

Issue Specific Hearing 3 – Environmental Matters

Thursday 2 March 2023 and, if required, Friday 3 March 2023

Supplementary Agenda

1.0 Welcome and Introduction

This Supplementary Agenda follows the agenda published on 31 January 2023. It provides further details of the matters the ExA wishes to examine.

2.0 Design and Landscape

- 2.1 The ExA wishes to discuss the Viaduct Visualisations provided at Deadline 4 [REP4-016, RE4-017, REP4-018, REP4-019 and REP4-020], in respect to the Trout Beck bridge and Cringle Beck and Moor Beck viaducts, including justification for providing visualisations rather than traditional photomontages. The ExA may also wish to discuss the design approach to a number of other bridges along the route.
- 2.2 The ExA wishes to better understand the approvals process for the designs of the Trout Beck, Cringle Beck, Moor Beck viaducts and other bridges over the new road are secured within the draft DCO.
- 2.3 The ExA wishes to understand the extent of physical proposals and further details concerning the suggested offline landscape integration, with the purpose of protecting views in the general areas of Plots 06-01-14 and 06-03-16 [APP-041].
- 2.4 The ExA notes that a number of Interested Parties (notably Environment Agency, Natural England and Cumbria CC/Eden DC and NYCC/RDC) have raised comments in respect to the sufficiency of information contained within the Project Design Principles [REP3-040]. The ExA wishes to discuss this matter further.

3.0 Biodiversity

- 3.1 The ExA requests Cumbria County Council and Eden District Council expand on their Local Impact Report paragraphs 10.15 and 10.16 [REP1-019] and their comments [REP3-057] to the Applicant's response [REP2-018] on what additional information or surveys are, in their view, required to overcome concerns on insufficiency.
- 3.2 The ExA requests the Applicant to work through 2 of the following examples to explain how the individual environmental mitigation area sizes and locations have been decided upon: 0102-01-34; 03-02-01; 03-04-04; 0405-03-90; 06-04-48; 06-05-36; 07-01-44; 08-01-04; 08-01-16; 08-02-09; and 08-03-01. The 2 to be worked through will be requested by the ExA at the Hearing,

and the remainder of the examples are requested to be individually explained in a similar manner in a post Hearing note.

- 3.3 The ExA wishes to better understand, from the Applicant, the difference between the overall functions of the '*EFB Landscape integration*' and '*EFD Nature conservation and biodiversity*' classifications on the Environmental Mitigation Maps [APP-041]. Also, whether the classifications are mutually exclusive in terms of each area or whether there is an overlap in function not indicated on the maps, but which could be corrected.

4.0 Climate Effects

- 4.1 The ExA wishes to better understand, from the Applicant, the linkage between the traffic reductions or increases within the Affected Road Network, together with any trip reductions from re-assignment onto the A66, and these reductions or increases being '*included within the final GHG estimation for the Project*' [APP-065, Figure 5.1, REP2-003, Figure 4.2 and REP4-011, page 13, Ref Number CE 1.5].
- 4.2 The ExA wishes to understand, from the Applicant, whether there are there likely to be other strategic traffic re-assignments from routes outside of the Affected Road Network, such as the A69 or A59/ A65, onto the improved A66 which are not included in the GHG assessment.

5.0 Flooding and Drainage

- 5.1 The ExA wishes to better understand, from the Applicant's flood compensation work undertaken so far for Scheme 06, how and where the '*relative level approach*' could be used [REP4-011, page 21, Ref Number FDW 1.8]. The ExA believes that such an explanation, however delivered [REP4-011, Appendix B], will enable it to better understand any differences that may remain between the Applicant and the Environment Agency (EA) at the end of the Examination. In view of the timing of the Applicant's recent flood compensation work, the ExA may not have the opportunity within the remainder of the Examination timetable to address this matter in a Hearing. Should the final SoCG contain unresolved issues, a Hearing explanation may be important in terms of the ExA's recommendation report.
- 5.2 The ExA wishes to understand, from the Applicant and the EA, how far apart the parties are relation to confirmation from the EA that any fluvial flood risks can be satisfactorily managed in relation to Schemes 0102, 0405 and 06 [REP4-011, page 5, Ref Number FDW 1.2 and 1.3].

6.0 Traffic and Access

- 6.1 The ExA requires an update to the positions of the Applicant and the Local Authorities following response to ExQ1 [PD-011] in respect to:
- Diversion route arrangements.
 - De-trunking arrangements.
 - Private means of access and public rights of way arrangements.

- Traffic modelling in Penrith.

7.0 Heritage

7.1 The ExA wishes to follow-up Historic England's Deadline 4 submission [REP4-031] in respect to:

- The Applicant's Heritage Mitigation Strategy; and
- The need for a Heritage Impact Assessment in relation to the Lake District World Heritage Site.

8.0 PADSS

8.1 The ExA would like an update from the parties on outstanding matters contained within their respective PADSS.

9.0 Draft Development Consent Order (Draft DCO)

9.1 The ExA wishes to discuss the draft DCO including:

- Cycle track/ cycleway definition in Article 2
- Maintenance period for new highways, Article 9 (1) and (2)
- Further questions in respect to the wording of Article 53 (Environmental Management Plan) and Article 54 (Design) following the Applicant's response to Written Questions [REP4-011] and other responses.

10.0 Any Other Business

CLOSE OF HEARING