

A66 NTP - Principal Areas of Disagreement Summary Statement of Cumbria County Council and Eden District Council for Examination Deadline 5, 14th March 2023

Principal Issue	The brief concern held by Cumbria County Council and Eden District Council	What needs to change, or be included, or amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination
Junction Capacity at M6 J40, Penrith	There is a key concern that the Project will worsen current congestion issues in Penrith, especially because Junction 40 of the M6 does not see any significant capacity improvements from the Project, yet will need to handle significantly more traffic. The Councils therefore expect the Applicant to undertake further reviews of the Project designs and look to increase the capacity of this junction. The Councils are not satisfied that Junction 40 of the M6 has adequate capacity to manage traffic flows at peak times and on Fridays resulting in congestion and delays to local journeys. Following completion of the Project, the Applicant's traffic model shows that traffic levels at this junction will grow with the potential for adverse impacts upon local residents, visitors, businesses alongside long distance travellers.	The Councils need to be provided with the opportunity to review the traffic modelling and traffic forecasts. The Councils and the Applicant need to discuss further the modelling and reach agreement on the approach, which informs the suitability of the junction design and road capacity (see also Traffic Flows and Modelling below) ADD Row 5 issue here	The Applicant has yet to provide the Councils with the completed operational models, validated to relevant accepted standards, which cover Junction 40 of the M6 and Kemplay Bank. Given the interactions between the junctions for traffic and queuing, it has been difficult for the Applicant's consultants to replicate current conditions, particularly on a Friday. The Councils await further information that shows the base year models to be valid representations of current conditions and the forecast year models that show how the junction is expected to cope with the additional background and Project related traffic growth. This information needs to cover both the infrastructure changes, assumed lane designations and operation of signals, which are shown to be critical from early demonstrations of the operational model. Overall, the Councils are still concerned that the designs of the roundabouts at Junction 40 and Kemplay Bank do not provide sufficient capacity for the additional traffic predicted for the A66 and for the existing congestion and queuing to be improved, especially on Fridays throughout the year. Of most concern is the operation of Junction 40 for westbound traffic if Kemplay Bank is grade-separated and as such more traffic can arrive at the M6 junction unimpeded, but the roundabout itself is relatively unchanged.
Wetheriggs Country Park, Penrith	Wetheriggs Country Park & Ullswater Playing fields - proposals include land take within the park and playing fields, as well as significant loss of mature trees that currently provide visual screening to the park and the residential properties on Clifford Road, including The Crescent retirement home (sheltered housing). The proposals will result in an increase in noise, effects on biodiversity, drainage and the overall country park environment. The Project does not meet the requirements of para.5.166 of the NPS NN and playing fields are an important community asset.	The land take in this section of the A66 seems to be largely for the cyclepath although it is understood a service corridor will be required along a section at the western and eastern ends. The Councils consider there is an opportunity to redirect the cyclepath through the park to minimise the loss of the trees. Engagement with the Council and key stakeholders including Sport England and the Ullswater Community College (whose land is also affected by the proposed land take at Kemplay Bank roundabout) to agree a more holistic solution.	Funding is being provided the Applicant to prepare a masterplan for Wetheriggs Country Park to include options for redirecting part of the cycleway. The Councils and the Applicant are working collaboratively with initial options having been developed. Consultation with key stakeholders including Sport England, Ullswater Community College and the North Lakes Hotel will be undertaken to agree an alternative route for the cyclepath and other enhancement measures. Resolution of this issue will be dependent on the Applicant agreeing to implement the recommended masterplan option for changes to the cycleway route within the DCO boundary. It is understood that the Applicant has secured money from their Environmental designated fund for works outside the DCO boundary.
Impact upon Skirsgill Depot, Penrith	The congestion at the Skirsgill Depot entrance as a consequence of capacity issues at M6 Junction 40 and Kemplay Bank. Also concern that traffic leaving the Skirsgill Depot will struggle to manoeuvre to the outside lane of the westbound carriageway in order to turn right at the M6 J40 roundabout towards Penrith or Kemplay Bank. Adequacy of junction to provide access to allocated local plan employment site.	The vehicular access to the depot from the M6 slip road needs to be retained to enable operational access from the west - now agreed by the Applicant. Further consideration of movements in and out of the depot onto the A66 is still required in conjunction with modelling work. The Applicant needs to demonstrate that the junction is suitable to serve the future employment site as well as the depot itself. The final design solution needs to be agreed to the satisfaction of the Councils.	Results of the September 2022 traffic survey were shared with the Councils at meetings on 16/01/23, 16/02/23 and 09/03/23. Modelling work is still being refined by the Applicant and a further technical meeting will take place on 17/03/23. However, early indications suggest that existing congestion may not be addressed at Junction 40, particularly on the Friday pm peak. There is likely to be a 50% reduction in traffic using the Kemplay Bank Roundabout which may reduce queuing on the A66 back to Junction 40. The remaining 50% of the traffic will go under the Kemplay Bank Roundabout on the new dual carriageway. It may be that alterations to the traffic signal phasing may improve the performance of Junction 40. Vissim modelling information is not yet available, so no further comments can be made at this stage.
Junction capacity at Kemplay Bank, Penrith	It would appear that, with limited detail on the consultation General Arrangement drawings there is only a single lane exit from A66 eastbound onto the A6 Kemplay roundabout. This is on the diversion route for traffic from the M6 when the M6 is closed either north or south of Junction 40.	Consideration should be given to providing 2 lanes rather than a single lane on the approach to this signal-controlled roundabout to help provide capacity and ensure resilience at this junction. The additional construction required (two 3.65m lanes plus 1m hard strip versus one 3.7m lane plus 3.3m hard shoulder) would be minimal and appears to present better value. This extra 0.4m of carriageway width appears to be deliverable within the red line boundary (RLB) and requires no additional land acquisition. Provision of a two-lane approach to the traffic signal-controlled roundabout, should also be considered for westbound A66 off slip on the opposite side of the roundabout. This too appears to be achievable within the RLB.	Initial sight of the Vissim modelling (shared on screen at the meeting of 16/02/23 held between the Applicant and the Council) showed the eastbound single lane exit as struggling to cope with the future year traffic and queues extending back onto the A66 mainline. (Please note that this is not an Examination document). Details of the future year traffic flows for different movements at the grade-separated roundabout need to be shared in order to satisfy the Councils that the layout is appropriate to cope with every day traffic and that sufficient spare capacity is allowed for when diversions are in place for the M6 and A6 (Eamont Bridge during floods and other incidents).
Impact on local road network, Penrith	The Councils are not satisfied that impacts on the local road network at Ullswater Road, Clifford Road and Eamont Bridge have been adequately assessed.	The Councils believe that there is a need for review of more detailed outputs for local modelling to be undertaken, particularly on Ullswater Road, Eamont Bridge and Clifford Road. There is also a need for further sensitivity testing to evidence that the proposals will not have unacceptable impacts on the local road network.	Results of the September 2022 traffic surveys, being used to update the operational models, were shared with the Council on 16/01/23. Vissim modelling information is not yet available, so no further comments can be made at this stage.

<p>Detrunking (road and structures)</p>	<p>Lack of detail in the dDCO provisions as to what assets will transfer to the Council as a result of detrunking. The Council needs to be assured that the detrunking proposals are acceptable in respect of:</p> <ol style="list-style-type: none"> 1. Maintenance liabilities & maintenance boundaries per asset type; 2. The condition of the detrunked assets backed up with appropriate records and assessments; 3. The design suitability of the asset (appropriate to the proposed use); 4. The provision of funds to maintain the asset. <p>The Council's specialist has discussed the detailed records for all asset types and welcome the Applicant's proposal which is in line with the Council's principles document, Appendix A to the LIR [REP1-019].</p> <p>Principal outstanding items include Crackenthorpe Retaining Wall, a potential major maintenance liability that will not be accepted by the Council without a full understanding of the structure and assessment of risks and liabilities. Walk Mill High Bridge includes liability due to high alumina cement used in construction.</p> <p>The Council must not inherit a maintenance liability and must be funded appropriately to maintain the full suite of detrunked assets.</p>	<p>The Applicant and the Local Highway Authorities must continue to work together to reach an agreed position on matters of principle and detail.</p> <p>The structures present a major risk to the Councils and it will require specialist technical advice and potentially investigation to quantify the risks and liabilities which it will be required to take on. The process for addressing the concerns and (if agreed) providing a commuted sum to offset the risks through the DCO process needs to be signed up to by all parties through a side agreement.</p> <p>Any remedial works determined to be undertaken by W&FC immediately after project completion, should be undertaken by the Applicant as part of the Project before hand over.</p> <p>Side agreements to be reached covering the de-trunking process and to include for the consequence of the Project to significantly increase the assets to be maintained by the Councils should have a direct compensation and not be reliant on unsecured future funding strategies.</p>	<p>The Councils' specialist has discussed the detailed records for Crackenthorpe and welcome the Applicant's proposal.</p> <p>The Councils note the Crackenthorpe bored pile wall and aged retaining wall must be resolved together.</p> <p>The Councils have concerns about the high alumina cement content in the Walk Mill High structure. Certainty through additional testing and assessment to prove adequate condition of all assets is required before handover, otherwise the Applicant must retain asset ownership, as stated in their draft document included in the side agreement.</p> <p>The side agreement calculation for commuted sums payable to W&FC should not include the requirement for the Council to undertake works immediately after the Project is complete.</p>
<p>New Structures</p>	<p>There is no design information relating to new structures, including bridges, culverts and retaining walls. The Applicant's Project Design Principles [REP3-040 & 041] does not contain the required level of detail. In the absence of such details the Council is not satisfied that designs will be acceptable or achieve satisfactory integration with the local road network. The Council has not had the opportunity to comment on or agree the design of new structures that will carry the local road network, WCH routes or ProW and which it may be asked to maintain.</p> <p>There is a need to ensure visual integration of structures to minimise impact.</p>	<p>Design detail needs to be provided by the Applicant to confirm acceptability in terms of accommodating the proposed usage, tie-in with existing structures, meeting non-trunk road functions, integrating with existing and proposed ProW, meeting the needs of users and ensuring safety.</p> <p>The impact upon remote structures needs to be assessed and any mitigation delivered through the DCO. The mechanism for jointly agreeing the design detail needs to be clarified and set out and the next iteration of the EMP/ PDP secured through the proposed dDCO amends to Article 54 suggested by the ExA.</p> <p>New A66 structures designed in accordance with DMRB and the associated design, checking and approval processes will be acceptable to the Councils if built and maintained by the Applicant. The Councils need to be consulted upon and agree the design of all structures that will carry its network in order to ensure that they are fit for purpose and acceptable. The designs must be suitable to accommodate the proposed usage and should seek to address existing problems and constraints.</p>	<p>Until detailed designs are available the Council cannot confirm its position. The Councils' principles document was produced in 2022 to initiate the discussion on de-trunking with the Applicant without any insight to the Applicant's strategy. The Councils did not have any feedback on the new structures element of the document but welcome the discussions which are now progressing well on the technical aspects of the existing assets to be included in the de-trunking process. The examples of residual serviceable life issues noted here by the Applicant have already been discussed and, along with other aspects, are in the process of being resolved with the Applicant.</p>
<p>New Structures and impact of those upon drainage</p>	<p>At Warcop, the alteration to the viaduct across Moor Beck and Cringle Beck may provide improvements from a watercourse geomorphology perspective but they do not take account of local flood risk.</p>	<p>The watercourse crossing proposals need to be better linked with the Cumbria County Council (Environment Agency funded) Cumbria Innovative Flood Resilience Programme, which is proposing to install a range of natural flood management interventions in the Warcop area to reduce flood risk.</p>	<p>This is expected to be resolved through the detailed design discussions and the approval of the second iteration EMP. Still subject to approval of the flood model by the Environment Agency.</p>
<p>Diversions and construction impacts</p>	<p>Diversions routes are not suitable without mitigation and fall outside the DCO boundary. The Applicant proposes these will be addressed in the next iteration of the EMP.</p> <p>The Councils' assessment of diversion routes [REP1-019 appendix] indicates that all will require mitigation and six are unsuitable without significant mitigation outside the Order limits. Particular concerns remain in respect of the A685 at Kirkby Stephen, as well as other local roads, such as Ullswater Road and Clifford Road in Penrith, where various physical constraints will give rise to congestion and delay during construction, as well as impacts on local residents in terms of congestion, noise and air quality.</p> <p>HGVs - lack of clarity on diversions and impacts during construction.</p> <p>M6 diversion routes do not appear to have been considered adequately as part of the impact assessment. There are also concerns about the diversion routes around and through Penrith where there is already a significant traffic issue i.e. serious congestion occurs at Kemplay Bank during closures of the M6.</p>	<p>The Councils need to understand what future diversion use the Applicant may have for the detrunked routes, eg. Tactical diversions and future use of the network. The Applicant must develop a clear strategy for traffic management and the establishment of viable alternative/diversion routes to support the construction of the upgraded A66, taking into account the condition and suitability of local roads, susceptibility to rat-running and the particular constraints that may apply to HGV use. There are clear challenges with the suitability of the rural road network to accommodate the types and volumes of vehicles to be diverted.</p> <p>The Applicant should improve the existing strategic diversion routes, specifically the A6 and the A685 and undertake further feasibility work to determine how these routes can be enhanced to cope with the increased volume of traffic. This issue requires consideration by the Applicant in discussion with the Councils and mitigation measures need to be agreed in the second and third iterations of the EMP. The Councils believe there is a need for further sensitivity testing to provide comfort that the proposals will not have unacceptable impacts on the local road network.</p>	<p>The Councils still have concerns that the detailed proposals for diversions, both temporary and operationally, have not been set out and assessed as part of the DCO and that there are no detailed commitments from the Applicant to address the concerns raised in the Councils Diversions Assessment Report, Appendix C to the LIR [REP1-019].</p> <p>The Council awaits the Applicant's Deadline 5 submission of post-hearing note setting out how strategic diversions will be undertaken and secured by the third iteration of the EMP.</p>
<p>Soil Storage</p>	<p>There are multiple soil storage compounds located between Kirkby Thore and the proposed alignment of the A66. The Councils are concerned about the location of the soil storage compound south of the proposed junction at Kirkby Thore which results in compounds being proposed in close proximity to Kirkby Thore Primary School on Priest Lane. The Councils are concerned about negative noise and air quality impacts that this might have on Kirkby Thore Primary School and potential impacts on childrens' learning and health.</p> <p>There is currently no guidance on the volume or height the soil storage may comprise, the Councils would seek to minimise the height of the storage, particularly in this location to the sensitive residential properties.</p>	<p>The Applicant should locate soil storage areas and general compounds further away from the school to avoid these potential impacts.</p> <p>The Applicant to confirm the volumes and area of topsoil storage at each of the sites. The Applicant to also confirm that in accordance with BS3882:2015 topsoil spoil heaps will not exceed 3m in height, including topsoil existing on site, and will be used within 12 months (reference BS 4428:1989 Code of practice for general landscape operations).</p>	<p>The Councils will continue to engage with the applicant and DIPs to agree an appropriate solution in these locations.</p> <p>The Construction Management Plan needs to be explicit with regards to the location of compounds and storage areas and mitigation to avoid and/ or minimise impacts.</p>

HGVs	HGV (Parking and Services) - lack of provision and an absence of analysis of the impacts and requirements arising from a forecast increase in HGV traffic. Potential nuisance and safety risks arising from HGV parking.	Consideration of the adverse impacts arising from substantial increase in HGV traffic is required. The Applicant needs to provide clarity on provision of parking and services to accommodate increased usage by HGVs and parking and services demands. A Freight Study is being undertaken in conjunction with the Councils and stakeholders to establish the need for parking and services provision.	A meeting was held on 08.03.2023 in which the issue of HGV facilities was discussed in the context of the A66. The Applicant and its consultants provided an update on the Nationwide Freight Study, with particular focus on the A66. It was recognised that there was a specific need to meet the future demand of freight along the A66 corridor, and consultation feedback from hauliers was presented which supported this issue. The Councils support the study and will continue discussions with the Applicant to identify appropriate solutions on the A66 corridor. The impact of increased demand of HGV parking expected as a result of the Project is currently unmitigated by the Applicant, and this will result in a worsening of issues caused by indiscriminate HGV parking in Penrith, other settlements, and laybys along the A66. The Councils understand that this issue will not be resolved by the determination of the Examination but support the parallel workstream to deliver an optimal solution. National Highways will need to make a written binding commitment to implementing the recommendations of the freight study.
Drainage and the Water Environment	Concern about flood risk, such as the location of treatment ponds within Flood Zones 2 & 3 (eg. Carleton Hall), flood compensation being proposed in existing flood zones, lack of detail for flood compensation, proposed discharges in flooding locations. Opportunities should be taken to provide benefits in terms of flood risk reduction and natural flood management.	The Councils require details of all proposals which impact upon flood risk and need discussion with the Applicant to resolve any concerns. The Applicant needs to ensure the inclusion of Natural Flood Management and other mitigation measures to align with Environment Agency/ Lead Local Flood Authority works. It is essential that natural flood management is considered and engagement with the Cumbria Innovation and Flood Resilience Project team takes place, particularly in relation to the Warcop area, Lowgill Beck and Broom Rigg. Discussion is required on the flood modelling to ensure that the Applicant and the Council can reach agreement on the approach, which should then inform the drainage designs.	The Councils understand that protective provisions have now been included in the dDCO Schedule 9 Part 7 for the benefit of the drainage authorities. These protective provisions will be the subject of ongoing discussions between the Applicant and the Councils.
WCH routes	It is not clear if the proposed WCH routes extend the full length of the Project. At Coupland Beck the route appears to stop abruptly with no indication of whether this will join an existing pathway.	A full set of design proposals needs to be provided showing the proposed new WCH routes and how they will connect with existing pathways or suitable local roads to provide a full east-west route for NMUs. This is an issue of great importance to the Councils.	The Councils recognise that detailed design will not be available during the DCO examination. The Councils will need an assurance that a connection to the proposed new WCH route within this gap will be delivered and a plan indicating how it will be delivered should be provided. To be resolved during detailed design discussions and a commitment to a continuous east-west route made within the EMP or the DPD [TB checked by Tom]. The Councils are still awaiting a plan of the complete WCH route that has been promised by the Applicant.
WCH/Safety at Penrith	There is no apparent physical separation between the shared use path and the dual carriageway between Kemplay Bank and M6 Junction 40. Given the proposed 50mph speed limit it is considered unsafe for users to be in such close proximity. This is also contrary to the guidance in LTN 1/20 for provision next to a road of this speed.	The Applicant to share details of the safety audit/risk assessment undertaken for the design. Consideration to be given to the inclusion of some form of safety barrier or buffer between the road and shared use path.	The Councils await details from the Applicant
Appleby Horse Fair	It is unclear how access and Traffic Management for the Appleby Horse Fair traffic will be facilitated. The Project should not negatively impact on Appleby Horse Fair and should encourage further improvements on the local network by the provision of safe stopping places and ensure the safe use of the A66 by the travelling community.	The Councils' Appleby Horse Fair Traffic Management Plan will require updating in consultation with the Applicant as a consequence of Project. The Applicant's CTMP [APP-033] will need to develop proposals to address provision for the Appleby Horse Fair traffic. Connections to existing routes used by travellers and designated stopping places will need to be maintained across the proposed dual carriageway to enable their continued use. The Councils expect the Applicant to confirm how non-motorised traffic will be discouraged from using the A66, in particular how horse drawn traffic can effectively access Appleby Horse Fair via alternative routes. Route risk assessment to ensure the local network can accommodate safe passage of horse drawn vehicles there is continuity of alternative provision on the local network. There is a need to discuss the provision of stopping places for Appleby Horse Fair traffic on local and detrunked roads that will be used in preference to the A66. The Councils expect the Applicant to provide either direct funding to provide stopping places on the detrunked sections or ensure the work is undertaken by its contractors prior to being detrunked.	The Applicant's CTMP, secured through the EMP, and an Operational Management Plan similarly secured, should be in place to ensure the safe operation of the Appleby Horse Fair, to the satisfaction of the Councils. Awaiting response from the Applicant regarding the preparation of risk assessment/ other relevant assessment of safety and any proposed mitigation. Secured by a side agreement
Environmental	There are matters within the Environmental Statement and the EMP that are still of concern. These are submitted as "Environmental Issues Note for Deadline 5"	The detail of the amendments or further information that the Applicant needs to provide is specifically stated in the appended note.	Dependent upon the Applicant agreeing to change the EMP as suggested by the Councils in their Environmental Issues Note for Deadline 5.

