch Corner). The methodology for the Material Assets and Waste assessment (Document Reference 3.2, APP-054) is based on DMRB LA 1109 legislation, policy and other guidance (Section 11.3, section 11.7.7 and section 11.8.36). The safeguarding of mineral resources is a key		Noted

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

		in the Stephen Bank to Carkin Moor scheme identified in Table 11.7 in the ES (Document Reference 3.2, APP-054). The A1(M) Junction 53 Scotch Corner scheme is adjacent to a limestone MSA in Table 11.7 in the ES (Application Document 3.2, APP-054).		
	4.20.9	The potential impacts to mineral safeguarding sites for the Stephen Bank to Carkin Moor scheme are assessed in Table 11.37 in the ES (Document Reference 3.2, APP-054) using North Yorkshire County Council data and information provided. The potential impacts to mineral safeguarding sites for the A1(M) Junction 53 Scotch Corner scheme are assessed in Table 11.38 in the ES (Document Reference 3.2, APP-054) using information provided by North Yorkshire County Council data and information provided during consultation. The likelihood of sterilisation and magnitude of effect was qualitatively assigned using professional judgement and where feasible in consultation with the local authority involved in minerals planning matters. Each MSA and allocation was considered to have a value (sensitivity) of Medium, as per the definitions set out in DMRB LA 104 Environmental Assessment and Monitoring (DMRB LA 10410) and in Chapter 4: EIA Methodology (Document Reference 3.2, APP-056). DMRB LA 104 has also been used to assign impact magnitude of the Project on MSA prior to assessing the potential for significant effects.		Noted
	4.20.10	Several factors were considered such as the extent of land take as a result of each individual scheme, existing land use, the sensitivity of the receptor and any prospective mineral extraction developments. The assessment provides		Noted

		reassurance that no unnecessary sterilisation will take place.		
	4.20.11	In response to Paragraph 20.7 and 20.4 of the LIR, Paragraph 4.20.2 to 4.20.10 of these comments covers the first element of the response and confirms that the minerals assessment provides an adequate and robust assessment of minerals resource. National Highways notes that mineral sterilisation is not included in the Environmental Management Plan (Document Reference 2.7, APP-019). However, the risk of mineral sterilisation is included in the Project Design Principles (PDP) (Document Reference 5.11, APP-302) with a requirement to restrict the further loss of mineral safeguarded sites in Paragraph 8.04. A subsequent update of the PDP (Document Reference 5.11, APP-302) is expected at deadline 3. It should also be noted the Principal Contractors are already restricted by the Order Limits and cannot go beyond them.		Noted
	4.20.12	Paragraph 20.8 states that "In terms of waste the key local issue will be locating a local waste management site which would deal with any waste which could not be dealt with on site. Apart from this, the management of the waste generated has been adequately assessed in the Environmental Management Plan and as it would largely be dealt with on site there would be little impact on the surrounding area. Any impact appears to have been adequately addressed and mitigated in the Environmental Management Plan."		Noted
	4.20.13	The ES (section 11.6.26 (Document Reference 3.2, APP-054)), Environmental Management Plan (Document Reference 2.7, APP-019) and Site Waste Management Plan (Document Reference		Noted

		2.7, APP-022 Annex B2 Outline Site Waste Management Plan (SWMP) (Ref: D-MAW-01 section B2.7.15)) have been developed to ensure any waste arisings from the Project are used on site or are treated and/or disposed close to the point of generation following the proximity principle. These Waste Management Plans will require the Principal Contractor to identify the appropriate waste management facilities located close to the Project. We support the comment from NYCC and RCC the management of the waste generated has been adequately assessed in the EMP and mitigated in the EMP, and would have little impact on the surrounding area, is duly noted by National Highways.		
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Chapter Adequacy of the DCO				
Section	Ref	NH Comment on LIR	LA Lead	NYCC / RDC Response
4.21	4.21.1	This section sets out National Highways' comments on the Adequacy of the DCO topic, which is set out in paragraphs 21.1 to 21.4 of the Local Impact Report (LIR).	MR	
	4.21.2	The Applicant notes the comments made by NYCC and RDC in respect of the securing of the Environmental Management Plans (EMPs) via article 53 of the draft DCO, with a specific focus on landscaping.		Noted
	4.21.3	It should be noted that the Outline LEMP contained in Annex B1 (Document Reference 2.7, APP-021) of the first iteration EMP (Document Reference 2.7, APP-019) is very much, as the title indicates, an outline version at this stage, reflecting the fact that there is no detailed design available for the Project at this point in time.		Noted

	4.21.4	<p>In light of this, various commitments are secured in the first iteration EMP in respect of landscaping, not least that a detailed LEMP must be developed in detail in substantial accordance with Annex B1, consulted upon and approved by the Secretary of State as part of a second iteration EMP (see paragraph 1.4.11 of the first iteration EMP, as well as REAC commitments D-GEN-06 and D-BD-01 (in the same document)). A second iteration EMP must be approved and in place prior to works starting – see article 53(1) of the draft DCO.</p>		<p>The Authorities concerns and ability to comment on the adequacy of the application are set out in point 4.18.8</p>
	4.21.5	<p>In relation to long-term maintenance of landscape planting, REAC commitment D-BD-01 requires that the detailed LEMP shall set out in detail the maintenance and management required for the landscape scheme, developed in substantial accordance with Annex B1 and ensuring the mitigation set out in the Environment Statement is delivered. REAC commitments M-BD-01, M-BD-03 and M-LV-01 also require monitoring of habitats and landscape planting to ensure their effectiveness in delivering the required mitigation. Further commentary on how landscaping matters would be secured is contained in the Applicant's Deadline 1 submission Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (including written submissions of oral case) (REP1-009). Ultimately, the long-term maintenance and management of landscaping would be developed alongside detailed design and secured in the second and third iteration EMPs. As compliance with these EMPs is secured through the DCO (via article 53(6) and (8)), they would be legally binding commitments.</p>		<p>The Authorities concerns and ability to comment on the adequacy of the application are set out in point 4.18.8</p>

	4.21.6	<p>The Applicant also notes NYCC and RDC's queries on how article 54(1) would be able to secure the detailed landscape design. The Applicant considers this point is also answered by the commentary above – namely, that the detailed landscaping designs of the Project would be secured by way of the commitments contained in the first iteration EMP. Indeed, in addition to the commitments cited above relating to the LEMP, the first iteration EMP (at commitment ref. D-LV-02) requires a landscaping scheme to be developed in detail, consulted on and approved by the Secretary of State as part of a second iteration EMP (see paragraph 1.4.11 of the first iteration EMP). As such, detailed landscaping would be primarily secured through the procedures contained in article 53 of DCO and the first iteration, second iteration and third iteration EMPs.</p>		<p>The Authorities concerns and ability to comment on the adequacy of the application are set out in point 4.18.8</p>
	4.21.7	<p>Finally, the Applicant also notes the point raised by NYCC and RDC in respect of article 54(2) of the draft DCO and design changes approved by the Secretary of State. Specifically, how the “materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement” wording would operate in that context, given the broad scope of the works plans and sections.</p>		
	4.21.8	<p>It should be noted that the baseline in this context are those likely significant environmental effects reported in the Environmental Statement (ES) that accompanied the DCO application. The assessments reported in the ES adopted the accepted ‘Rochdale envelope’ approach. As such, notwithstanding the broadly defined works plans and sections (as is common on highway DCOs</p>		

		and has been accepted by the Secretary of State on numerous occasions previously), the assessments defined the reasonable worst case in terms of likely significant environmental effects arising from the Project based on the secured parameters in the DCO, absent a detailed design. The assessments were therefore not simply based on the level of detail shown on the broad works plans and sections and were undertaken in line with industry guidance as well as applicable legislation.		
	4.21.9	As such, it is the likely significant effects reported in the ES that are the 'starting point' when the Secretary of State is considering whether a design change could give rise to "materially new or materially worse adverse environmental effects", not the works plans or sections themselves. This has been the standard approach on a large number of made highway DCOs to date and has therefore been approved by the Secretary of State. Given this, the Applicant submits that the approach adopted in article 54(2) is not inadequate and reflects standard practice.		The point remains that at this stage the Authorities are unable to comment on the adequacy of the mitigation proposed.
	4.21.10	Paragraph 15.32 of the LIR States "It is unclear how the long-term maintenance and management of landscape mitigation would be achieved and how this would be secured as a permanent part of the 15 scheme through the DCO."		
	4.21.11	Paragraph 15.33 of the LIR states "Within the Draft Development Consent Order (TR010062) detailed design is secured within Part 5, paragraph 54."		
	4.21.12	Paragraph 15.34 of the LIR states that "Paragraph 54 (1) requires that the authorised development must be designed in detail and		

		carried out so that it is compatible with the design principles, works plans and engineering sections drawings. However, it is unclear how the detailed landscape design would be sufficiently developed and signed off at a later stage, since these documents are broad principles, without clear landscape objectives tied to specific mitigation or defined on plans secured through the DCO.”		
	4.21.13	Paragraph 15.35 of the LIR states that “Paragraph 54 (2) makes provision for design changes to be approved by the Secretary of State where amendments would not give rise to materially new or worse adverse environmental effects. However, this is based on the broadly defined works plans and section, and potentially significant adverse effects prior to mitigation being achieved, and seems inadequate.”		
	4.20.14	In response to Paragraph 15.31-32 of the LIR, National Highways confirms that the EMP is under ongoing development and will seek to review provision for Landscape and green infrastructure management, maintenance in subsequent iterations.		The Authorities look forward to seeing the new iterations.
	4.20.15	In response to Paragraph 15.33-35 of the LIR, National Highways confirms that the authorised development must be designed in detail and carried out so that it is compatible with the design principles which are Principles contained within Project Design Principles (Document Reference 5.11, APP-302) which is also a certified DCO deliverable and which was developed iteratively with the ES LVIA (Chapter 10 of the Environmental Statement, Document Reference 3.2, APP-056). The detailed landscape design will evolve within the limits of deviation but remains linked to the		Noted.

		Project Design Principles. Consideration of design change and mitigation would need to undergo processes of review and challenge to help ensure that any amendment would not give rise to materially new or worse adverse environmental effects.		
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