

**A66 Northern Trans-Pennine project
TR010062**

**8.1 Change Application –
Application Report**

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 8

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**Infrastructure Planning
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A66 Northern Trans-Pennine project
Development Consent Order 202[.]

8.1 CHANGE APPLICATION – APPLICATION REPORT

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1. Introduction

1.1. Overview

- 1.1.1. This Change Application relates to an application submitted by National Highways (“the Applicant”) to the Secretary of State for Transport (through the Planning Inspectorate) for a development consent order (“DCO”) under the Planning Act 2008. The application for development consent for the A66 Northern Trans-Pennine project (“the DCO Application”) was accepted for examination by the Planning Inspectorate on 19 July 2022. The examination of the Application is currently underway, having started on 29 November 2022; it will close on 29 May 2023.
- 1.1.2. This Change Application comprises the Applicant’s request to the Examining Authority (appointed by the Planning Inspectorate) to accept into the examination of the DCO Application 24 changes to the Project for which development consent is sought.
- 1.1.3. If made by the Secretary of State for Transport, the DCO would grant development consent for the Applicant to construct, operate and maintain a high quality dual carriageway between M6 junction 40 at Penrith and A1(M) at Scotch Corner, and which is referred to in the DCO Application as the A66 Northern Trans-Pennine project (“the Project”).

1.2. Purpose of this document

- 1.2.1. The Change Application supports the DCO Application by:
 1. explaining exactly what changes are proposed and why they are needed;
 2. explaining the effects (if any) of the proposed changes on land and identifying where 'additional land' may be required in respect of the proposed changes (including confirmation that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not engaged);
 3. identifying Affected Persons, Interested Parties and prescribed consultation bodies who may be affected by or interested in the proposed changes (as explained in a Consultation Report forming part of this Change Application);
 4. providing full details of the consultation carried out in respect of the proposed changes, including justification for the scope of that consultation, and copies of the consultation responses received by the Applicant;
 5. demonstrating, in an environmental assessment “Addendum” document (forming part of this Change Application”), that the proposed changes have been subject to environmental assessment and setting out the findings of that assessment in the context of the assessment reported in the Environmental Statement (“ES”) which was submitted as part of the DCO Application (“the original ES”);

6. identifying the scope of the consequential amendments that would need to be made to previously submitted DCO Application documents, if the proposed changes were accepted by the Examining Authority;
7. providing clean and tracked change versions of the draft DCO, showing how this document would change if the proposed changes were accepted by the Examining Authority;
8. explaining why some of the proposed changes are considered to be non-material (rather than material) in nature, whether considered individually, cumulatively, or collectively; and
9. explaining why some of the proposed changes are considered to be material (rather than non-material) in nature, whether considered individually, cumulatively, or collectively.

1.3. Legislative Context and Guidance

- 1.3.1. The Applicant has had regard to paragraphs 109 to 115 (Changing an application post acceptance) of the *Planning Act 2008: Guidance for the examination of applications for development consent* (DCLG, March 2015) ("the Examination Guidance"), and notes that "*the Government recognises that there are occasions when applicants may need to make material changes to a proposal after an application has been accepted for examination*" (paragraph 109), as is the case here.
- 1.3.2. Figure 2b of the Planning Inspectorate's Advice Note 16 (Version 3, March 2023) ("AN16") sets out the information which an applicant is required to include in a request to make a change to an application after it has been accepted for examination ("the required information"). The following paragraphs explain where the required information (shown in *italic text* below) can be found within this Change Application:
 1. *A clear confirmed/updated description of the proposed change, including any new/altered works and any new/altered ancillary matters – updated from the description included for the change notification - please refer to section 3.*
 2. *A confirmed/updated statement setting out the rationale and pressing need for making the change with reference to the Examination Guidance, any relevant National Policy Statement(s) as appropriate and any other important and relevant matters - This statement should include a robust justification for making the change after the application has been accepted for examination – please refer to section 2 for an overview of the rationale and need for the proposed changes, and to section 3 for the justification and rationale for individual proposed changes.*
 3. *A full schedule of all application documents and plans listing consequential revisions to each document and plan or a 'no change' annotation. The schedule should include an update of any consents/licences required and whether (given the proposed change to the application) there will be any impediment to securing the consents/licences before the Examination is concluded - please refer to section 4, as supported by Appendix A (Schedule of Consequentially Amended Application Documentation).*

4. *Clean and track changed version of the draft DCO showing each proposed change, and a track changed revised draft Explanatory Memorandum – please refer to section 5, which is supported by a tracked change version of the draft DCO (Version 3, as submitted at Deadline 5 of the Examination [REP5-012]) as provided in Appendix B(i), together with a clean version at Appendix B(ii). As explained in section 5 below, the proposed changes do not result in any amendments to the draft Explanatory Memorandum Version 2, as submitted at Deadline 2 of the Examination [REP2-007]) and accordingly, a tracked change version of the draft Explanatory Memorandum is not provided as part of this Change Application.*

5. *If the proposed change involves changes to the Order land, confirmation that the CA Regulations are not engaged including if appropriate a copy of the consent obtained from all persons with an interest in the additional land. If the CA Regulations are engaged applicants must provide the information prescribed by Regulation 5 of the CA Regulations (namely a supplement to the submitted Book of Reference, a Land Plan identifying the additional land, a Statement of Reasons as to why the additional land is required and a statement indicating how it is proposed to fund acquisition of the additional land (a Funding Statement)) and should clarify how it is considered that the procedural requirements of the CA Regulations can be met within the remaining statutory timescales. Clean and track changed versions of these documents should be provided – please refer to section 6 of this report, as supported by Appendix C (Consent from Persons with an Interest in Additional Land).*

6. *If the proposed change results in any new or different likely significant environmental effects, provision of other environmental information and confirmation that:*

A. *the effects have been adequately assessed and that the environmental information has been subject to publicity. Whilst not statutorily required, the publicity should reflect the requirements of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and applicants should also submit copies of any representations received in response to this publicity with the change request - please refer to Table 1: Methods to publicise the Change Application of section 2.5 of the Applicant's Consultation Report (accompanying this Change Application,) for details of how the publicity requirements have been met. Copies of the notices publicising the consultation on the proposed changes (as published in the press, served on individuals, and as affixed on site) are included, respectively, in Appendices B, C and D to the Consultation Report; examples of the approach to publicity about the proposed changes on the Applicant's website and on its social media platforms are set out in Appendices E and F of the Consultation Report; and copies of the consultation responses*

received by the Applicant comprise Appendix G to the Consultation Report..

B. any consultation bodies who might have an interest in the proposed changes have been consulted (reflecting the requirements of the EIA Regulations). Applicants should submit copies of any responses received from consultation bodies with the Change Application. Applicants should identify those consultation bodies who were consulted on the proposed changes but not on the original application – please refer to section 7 (below), which sets out the approach to the environmental assessment of the proposed changes, together with Appendix A to the Consultation Report, which comprises a list of the persons consulted (including consultation bodies). As noted above, Appendix G to the Consultation Report comprises copies of the consultation responses received by the Applicant, including those received from consultation bodies.

7. Where consultation has been carried out (either voluntarily, at the direction of the ExA or pursuant to the requirements of the CA Regulations) a Consultation Report must be provided. The Consultation Report must confirm who has been consulted in relation to the proposed change, explain why they have been consulted, and include the Applicant's consideration of the content of the consultation responses received. Copies of any consultation responses received by an applicant should also be included in the Consultation Report as an annex – please refer to the Applicant's Consultation Report (Document Reference 8.2), which is submitted (as a separate document) alongside this Change Application.

1.4. The Context for and Background to the Changes

- 1.4.1. Since the DCO Application was submitted to the Secretary of State for Transport via the Planning Inspectorate (“the Inspectorate”) in June 2022, the Applicant has continued to engage and negotiate with those with an interest in land affected by the Project (including those with an interest in land which is proposed to be subject to powers of compulsory acquisition (“Affected Persons”)) and with other Interested Parties, such as Cumbria County Council, Eden District Council, Durham County Council, North Yorkshire County Council and Richmondshire District Council in their various capacities as local highway authorities, local planning authorities, and the statutory environmental bodies.
- 1.4.2. As explained by the Applicant at the Preliminary Meeting held on 29 November 2022, the need for a number of proposed changes to the Project has arisen from a variety of factors which include requests from Affected Parties (e.g. including where issues have been raised in Relevant Representations); stakeholder feedback (e.g. where, through engagement, the Applicant has sought to resolve issues); the identification of opportunities to further reduce the environmental impacts of the Project and opportunities to reduce the amount of land required for

the Project; and the identification of further safety benefits, building on the assessment work to date.

- 1.4.3. Additionally, due to the Project Speed initiative, the detailed design work for the Project is being progressed at an earlier stage than it would be ordinarily. Following the submission of the DCO Application in June 2022, the Applicant has procured the services of the Delivery Integration Partners who are responsible for the detailed design and construction stages of the Project. This 'early contractor involvement' process presents opportunities to address buildability issues which would not normally come to light until after development consent had been granted for a project.
- 1.4.4. This early involvement of the Delivery Integration Partners also enables the Applicant to give further consideration to feedback received during statutory and supplementary consultations held prior to the submission of the DCO Application, in that the detailed design process provides an opportunity to investigate practical ways in which the concerns of Affected Parties and stakeholders can be better accommodated and addressed, both in terms of how each scheme (comprised in the Project) is integrated into the existing highway network and its surrounding landscape, and in terms of how its impacts may be reduced.
- 1.4.5. As a result of this ongoing engagement and early detailed design work, the Applicant has considered a significant number of potential proposed changes to the Project and has carried out consultation on 32 such changes. Further to that consultation and consideration of the consultation responses received (details of which are presented in the Consultation Report accompanying this Change Application) the Applicant now proposes 24 changes to the DCO Application. Full details of those 24 proposed changes are set out in section 3 of this Change Application.
- 1.4.6. This Change Application was foreshadowed in correspondence exchanged between the Applicant and the Inspectorate, as follows:
- On 16 December 2022 the Applicant submitted a letter notifying the Examining Authority of the Applicant's intention to submit a request to make proposed changes to the DCO Application ("the Changes Notification Letter"). The Changes Notification Letter was published on the Inspectorate's website on 21 December 2022 (REP1-008).
 - In response to the Changes Notification Letter, the Examining Authority issued a Procedural Decision on 6 January 2023 (PD-08) ("the ExA's Rule 9 Letter"), which was published on the Inspectorate's website on 6 January 2023. The ExA's Rule 9 Letter set out the Examining Authority's requirement for the Applicant to carry out non-statutory consultation *before* making a written material change request. The purpose of requesting this approach, as explained in the ExA's Rule 9 letter, is to ensure that the Applicant is in a position to provide a complete package of information for the Examining Authority to make its timely decision and also to allow the Applicant

the opportunity to review comments received and make any necessary changes before its formal submission of the Change Application.

- The Applicant responded to the ExA's Rule 9 Letter in its letter dated 17 January 2023, which was published on the Inspectorate's website on 18 January 2023 (REP2-008) ("Response to the Rule 9 Letter"). The Applicant confirmed, in its Response to the Rule 9 Letter, that it would consult on the proposed changes (including those requiring "additional land" (as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010), *before* formally applying for any proposed changes to be accepted into the examination of the DCO Application.

1.4.7. In consequence, the Applicant carried out a public consultation on the proposed changes. The consultation began on Saturday 28 January 2023 and closed on Monday 27 February 2023. Since the close of the consultation the Applicant has been carefully considering the consultation responses received (as explained in the Applicant's Consultation Report (Document Reference 8.2)) and preparing this Change Application for submission to the Examining Authority in late March 2023.

1.4.8. Whilst conscious of the time pressures associated with the six-month DCO examination process and of the related need for a request for proposed changes to be made early enough to allow time for the Examining Authority to make appropriate procedural decisions and for the changes to be accepted into the examination of the DCO Application, the Applicant considers that there is still sufficient Examination time remaining to allow opportunities for the detail of each proposed change to be considered and examined, and for all Interested Parties, Affected Persons and consultation bodies to make further representations on the proposed changes, as part of the on-going examination of the DCO Application. The Applicant understands that (as per "Step 5" of the process set out in AN16) if the Examining Authority makes a Procedural Decision accepting one or more of the Applicant's proposed changes, it will at that stage consider how the changed DCO Application can be examined (and may issue a consequentially updated examination timetable).

1.4.9. The Applicant's objective, in compiling this Change Application and in consulting on the proposed changes, has been to ensure that the Examining Authority will be provided with sufficient information to enable it to make a decision on whether or not each of the proposed changes is material or non-material, and whether each change may be accepted for inclusion in the examination of the DCO Application. However, should the Examining Authority require any additional information in support of this request, the Applicant will endeavour to provide it as soon as possible in response to any request for such information.

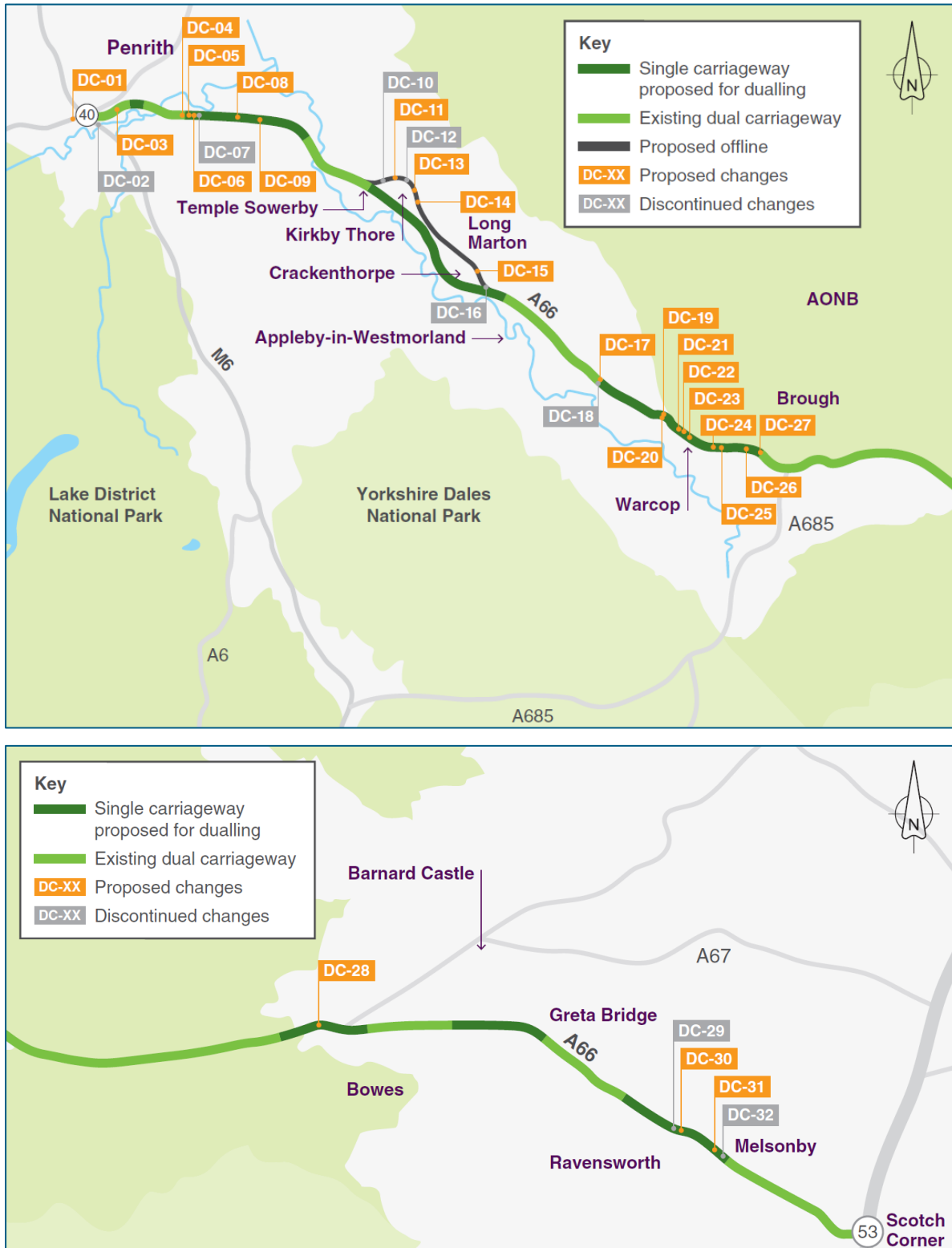
1.4.10. Having noted the advice in paragraph 112 of the Examination Guidance, the Applicant confirms that it does not consider that any (or all) of the proposed changes would have any impact on any non-planning permits,

such as the environmental permits, referenced in the Applicant's Consents and Agreements Position Statement (APP-287), which are being sought alongside the DCO Application for the Project.

1.5. Overview of the Proposed Changes

- 1.5.1. In this Change Application the Applicant is proposing 24 changes to the Project. These proposed changes are each identified by a unique reference number with the prefix 'DC' (for 'design change') followed by the identification number; i.e. DC-01 to DC-32
- 1.5.2. The reference numbers used in this Change Application are the same as those used to identify the proposed changes on which the Applicant consulted in January – February 2023, and which are presented in the Applicant's Proposed Changes Consultation Brochure, a copy of which is included as Appendix H to the Consultation Report accompanying this Change Application.
- 1.5.3. The 24 proposed changes presented in this Change Application are numbered DC-01 to DC-32 because the original reference numbers used in the consultation on the proposed changes have been retained, notwithstanding the fact that (for the reasons explained in section 2 below) not all of the changes on which the Applicant has consulted are now being progressed.
- 1.5.4. The location of each of the remaining proposed changes is shown below on a schematic map of the Project (this is shown in two parts: west and east in Figure 1). Information on each proposed change is set out in section 3 of this Change Application. For each proposed change, the following information is provided (in section 3):
 - Background to the proposed change
 - Description of the change - including an explanation of the nature of the proposed change
 - The reason for the proposed change – including the justification for why it is proposed
 - Conclusions and comments on the materiality (or non-materiality) of the proposed change

Figure 1 - Location of the Proposed Changes



1.5.5. A high-level summary of each of the proposed changes is set out in Table 1 below, with further detail provided in section 3.

Table 1 – Summary of proposed changes

Proposed change			Summary of proposed change
Scheme	Ref	Name	
01/02	DC-01	Change in speed limit west of M6 Junction 40	Reduction in the speed limit from 70mph to 50mph on the approach to M6 J40 on the eastbound carriageway of the A66, from the point where the railway line crosses above the A66 and continuing eastwards to M6 J40.
01/02	DC-02	Realignment of walking and cycling route at Skirsgill	NOT BEING PROGRESSED
01/02	DC-03	Reorientation of Kemplay Bank junction	Rotate the oval shaped roundabout anti-clockwise through 90 degrees including changes to structures and implementation of 85kph design speed (50mph) for the horizontal alignment. Additional land which is within the current DCO Order limits and was originally proposed to be used temporarily would instead need to be acquired to accommodate this proposed change.
03	DC-04	Separation of, and greater flexibility for, shared public rights of way and private access track provision	Increased flexibility in the Limits of Deviation to facilitate the realignment and separation of provision of Public Rights of Way (e.g. cycle track and footpath) and Private Means of Access within the DCO Order limits.
03	DC-05	Removal of junction for Sewage Treatment Works (and private residence) from A66, and provision of an alternative access from B6262	Provide access from westbound A66 to the Sewage Treatment Works (and private residence) from the B6262 over the proposed accommodation works bridge instead of a eastbound left-in left -out junction
03	DC-06	Increase in vertical Limits of Deviation local to Shell Pipeline	Detailed data received from Shell has led to a change in the assumptions in respect of how the pipeline that crosses under the A66 needs to be treated. The level of the road needs to be increased locally to the pipeline, in order to protect it. This proposed change seeks to increase the upward Limit of Deviation from 1m to 1.5m, so that the necessary protection for the pipeline (under the road) can be achieved.
03	DC-07	Retention of Lightwater Cottages	NOT BEING PROGRESSED
03	DC-08	Inversion of the mainline alignment at the junction at Center Parcs	This proposed change would seek to 'flip' the junction at Center Parcs such that the A66 dual carriageway mainline passes under the side road junction, differing from the original DCO design which proposed the A66 dual

Proposed change			Summary of proposed change
Scheme	Ref	Name	
			carriageway mainline passes over the side road junction.
03	DC-09	Flexibility to reuse the existing A66 carriageway	Detailed topographical survey data has been captured to support the development of detailed design. In certain locations there is a variance between the recently gathered topographical survey data and the previously gathered but less detailed Lidar survey data used for the preliminary design (on which the DCO Application is based). This proposed change seeks to provide greater flexibility in the Limits of Deviation to enable the existing A66 vertical profile to be matched in the detailed design of Scheme 03, now that more detailed and accurate information about the existing ground levels is available.
04/05	DC-10	Removal of Priest Lane underpass	NOT BEING PROGRESSED
04/05	DC-11	Earlier tie-in of Cross Street to the existing road	This proposed change seeks to introduce a lower speed limit, leading to opportunities to implement road design standards more in keeping with the local rural road network. This change would be developed in collaboration with the relevant Local Authorities to enable the earlier tie-in of Cross Street to the existing road network. This proposed change would be facilitated by a local increase in the Limits of Deviation.
04/05	DC-12	Green Lane bridge realignment	NOT BEING PROGRESSED
04/05	DC-13	Realignment of Main Street	This proposed change, supported by landowner feedback, seeks to introduce a lower speed limit, leading to opportunities to implement road design standards more in keeping with the local rural road network. This proposed change would be developed in collaboration with the relevant Local Authorities to enable the earlier tie-in of Main Street to the existing road network. This proposed change would be facilitated by a local increase in the Limits of Deviation.
04/05	DC-14	Realignment of Sleastonhow Lane	This proposed change, supported by landowner feedback, seeks to introduce a lower speed limit, leading to opportunities to implement road design standards more in keeping with the local rural road network. This proposed change would be developed in collaboration with the

Proposed change			Summary of proposed change
Scheme	Ref	Name	
			relevant Local Authorities to enable the Sleastonhow Lane overbridge skew in alignment to be reduced. This proposed change would be facilitated by a local increase in the Limits of Deviation.
04/05	DC-15	Realignment of Crackenthorpe underpass	This proposed change seeks to reduce the skew in alignment of the underpass structure at its current location. This proposed change would be facilitated by a local increase in the Limits of Deviation.
04/05	DC-16	Removal of Roger Head Farm overbridge	NOT BEING PROGRESSED
06	DC-17	Cafe Sixty Six - Revised land plan	Amendments to DCO Land Plans (for Scheme 06) to reflect the outcome of the Applicant's engagement with landowners in respect of the land required for the Project on a permanent and temporary basis local to Cafe Sixty Six. No additional land is required for this proposed change.
06	DC-18	Revision to access for New Hall Farm and Far Bank End	NOT BEING PROGRESSED
06	DC-19	Realignment of cycleway local to Cringle and Moor Beck	The cycleway currently proposed in the DCO Application runs at grade and adjacent to the new A66 dual carriageway, which is proposed to be raised on a viaduct and embankments to pass above the floodplains of both Moor Beck and Cringle Beck. As the cycleway (unlike the A66 mainline) is proposed to be at grade, it would run through these floodplains. This proposed change therefore seeks to relocate the proposed cycleway northwards onto the de-trunked length of the old A66. Additional land outside the current DCO Order limits would be required for this proposed change.
06	DC-20	Update to Limits of Deviation on eastbound connection to local road	Work No. 06-3 (a side road, comprising the proposed new Warcop eastbound junction) currently only has standard 1m vertical upward and downward Limits of Deviation applied to it. This proposed change seeks to disapply the downward vertical limit of deviation on Work No. 06-3 to ensure that this work can move vertically to align with the mainline Work No. 06-1c (which already has no downward Limit of Deviation in the draft DCO) in order to form the new Warcop eastbound junction.

Proposed change			Summary of proposed change
Scheme	Ref	Name	
06	DC-21	Amendments to DCO Order limits within Ministry of Defence land	As part of the ongoing dialogue with the Ministry of Defence (MoD), the Applicant has sought to ensure that the land required for Scheme 06 does not compromise the MoD's operational requirements of the Defence Training Estate at Warcop. As part of those discussions, and in response to wider influencing factors, this proposed change seeks to amend the MoD land required in a number of locations. This will lead to reductions, as well as increases, in the DCO Order limits. Additional land outside the current DCO Order limits would be required for this proposed change.
06	DC-22	Realignment of Warcop westbound junction	This proposed change would be developed with the relevant Local Authorities and, taking into due consideration the MoD's oversized vehicles that utilise the junction, it is proposed that, to avoid crossing Moor Beck twice, the alignment of the junction is condensed and limited to the northern side of Moor Beck. This proposed change would be facilitated by a local increase in the Limits of Deviation.
06	DC-23	Realignment of de-trunked A66 to be closer to new dual carriageway at Warcop	The DCO design included separation between the dual carriageway and the de-trunked length of the A66 to aid buildability. Early detailed design has determined that this provision is not required, thereby enabling the de-trunked A66 to be moved southwards and requiring less land from the AONB.
06	DC-24	Re-use of existing A66 (north of Flitholme)	This proposed change seeks to introduce a lower speed limit, leading to opportunities to implement road design standards more in keeping with the local rural road network. This proposed change would be developed in collaboration with the relevant Local Authorities to enable the de-trunked A66 alignment to be maintained. This proposed change would be facilitated by a local increase in the Limits of Deviation.
06	DC-25	Removal of Langrigg westbound junction, revision to Langrigg Lane link, and shortening of Flitholme Road	In response to landowner feedback and as discussed at the DCO Examination Hearings this proposed change seeks to consolidate and reduce the density of infrastructure local to Langrigg and Flitholme. The westbound exit and entrance to the A66 at Langrigg would be removed.

Proposed change			Summary of proposed change
Scheme	Ref	Name	
			<p>The proposed east-west Langrigg Lane link would be moved northwards to be as adjacent as possible to the A66 dual carriageway.</p> <p>The extent of the tie-in to Flitholme Road would be reduced so as to minimise the works required on the existing road.</p>
06	DC-26	Revision to West View Farm accommodation bridge and removal of West View Farm underpass	<p>In response to landowner feedback this proposed change would see the Accommodation Bridge move eastwards, away from the nearby cluster of properties. As result the westbound exit and access from the A66 dual carriageway is proposed to be removed. Access to the A66 would be retained via the existing junction at Brough to the east and via Warcop to the west. An accommodation underpass to serve West View Farm would be removed as part of this proposed change.</p>
06	DC-27	Construction of noise barrier south of Brough	<p>Early detailed design has confirmed that the planned noise barrier to the east of Scheme 06, south of Brough, will require acquisition of third-party land in order to construct and maintain it. The DCO design had determined that the barrier could be installed within the highway boundary. However, analysis of the detailed topographical survey data received post DCO submission has demonstrated that this will not be possible. Therefore, additional land outside the current DCO Order limits would be required for this proposed change.</p>
07	DC-28	Realignment of local access road to be closer to new dual carriageway east of Bowes	<p>A change to the vertical Limits of Deviation would provide an opportunity to reduce the span of the new overbridge by approximately 20m and realign a Private Means of Access.</p>
09	DC-29	Realignment of A66 mainline and Collier Lane	NOT BEING PROGRESSED
09	DC-30	Realignment of maintenance/footpath adjacent to Waitlands Lane	<p>Reduced length and optimised position of direct access and maintenance access track to the pond adjacent to Waitlands Lane.</p>
09	DC-31	Realignment of Warrener Lane	<p>A change to the Limits of Deviation in this location would provide an opportunity to move Warrener Lane northwards closer to the A66. This proposed change seeks to enable the retention of the existing A66 (to serve as the local road) by amending the Limits of Deviation on the A66 dual carriageway and Collier Lane.</p>

Proposed change			Summary of proposed change
Scheme	Ref	Name	
			This flexibility would reduce construction work whilst also causing less disruption to traffic.
09	DC-32	Lower the A66 mainline levels east of Carkin Moor and change an underpass to an overbridge	NOT BEING PROGRESSED

1.6. Consultation and Engagement on Proposed Changes

- 1.6.1. Each of the proposed changes has been progressed by the Applicant through engagement and consultation with relevant Affected Persons, Interested Parties and/or consultation bodies, with the aim of meeting their needs and addressing their stated concerns. In the interests of fairness and transparency, the Applicant consulted with statutory bodies, host local authorities, and local people with a potential interest in the proposed changes, by offering the opportunity to engage with the Applicant and comment on the proposed changes; for example, by attending one of the four consultation events and/or by providing written feedback on the individual changes using the feedback forms provided on-line.
- 1.6.2. The Applicant has carried out consultation (as recommended in the ExA's Rule 9 Letter) as summarised below. Further detail is provided in the Consultation Report (Document Reference 8.2) accompanying this Change Application.
- Consultation period: ran from Saturday 28 January 2023 to 11.59pm on Monday 27 February 2023, allowing consultees a period (of 30 days, to reflect the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017) within which to consider the Applicant's Proposed Changes Consultation Brochure (a copy of which is appended to the Consultation Report at Appendix H).
 - Deadline for receipt of responses: responses were required to be submitted to the Applicant by 11:59pm on Monday 27 February 2023.
 - Consultation events: drop-in events were held at the following venues on the following dates and times:

Table 2 - Public Drop-in Events

Date and times	Drop-in event locations
30 January 2023, 3pm-7pm	Gilling West Village Hall, High St, Gilling West, Richmond DL10 5JJ
31 January 2023, 3pm-7pm	Kirkby Thore Memorial Hall, Kirkby Thore CA10 1UE
1 February 2023, 3pm-7pm	Warcop Village Hall, Appleby-in-Westmorland CA16 6NX
6 February 2023, 3pm-7pm	Penrith Methodist Church, Wordsworth St, Penrith CA11 7QY

Note - The number of events was proportionate in terms of the number and scale of the proposed changes. All events were accessible and hosted in venues close to the impacted communities.

- **Publicity:** notice of the proposed changes – in the form attached at Appendix B (press notices), Appendix C (notices and covering letters posted to consultees) and Appendix D (notices affixed on site) to the Consultation Report.
- **Additional publicity:** information about the proposed changes as published on National Highways' website – examples are provided in Appendix E to the Consultation Report; and examples of publicity about the proposed changes as presented on National Highways' social media platforms – examples are provided in Appendix F to the Consultation Report.

1.6.3. The Applicant's Consultation Report (Document Reference 8.2), submitted alongside this Change Application, includes:

- Details on the engagement and consultation process, including the publicity and notification process as summarised above (section 2 of the Consultation Report);
- copies of the consultation responses received by the Applicant (Appendix G of the Consultation Report); and
- an explanation of how the Applicant has had regard to the consultation comments received (section 3 of the Consultation Report).

1.7. Materiality of the Proposed Changes

1.7.1. The Applicant notes that whether or not the proposed changes are considered to be material or non-material is a matter for the Examining Authority. In bringing forward the proposed changes, which are the subject of this Change Application, request to make changes to the DCO Application for the Project, the Applicant has given careful consideration to the question of what is, or is not, a material change.

1.7.2. The Applicant appreciates that there is no specific legal or technical definition of the term "non-material". The Applicant has had regard to paragraphs 109 to 115 (Changing an application post acceptance) of the

Planning Act 2008: Guidance for the examination of applications for development consent (DCLG, March 2015) ("the Examination Guidance").

- 1.7.3. The Applicant, having considered the proposed changes carefully in the light of the available guidance, is of the view that the majority of the changes it wishes to propose are **not** material. Conversely, a small number (potentially five) of the potential proposed changes **may** be material. On balance, however, the Applicant is of the view that collectively the proposed changes, if accepted, would not materially change the substance of the relevant scheme (within the A66 Northern Trans-Pennine Project ("**the Project**")) to which they relate, and which has previously been consulted on; and nor would they, or their effects, materially change the nature of the Project as a whole.
- 1.7.4. Whilst the proposed changes could be viewed as incremental, the Applicant considers that, on a proportionate basis given the scale and nature of each of the changes in the context of the Project as a whole, the proposed changes collectively do **not** result in a materially different project.
- 1.7.5. Section 3 of this Change Application under the sub-heading "Conclusions and Materiality" sets out the Applicant's consideration of whether an individual change may be material. The Applicant's evaluation of materiality has been informed by the guidance set out above and is based on three considerations:
 - I. Whether the proposed change is likely to be of wider public interest beyond a relatively small number of land interests that may be directly or indirectly affected. This analysis is informed by the issues raised and the level of feedback provided at the consultation, as reported in the Consultation Report.
 - II. Whether the proposed change generates new or different likely significant effects. This analysis has relied on the findings set out in the ES Addendum, which has assessed each design proposed change in the context of the original conclusions of the Environmental Impact Assessment undertaken for the DCO Application, to determine whether or not each proposed change presents a potential change in likely significant environmental effects.
 - III. The extent to which a change requires additional land (as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. This analysis takes into account whether or not an extension to the DCO Order limits is required, or whether there is a change to the land use or acquisition powers sought by the Applicant which may change the way in which Affected Persons are impacted by the Project.

2. Rationale and Pressing Need for making the changes – (paragraph (2) of Figure 2b of Advice Note 16)

2.1. Opportunity for Change (Project Speed)

2.1.1. The ability to propose the changes now during the Examination of the Project is a consequence of early contractor (Delivery Integration Partner involvement, a key component of the Government's Project Speed initiative. Without this early contractor involvement it is highly likely that the potential for many of the Applicant's proposed changes would not have been identified at this early stage in the consenting process, and it would not be possible to deliver the benefits that flow from these proposed changes through the draft DCO that is currently being examined. Consequently, the proposed changes would only have been able to be brought forward through an application, or applications, to make changes to the 'made' DCO, after the grant of development consent. This would, of course, cause delays to the delivery of the Project.

2.2. Need for the Changes

2.2.1. The Applicant is of the view that there is a pressing need for making each of the proposed changes for a number of reasons:

1. To accommodate reasonable requests made by stakeholders and Affected Persons, specifically in relation to loss of, or impacts on, property and land. This includes the requests from statutory undertakers and the MoD where there is the potential for adverse effects on the operational use and purposes of the land or disruption to utility infrastructure. See for example: DC-04, DC-06, DC-19, DC-21, DC-25 and DC-26.
2. To deliver a safer highway and routes for highway users, cyclists, walkers and other members of the public. In some cases this would require the separation of private means of access and public rights of way, the proposal for which has largely arisen from engagement with Interested Parties and Affected Persons (as described in paragraph 1.6.1 above). See for example: DC-01, DC-05, DC-25, DC-26, DC-30).
3. The potential to reduce the impact on land and property and in some cases this may lead to a reduction in the amount of land required (such as relating to amenity, access or security of land/property). See for example: DC-01, DC-04, DC-13, DC-17, DC-24, DC-25, DC-26, DC-30 and DC-31.
4. To reduce the impacts and disruption associated with the construction of the Project through either a shorter duration for construction and/or a reduction in the extent or scale of construction works or providing improved temporary diversion routes. See for example: DC-03, DC-08,

DC-09, DC-11, DC-13, DC-14, DC-15, DC-17, DC-22, DC-24, DC-25, DC-26, DC-28, DC-30 and DC-31.

5. To reduce the magnitude or duration of environmental impact, impact on farming land, on designated areas and sites (such as AONB and scheduled monuments) and on the amenity of residents (for example reducing soil disturbance, removing the requirements for lighting in a rural area, reducing loss of trees and habitats, minimising works within floodplains and moving infrastructure away from sensitive receptors). See for example: DC-08, DC-13, DC-19, DC-22, DC-23, DC-24, DC-25, DC-26, DC-27 and DC-31.
6. To make more effective use of existing assets and in some cases removing the need to remove or alter assets or the need to provide new structures and works, through re-purposing of the existing asset. See for example: DC-19 and DC-25.

- 2.2.2. The justification and rationale for each change is set out in section 3 below providing further information in relation to each of the points above.

2.3. Cumulative Impact of the Changes

- 2.3.1. In the context of the Project as a whole, in the Applicant's view, the proposed changes would not result in any material change to the nature or purpose of the Project itself. As such, the proposed changes do not conflict with the stated objectives of the Project, or change the way in which planning and transport policy support applies to the Project, as set out in the Applicant's Case for the Project (APP-008) and NPS Accordance, as set out in the Legislation and Policy Compliance Statement (APP-242).
- 2.3.2. The Applicant notes that there are more than twice as many changes proposed in relation to Scheme 06 (Appleby to Brough) than in relation to any of the other schemes comprised in the Project. However, none of the ten changes proposed on Scheme 06 are of such a degree that they materially change the nature or substance of Scheme 06. When considered individually, each of the proposed changes on Scheme 06 comprises a relatively minor modification to the existing Scheme proposals. For instance:
 - DC-17 seeks to recast localised areas of proposed compulsory acquisition and temporary possession shown on the Land Plans for Scheme 06 [APP-307] to better reflect the proposed land use and acquisition around Café Sixty Six, which, due to a mapping error affecting the current draft of the Land Plans, is less intrusive than indicated in the DCO Application;
 - DC-19 seeks to relocate planned cycleway provision on a similar alignment but further north, so that it is out of the floodplain;
 - DC-20 simply seeks to apply Limits of Deviation (omitted from the original DCO Application due to an oversight) to a side road, to match

the limits of deviation on the mainline, thereby allowing the side road to link to the mainline, as intended in the original DCO Application;

- DC-21 seeks to accommodate the MoD's request for a change to the Applicant's proposed use of its land, the need for which has arisen from recent changes to the MoD's operational requirements at the Warcop Training Centre;
- DC-22, DC-23 and DC-24 all seek to scale back, but not to remove, or even materially change, elements of the existing design: DC-22 would minimise the run-in to an overbridge at the new Warcop westbound junction to reduce the number of times the bridge structure would need to cross the becks; DC-23 and DC-24 both seek to reuse more of the existing highway;
- DC-25 seeks to modify the original proposals at Langrigg, in order to accommodate adjoining landowners' concerns about the scale of those proposals; similarly, DC-26 would modify the proposed PMA in a manner that responds to the relevant landowners' concerns;
- DC-26 seeks to move a PMA overbridge eastwards, away from the nearby cluster of properties. This removes the westbound exit and access to those properties. An accommodation underpass is also removed as part of this change; and
- DC-27 would provide an additional noise barrier to mitigate the effects of the existing scheme – the proposed change arises because a small area of additional land comprising highway verge lies outside the Applicant's ownership boundary.

2.3.3. In the Applicant's view, if one, some, or all of the proposed changes outlined above were accepted, they would not – either individually or incrementally, collectively or cumulatively – materially change the nature of Scheme 06. Scheme 06, even if all of the above proposed changes were accepted, would still be the same scheme that is described in the Applicant's draft Explanatory Memorandum (at paragraph 2.9(d)) [REP2-007]: it would still run from Appleby to Brough, and would still feature the construction of two offline sections of new dual carriageway and the alteration of approximately 2.6 kilometres of the existing A66 by widening it to a dual carriageway.

2.4. How Consultation Feedback has informed the Proposed Changes

2.4.1. In accordance with paragraph 2.5 of the Inspectorate's Advice Note 16, the Applicant (and ultimately the Examining Authority) will need to consider whether, without re-consultation on the requested changes, any of those entitled to be consulted on or who were consulted on the original Application would be deprived of the opportunity to make any representations on the changed Application, and in order to assist the Examining Authority in making a Procedural Decision about whether and how to examine the changed Application incorporating the proposed changes, the Applicant has sought to consult proportionately,

transparently and fairly on the proposed changes (as summarised in section 1.6 above and detailed in the Consultation Report).

2.4.2. Following consideration of the feedback from consultation and related ongoing engagement with relevant Affected Persons and Interested Parties, the Applicant re-evaluated the case for each change, in terms of potential benefits and disbenefits. As a result of that re-evaluation the Applicant decided that the following proposed changes should not be taken forward for the reasons set out below:

- DC-02 – Realignment of walking and cycling route at Skirsgill: the Applicant has decided not to progress this change following objections from Cumbria County Council. This change would have required the acquisition by the Applicant of additional land from the Council, which the Council would have opposed, due to needing the land (and the buildings located on it) to accommodate its ongoing operations at the Skirsgill Depot. Had the proposed change been taken forward in this Change Application, the CA Regulations would have been engaged because the Council would not have granted consent for the inclusion of the additional land in the DCO Application, and the Council would have maintained its objection to the proposed change. Therefore, in the light of this feedback, the Applicant is no longer seeking to progress proposed change DC-02.
- DC-07 – Retention of Lightwater Cottages: this proposed change was originally based on Eden District Council's ("EDC") objection to demolition of Lightwater Cottages, as set out in EDC's Principal Areas of Disagreement Summary (PADSS). However, EDC has now confirmed that it has no objection to the proposed demolition of Lightwater Cottages and the PADSS has been revised accordingly. EDC has instead indicated that if DC-07 was progressed, such that the Lightwater Cottages were retained in situ, EDC would raise concerns around the level of noise likely to be suffered by the occupants of the cottages given their proximity to the improved A66 mainline. In broader consideration of the consultation feedback, the Applicant also noted that there was more objection to this change (4 objections) than support for it (1 response in support). Therefore, in the light of the consultation feedback, the Applicant is no longer seeking to progress proposed change DC-07.
- DC-10 – Removal of Priest Lane underpass: the Applicant has decided not to progress this change, which attracted a significant level of objection during the consultation on proposed changes. Consultation feedback included numerous objections and concerns focussed on the perceived impacts of the change on walking, cycling and horse-riding routes in the vicinity of Kirkby Thore, as well as concerns raised by landowners. In broader consideration of the consultation feedback, the Applicant also noted that there was more not in favour to this change (14 not in favour) than in favour for it (4 response in favour) In the light of the consultation feedback, the Applicant is no longer seeking to progress proposed change DC-10.

- DC-12 – Green Lane bridge realignment: the Applicant has decided not to progress this change in the light of the feedback received during consultation, which included a significant level of objection focussed on the impacts which the proposed loss of a local footpath (Green Lane) would have on its users, including inhabitants of the village of Kirkby Thore. In broader consideration of the consultation feedback, the Applicant also noted that there was more not in favour to this change (10 not in favour) than in favour for it (4 response in favour) In the light of the consultation feedback, the Applicant is no longer seeking to progress proposed change DC-12.
- DC-16 – Removal of Roger Head Farm overbridge: the Applicant has decided not to progress this change due to the level of objection received from stakeholders and local landowners. Concerns were raised around the proposed footpath diversion length; objections and concerns raised by stakeholders also included safety concerns raised by Cumbria County Council and objections from local landowners. There was more objection to this change (9 objections) than support (2 in support) in the consultation feedback. Therefore, in the light of the consultation feedback, the Applicant is no longer seeking to progress proposed change DC-16.
- DC-18 – Revision to access for New Hall Farm and Far Bank End: the Applicant has decided not to progress this change due to the level of objection (8 objections compared to two representations in support). The objections and concerns raised in the consultation feedback included objections from the farm owners who, as users of the proposed (and existing) underpass, would have been impacted directly by the proposed change. The Applicant has also had regard to other stakeholder feedback regarding proposals for walking, cycling and horse-riding (“WCH”) proposals in this location. Therefore, in the light of the consultation feedback, the Applicant is no longer seeking to progress proposed change DC-18.
- DC-29 – Realignment of A66 mainline and Collier Lane: the Applicant has decided not to progress this change due to the level of objection around the removal of the proposed underpass, the length of the proposed WCH diversion, and landowner objections to the proposed provision of a new access track . This change would also have required additional land, to which the affected landowner was not minded to agree. Overall, there was more objection to this proposed change (14 objections) than support for it (1 representation in support). Therefore, in the light of the consultation feedback, the Applicant is no longer seeking to progress proposed change DC-29.
- DC-32 – Lower the A66 mainline levels east of Carkin Moor and change an underpass to an overbridge: the Applicant has decided not to progress this change, following engagement with Historic England. The Applicant thanks Historic England for their comments and notes their concerns, which were related to potential impacts on the Scheduled Monument located in the vicinity of this proposed change.

As the timescales associated with progressing this Change Application are insufficient to accommodate the level of detailed design and associated environmental assessment work that would be necessary to provide adequate information to ascertain whether or not Historic England's concerns could be appropriately addressed, the Applicant is not in a position to continue to progress proposed change DC-32.

2.4.3. The Applicant's consideration of the consultation feedback has also informed the design of the proposed changes that the Applicant proposes to take forward, and a number of the proposed changes presented in this Change Application have been revised and/or modified in response to the consultation feedback received on them. For example:

- DC-01 where the proposed reduction in speed limit from 70mph has been revised to a proposed speed limit of 50mph (in this Change Application) rather than the proposed speed limit of 30mph, which was proposed at consultation.
- For DC-04 the extent of the proposed separation and flexibility for shared tracks (accommodating public rights of way and private means of access) has been extended to include an additional length of proposed shared track to the south-east of the junction at Center Parcs. This element is now consistent with the approach to separation and flexibility for shared tracks being proposed on the north side of the A66 dual carriageway,
- The design for DC-14 shown at consultation was in too close a proximity to the Sleastonhow Oak. For clarity the proposed Limits of Deviation have been amended to ensure that the design of the realignment of Sleastonhow Lane entirely avoids the Sleastonhow Oak, and thereby complies with the requirements of the Project Design Principles [REP3-040] (as well as having regard to feedback received at consultation); and
- For DC-19 the area of additional land required to implement the proposed change was queried by an affected landowner. On review, the proposed design for DC-19 was modified to avoid the land parcel in question, which in turn helped to facilitate the landowner's decision to grant consent to the inclusion in the DCO application of the remaining area of additional land required for DC-19.

2.4.4. In addition to informing these revisions and modifications to the proposed changes, the feedback from the consultation has improved the Applicant's understanding of a range of matters that will need to be addressed through the detailed design process, in order to resolve issues raised by persons who are directly affected by some of the proposed changes. For example, for DC-08 and DC-25 it is acknowledged that the detailed design should seek to accommodate specific requests made by relevant Affected Persons in relation to the development of the design of attenuation ponds, so that due regard is given to their size, shape and

precise location within the land affected by the Project, thereby seeking to minimise the impacts of the Project design on that land.

2.5. The Case for the Changes and Compliance with Policy

2.5.1. In evaluating and concluding on the case for each proposed change the Applicant has had regard to paragraph 4.3 of the NNNPS, that states:

“In considering any proposed development, and in particular, when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State should take into account:

- its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits;
- its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.”

2.5.2. The rationale for making each of the proposed changes and the benefits they provide is set out described for each proposed change in section 3 of this Change Application Report; This section also describes the conclusions and an evaluation of materiality for each proposed change, weighing up the benefits against the Impacts, to accord with the paragraph 4.3 of the NNNPS, with reference to:

- Changed or new significant the environmental effects impacts of the proposed changes and any proposed mitigation, as are set out in the ES Addendum; and
- the key matters raised at the non- statutory consultation feedback received on each change is set out in the Consultation Report and how the Applicant has had regard to these matters, as set in the Consultation Report,

2.5.3. The conclusion from this evaluation is that for each of the changes that form part of the Application, the Applicant has concluded that the benefits outweigh any disbenefits/adverse impacts, which provides further justification and weight to the same conclusion reached on the Project as a whole, as set out in chapter 7 and at a Scheme level in chapter 6 of the Case for the Project (APP-008), submitted with the DCO application.

3. A clear description of each of the proposed changes- paragraph (2) of Figure 2b of Advice Note 16

3.1. DC-01 - Change in speed limit west of M6 Junction 40

3.1.1. **Background to change:** To the west of M6 junction 40, the auction site has a direct access onto the A66 dual carriageway. In the current DCO application the access to the auction site is designed to include auxiliary merge and diverge lanes to a 70mph speed limit.

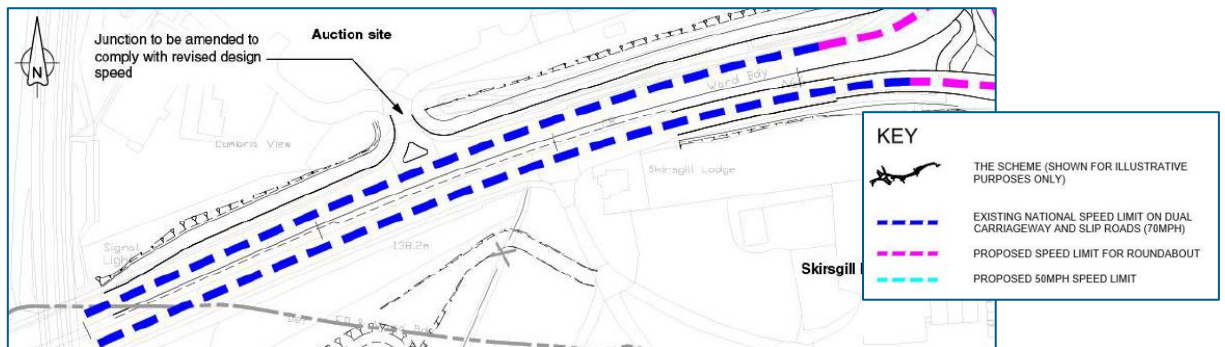


Figure DC-01(a) Extract from TRM (Speed Limits) Plans (Before)

- 3.1.2. The current DCO design also includes works to the shared cycle way in the verge of the eastbound section which crosses the access/exit to the auction's main depot.
- 3.1.3. **Description of change:** The proposed change would reduce the speed limit from 70mph to 50mph on both the eastbound and westbound carriageways of the A66, between the railway bridge and Junction 40 as shown in Figure DC-01(b). As a result, it is possible to design and construct a more compact junction arrangement to the auction site (in accordance with the design standards for a 50mph section of road) which would better match the current access and reduce traffic speeds approaching both the access and J40.
- 3.1.4. The proposed change has been amended following feedback from the consultation. A reduction to 50mph rather than 30mph is now being promoted.
- 3.1.5. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.1.6. **Traffic:** Speed survey data indicates that the current speed at this location is between 40mph and 50mph, as vehicles slow down on the approach to the traffic signals. As a consequence, the proposed speed limit change to 50mph is unlikely to change driver behaviour and therefore National Highways believe the change will have minimal impact on the traffic flow results and modelling.

- 3.1.7. **Drainage:** Potential reduction to proposed catchments, outfall locations or pond size or location potentially reducing the footprint of the works. No change to the overall drainage strategy.
- 3.1.8. **Geotechnics/ Earthworks/ Pavement:** There will be a slight reduction in earthworks and paved area due to more compact junction arrangement.
- 3.1.9. **Structures:** There is no impact to any proposed or existing structures.
- 3.1.10. **Utilities:** There are no new utilities directly impacted by this change.
- 3.1.11. **Land take/ Land use:** No additional land is required by this change, however there is the potential to reduce land take in the detailed design stage due to the more compact junction arrangement.
- 3.1.12. **LODs:** There are no new non-standard Limits of Deviation or changes to the current Limits of Deviation associated with the change.

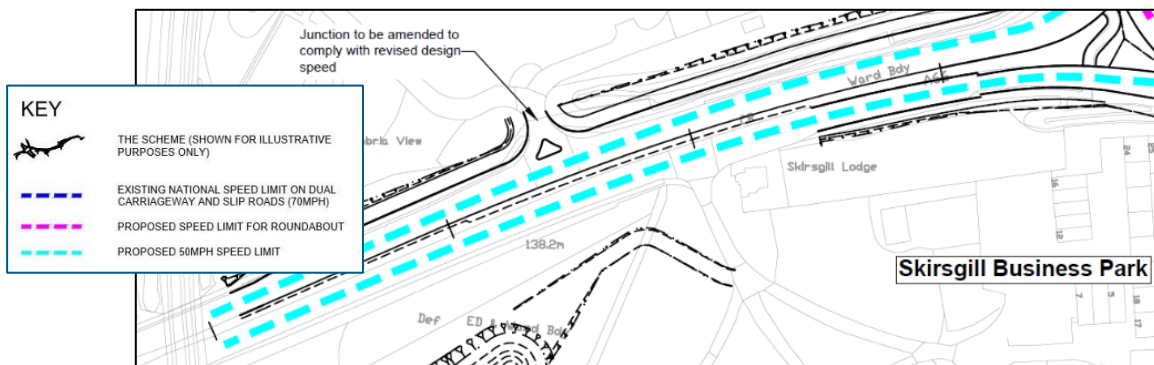


Figure DC-01(b) Extract from TRM (Speed Limits) Plans (After)

- 3.1.13. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:
- This change would make the shared cycleway safer and reduce the speed of eastbound traffic approaching the entrance to the auction site.
 - A more compact arrangement in keeping with the existing access would reduce construction works and land required from the landowner and the auction business. This will be subject to an independent Road Safety Audit (noting that Figure DC-01(b) shows the DCO design).
 - This design change would help to reduce the area of carriageway/hard standing required. This could shorten the construction programme, simplify the drainage and signage arrangements and reduce the amount of materials needed for construction. For example the drainage pond to the south of the A66 in Skirsgill Park may be reduced in size or potentially not needed at all if it can be demonstrated that there is no change to the impermeable area of drainage for the catchment.

- Reducing the speed limit to 50mph would also align with the speed limit to the east of M6 J40 to ensure a more consistent approach on both sides of the junction whereby the speed reduces from 70mph then to 50mph and 30mph for the roundabout.

- 3.1.14. **Environment:** This change has been assessed as resulting in one less significant effect in the topic of Noise and Vibration when compared to the DCO design. The receptor referred to as Skirsgill Lodge within the ES Chapter 12 (APP-055) was assessed as resulting in a significant effect in operation which would have required mitigation in the form of a noise fence, subject to further engagement. With the implementation of the proposed change, it is anticipated that this significant effect will reduce in operation. The Skirsgill Lodge receptor is predicted to experience a non-significant minor adverse impact in Noise and Vibration in the operational phase with the design change and the proposed noise barrier would be unnecessary. This is an improvement on the DCO design, as the proposal assessed and reported in the ES Chapter 12 (APP-55) resulted in a significant adverse effect on the named receptor.
- 3.1.15. No other topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as an individual change or cumulatively.
- 3.1.16. **Conclusions and Materiality:** The change appears to be of some public interest (although not significant) based on the feedback received at consultation. There were 11 feedback responses received of which five were in favour and four not in favour (see Consultation Report – section 3.2). The applicant has had regard to the consultation feedback received that disagreed with a reduction in speed to 30 mph and as a consequence has increased the speed limit to 50mph. In addition, to address the consultation issues raised National Highways intends to undertake further technical work on this proposed change including a formal independent Road Safety Audit and intends to engage with the emergency service providers and police enforcement teams.
- 3.1.17. There are no new or different likely adverse significant effects associated with this change, reported in the ES Addendum (Volume 2). There is an improvement though in effects resulting from the speed reduction, resulting in a change from significant to a non-significant effect, during operation, for the Skirsgill Lodge receptor.
- 3.1.18. The change would not require an extension to the DCO Order limits and additional land interests (beyond those affected by the current draft DCO) would not be affected. The Applicant therefore considers that this change is likely to be non-material.
- 3.1.19. This likely non-material change will provide a level of consistency in the speed limits on the A66 on the approaches to M6J40 roundabout from the east and west. Consequentially the design change would provide safety benefits, less land-take and generate less disruption for business during the construction stage of the Project. These benefits, in the

absence of additional adverse environmental impacts but an improvement in relation to noise effects for one receptor, as confirmed in the ES Addendum (Volume 2), provide a strong justification for this change.

3.2. DC-02 –Realignment of walking and cycling route at Skirsgill

This change is not being progressed (see section 2.4)

3.3. DC-03 – Reorientation of Kemplay Bank junction

3.3.1. **Background to the change:** As one of the main points of access to Penrith, Kemplay Bank roundabout experiences high volumes of traffic from the M6, A66 and A6. This means it is prone to bottlenecks caused by high levels of congestion.

3.3.2. Vehicles slowing down as they approach Kemplay Bank can cause safety issues and create problems for both eastbound/westbound traffic and northbound/southbound traffic as it passes through the roundabout. In our DCO application, an underpass has been introduced at this location to facilitate free-flowing traffic along the A66 (see fig DC-03(a) below):

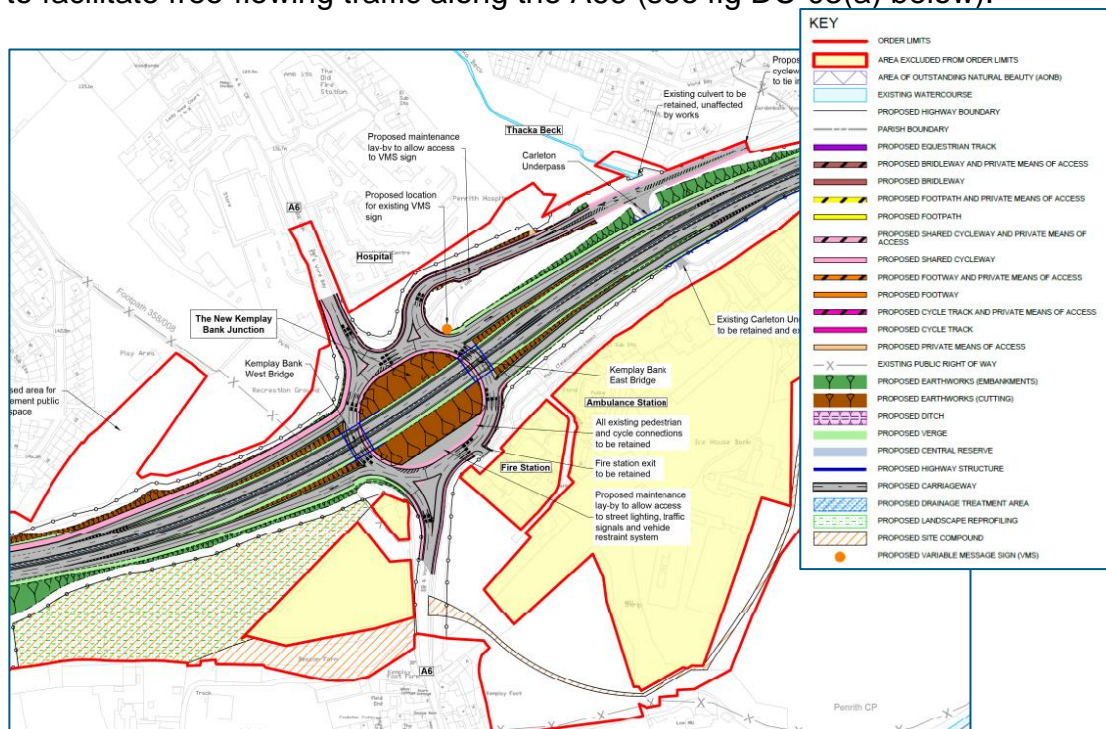


Figure DC-03(a) Extract from General Arrangement Drawing (Before)

3.3.3. Building an underpass at Kemplay Bank, which will pass below a roundabout at ground level for the A6 and local traffic, is complex. It is also time-consuming to construct and will introduce multiple temporary traffic management phases which will change the roundabout configuration in order to keep traffic moving at this location during construction.

- 3.3.4. **Description of the Change:** Early detailed design has identified an opportunity to amend the Limits of Deviation to allow the orientation of the roundabout to be amended to improve buildability, reduce the traffic management phases and shorten the overall construction period at Kemplay Bank.
- 3.3.5. The change is to the shape of the proposed roundabout from an oval with the longest axis running east west, to an oval with the longest axis running north south. This will enable the construction of the new bridges, which carry the roundabout over the new underpass, principally offline. It also allows for the traffic phases to be simplified and reduces the time during construction that the roundabout has to operate in a temporary configuration.
- 3.3.6. **Alignment/ Design Speed/ Speed Limit:** The change would result in realignment of the circulatory carriageway at Kemplay Bank roundabout (as shown in Figure DC-03(b)).
- 3.3.7. There is no impact to the proposed road classification, design speed or speed limit as result of this change.

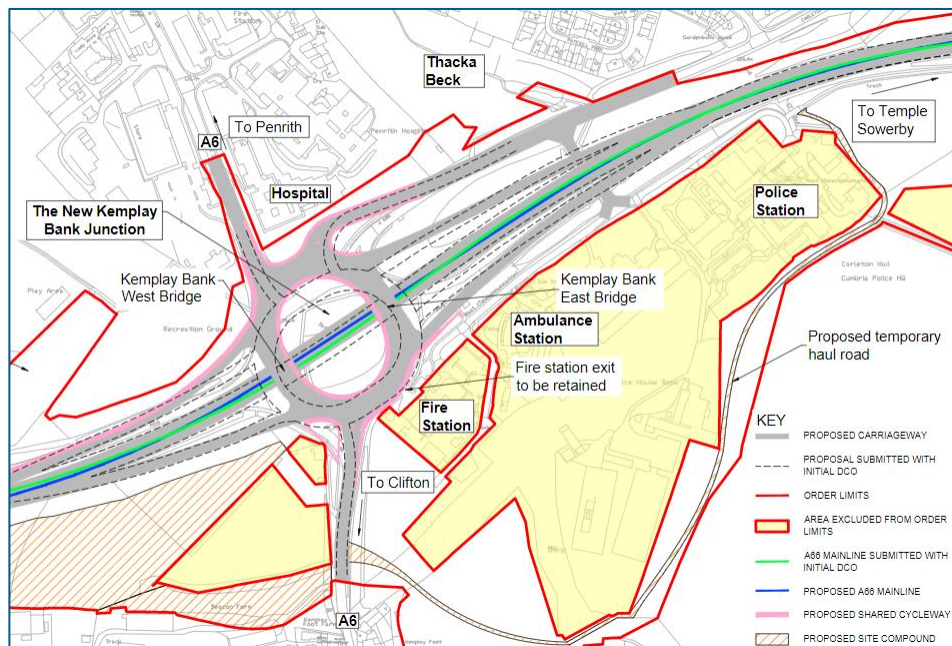


Figure DC-03(b) Indicative layout of proposed change (Before & After)

- 3.3.8. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.3.9. **Traffic:** As the layout/size of the junction is not fundamentally being altered as part of this change and lane widths and numbers will not be affected, this proposed change will have no impact on traffic modelling.
- 3.3.10. **Drainage:** Only localised amendments to the drainage system will be required to accommodate the change in shape of the roundabout. Overall, the general principal will remain unchanged with no impact to

proposed catchments, outfall locations, pond sizes or pond locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy, Document Ref 3.4, APP-221).

- 3.3.11. **Geotechnics/ Earthworks/ Pavement:** By raising the alignment, this is likely to decrease the amount of excavation required and therefore reduce the quantity of earthworks. The amount of paved area required will remain similar.
- 3.3.12. **Structures:** The re-configuration of the roundabout will allow the new bridge structures to be constructed offline. This is a more efficient method and will minimise disruption during the construction phase of the project.
- 3.3.13. **Utilities:** There are no new utilities impacted by this change. However, by building the structures offline, National Highways would only be required to divert these services once rather than multiple times.
- 3.3.14. **Land take/ Land use:** There is no impact on the Order limits by this change, and any reduction in land take will be determined during the detailed design stage. However, in two locations, land previously required temporarily will now be required permanently. Through engagement with the persons with an interest in the additional land, the Applicant has secured consent for the inclusion of this additional land as required to facilitate the proposed change. The list of persons with an interest in the additional land and the consent forms provided can be found in Appendix C of this Change Application: Appendix C – Agreements from Persons with an Interest in the Additional Land”.
- 3.3.15. The land now required permanently is shown in pink in Figure DC-03(c). Refer to paragraphs below for further details.

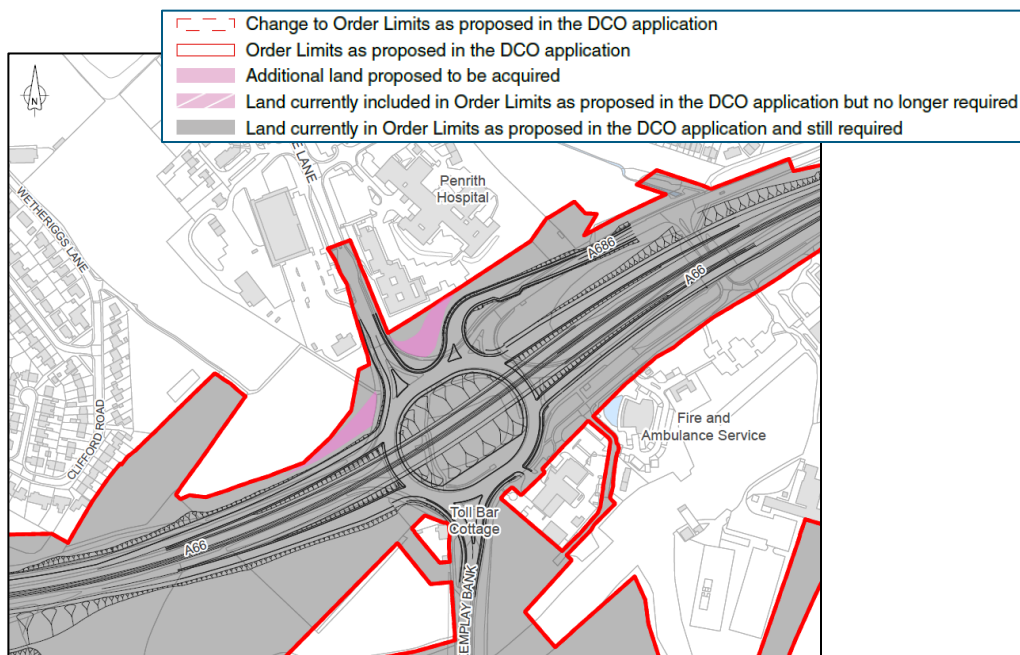


Figure DC-03(c) Land previously required temporarily that is now required permanently in two locations.

- 3.3.16. **LODs:** There are a number of changes to the Limits of Deviation as a result of this proposed change. To facilitate this change the applicant is seeking to introduce greater flexibility in the LoDs for the following work numbers: Work No. 0102-1C, Work No. 0102-7 and Work No. 0102-8. Changes are outlined in the following paragraphs.
- 3.3.17. As outlined in the Table DC-03(a), the mainline Work No 0102-1C is to be split in to three parts to facilitate changes to the horizontal and vertical alignment of the underpass section of Kemplay Bank roundabout, which will help minimise the extent of the excavation. This will create Work No. 0102-1D and 0102-1E whilst the extents of Work No. 0102-1C will be truncated.
- 3.3.18. In a similar manner Work No. 0102-7 will be split in to three parts to facilitate changes to the horizontal and vertical alignment of the underpass section of Kemplay Bank roundabout, which will help minimise the extent of the excavation. This will create Work No. 0102-7A, Work No. 0102-7B and Work No. 0102-7C.
- 3.3.19. The detail in respect to the changes is shown in Table DC-03(a) whilst Figures DC-03(e) & (f) shows the amended work numbers.

Table DC-03(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
0102-1C	Standard	Standard	Standard	Work No. truncated to the west of Kemplay Bank at the start/end of the slip roads to allow introduction of new Work No along the mainline that gives flexibility to deliver DC-03. Standard LoDs to be applied.
0102-1D	3m	3m	Northwards - 10m Southwards - 10m	<p>New Work No introduced to facilitate an increase in the vertical and horizontal LoDs at Kemplay Bank as a result of change DC-03</p> <p>Increase in vertical LoDs, upwards and downwards in order to provide greater flexibility to tie-in to the reorientated roundabout</p> <p>Increase in horizontal LoDs to provide greater flexibility to enable the A66 mainline to pass under the re-orientated roundabout.</p> <p>Previously this work number was part of Work No. 0102-1C.</p>

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
0102-1E	Standard	Standard	Standard	<p>New Work No introduced to the east of Kemplay Bank at the start/end of the slip roads to facilitate the adjacent Work No 0102-1D. Standard LoDs to be applied.</p> <p>Previously this work number was part of Work No. 0102-1C.</p>
0102-7A	2m	2m	Standard	<p>New Work No. introduced to separate the A6 north of Kemplay Bank.</p> <p>Increase in vertical LoDs, upwards and downwards in order to provide greater flexibility to tie-in to the reorientated roundabout.</p> <p>Previously this work number was part of Work No. 0102-7.</p>
0102-7B	2m	2m	To the extent of the corresponding fine dashed green (north, south, east and west) line shown on the works plans.	<p>New Work No. introduced to separate the roundabout from the A6 connections north and south.</p> <p>Increase in vertical LoDs, upwards and downwards in order to provide greater flexibility to tie-in to the reorientated roundabout.</p> <p>Increase in horizontal LoDs to allow greater flexibility to reorientate roundabout junction to improve buildability.</p> <p>Previously this work number was part of Work No. 0102-7.</p>
0102-7C	2m	2m	Standard	<p>New Work No. introduced to separate the A6 south of Kemplay Bank.</p> <p>Increase in vertical LoDs, upwards and downwards in order to provide greater flexibility to tie-in to the reorientated roundabout.</p> <p>Previously this work number was part of Work No. 0102-7.</p>
0102-8	2m	2m	Northwards - to the extent of the corresponding fine	Increase in vertical LoDs, upwards and downwards in order to provide greater

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
			<p>dashed green line shown on the works plans.</p> <p>Southwards - standard</p>	<p>flexibility to tie-in to the reorientated roundabout.</p> <p>Increase in horizontal LoDs northwards only to allow greater flexibility to tie-in to the reorientated roundabout</p>

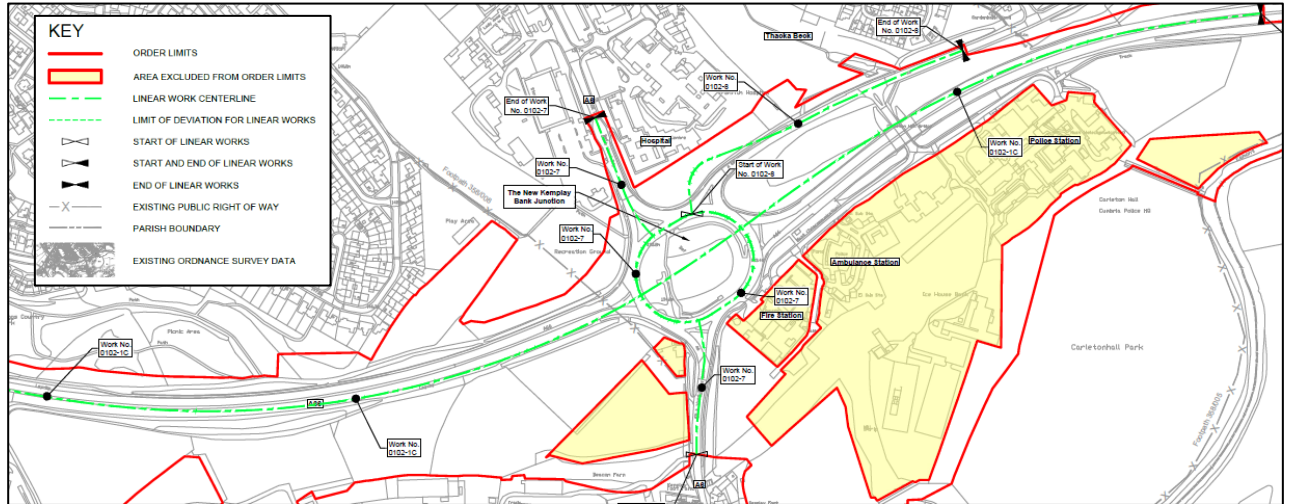


Figure DC-03(d) Extract from Works Plans (Before)

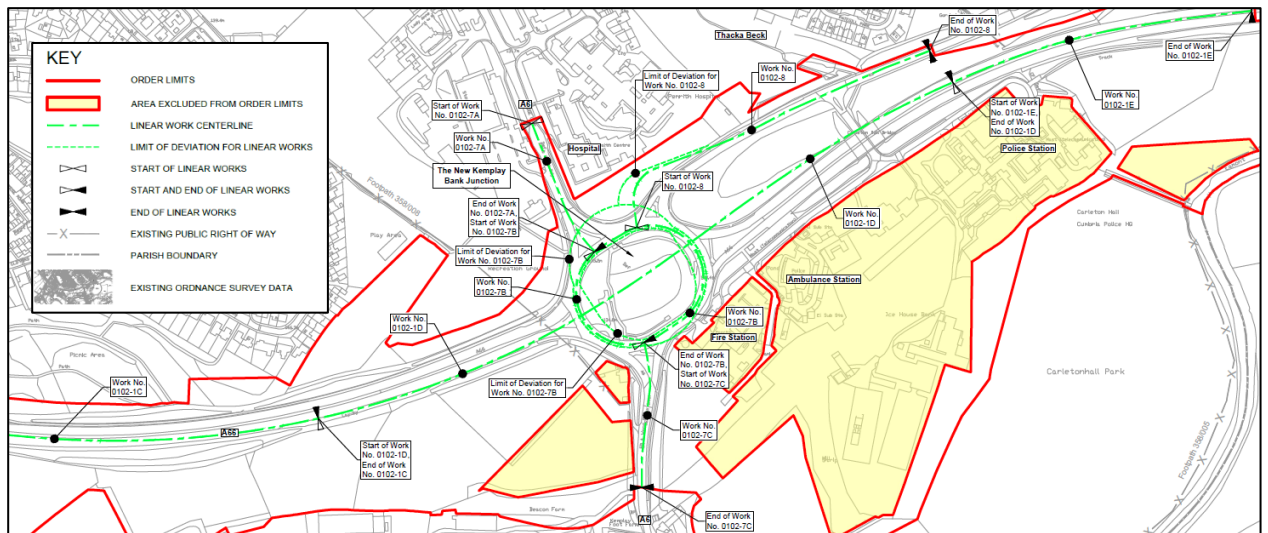


Figure DC-03(e) Extract from Works Plans (After)

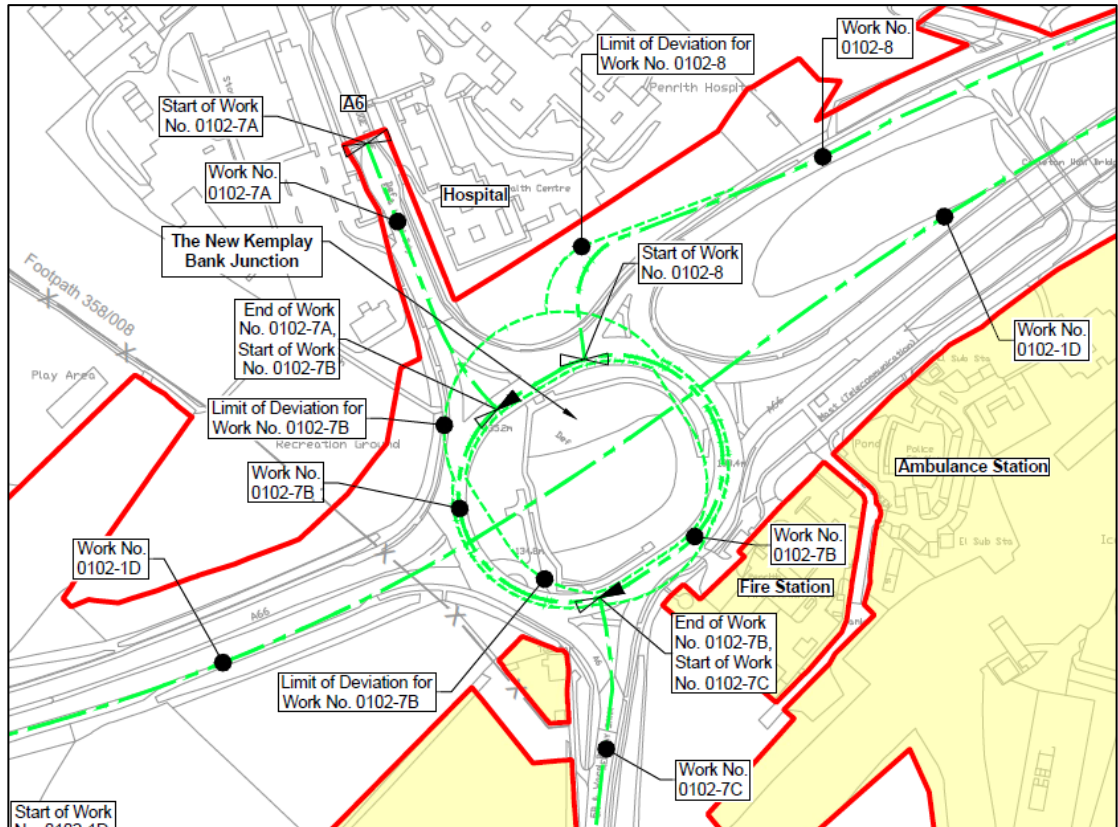


Figure DC-03(f) Enlarged extract from Works Plans (After)

3.3.20. **Rationale for making the change:** The benefits and impacts of this change are outlined below:

- Early detailed design has determined that the bridges (on which the new local road roundabout would be constructed) can be constructed principally offline, reducing the construction programme (by approximately 9 months) and leading to a reduction in traffic impacts and disruption to the road user as the number and complexity of traffic management phases is reduced.
- The change elongates the sides of the roundabout that cross over the A66. This will result in narrower structures on a straighter alignment reducing the amount of dead space on the structure that would have been previously necessary to provide adequate forward visibility.
- The Applicant has a duty to comply with the Construction (Design and Management) Regulations 2015 (CDM 2015) and this change creates significant opportunities to reduce the level of risk associated with the construction and maintenance of this complex junction.
- By allowing a level of flexibility in the LoDs, we will aim to raise the mainline, which will allow for a reduction in the depth and weight of the structure above them. This would result in the need to excavate and transport less material as well as build smaller retaining walls for the below ground level section of the road. It would also help to reduce the depth of the drainage, and future maintenance operations,

associated with the underpass which is currently at a depth of around 13m below the level of the dual carriageway (to the west) at its deepest.

- The reorientation of the roundabout will result in the A6 northbound approach to the roundabout moving further away (approximately 10m) from Toll Bar Cottage (to the south west of the roundabout) when compared to the DCO design and the existing arrangement.
- Impacts on the amount of land to be acquired permanently rather than on just a temporary basis. There are two areas on the north side of the roundabout where the Applicant would need to acquire more land permanently to accommodate the changed shape of the roundabout and provide the sliproads in accordance with the relevant design standards. To the northwest at the rugby playing field (owned by Ullswater College) where an additional slither is required and at the grounds to the south of Penrith hospital on the northern side of the roundabout. All the land required is within the current DCO Order limits but some of that land, which is currently only proposed to be subject to temporary possession powers, will instead need to be acquired permanently by the Applicant. As such, it comes within the definition of 'additional land' in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ("the CA Regulations"). However, the CA Regulations are not engaged here because all persons known to have an interest in the additional land have confirmed their consent to the inclusion of such additional land in the DCO Application in connection with this proposed change (refer to Appendix C for details). The Applicant is in ongoing discussions with the relevant landowners regarding its acquisition of their land for the purposes of the Project. The Applicant recognises that this proposed change carries the potential for impacts on directly affected landowners, both temporarily during construction, and permanently once the re-orientated junction is operational. The Applicant therefore resolves to continue to engage with the relevant landowners to agree mitigation measures, as part of the detailed design of this element of the Project, in order to minimise the impacts of the proposed change on these landowners, in the event that the change is accepted and taken forward. There may be potential to reduce the land take required for the eastbound off-slip through development of alternative solutions to the road geometry and aspects such as road restraint systems as part of the detailed design process.
- A reduction in the impacts on essential utility services. The Kemplay Bank area carries a large amount of underground utilities infrastructure – such as water, gas and electricity services. By building the structures offline, National Highways would only be required to divert these services once rather than multiple times with the associated outages while work is carried out. This would also contribute to time saving for construction and reduction in construction impacts.

- 3.3.21. **Environment:** This change has been assessed as having new likely significant effects in the topic of Landscape and Visual, compared to what is reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059). From VP 2.5 as described in ES Chapter 10 (APP-053), Penrith Hospital Footpath, looking south-east, the proposed change would alter the operational assessment in Appendix 10.6 Schedule of Visual Effects (APP-202). The extent of the works removes existing planting and limits the scope for replacement. The road level also rises, making it more visible and therefore is predicted to have a major magnitude of impact. Combined with the low sensitivity of the receptor this gives a moderate and therefore significant adverse effect at in operation.
- 3.3.22. No other topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as an individual change or cumulatively.
- 3.3.23. **Conclusions and Materiality:** The proposed change appears to be of some (although not significant) public interest based on the feedback received at consultation (there were 9 feedback responses received of which three were in favour and one not in favour (see Consultation Report – section 3.2)). Some of the feedback raised concerns about the potential for the viability of playing fields at Ullswater College, north-west of the junction. In response, National Highways will continue to engage with Ullswater College and Sport England to ensure that the marked pitch and surrounding land (beyond the DCO Order limits) remain functional during and post construction. To address some of the other issues raised at Consultation, such as those raised by the local authorities, ongoing engagement is proposed.
- 3.3.24. The Environmental Assessment Addendum concluded that the proposed change results in a new adverse significant Landscape and Visual effect. No additional mitigation is proposed to be secured at this stage from that included within the ES Chapter 10 (APP-053). The likely significant landscape and visual effect is based on the absolute worst case scenario (i.e. the use of the full extent of the limits of deviation) and is subject to the final detailed design, which may result in the effect being reduced. Further opportunities for mitigation at this location will be explored and any measures considered to be feasible and proportionate will form part of the suite of measures included in a second iteration EMP (particularly as part of the detailed landscaping scheme required under commitment ref. D-LV-02, amongst other measures) that must be consulted on and approved by the Secretary of State.
- 3.3.25. National Highways considers that the benefits of the change are associated with reducing the disruption during construction of Kemplay Bank junction, particularly for road users and utilities, without compromising the operation of the junction once it is completed. Consequentially there will be a reduction in the construction programme (by approximately 9 months), reduction in traffic impacts and the potential

for the reduction in duration of other construction related impacts. These benefits, outweigh the changed significant adverse landscape and visual effect of the change, particularly given that there is the potential to reduce and further mitigate this effect as part of the detailed design.

3.4. DC-04 – Separation of, and greater flexibility for, shared public rights of way and private access track provision on the Penrith to Temple Sowerby scheme

- 3.4.1. **Background to the change:** In the current DCO application National Highways included a walking/cycling and private access track (generally 6m wide) to the north of the A66 from the western end of the scheme to the junction local to Center Parcs. National Highways has continued to engage with stakeholders and landowners to better understand how the current routes are used and shared with the objective of identifying opportunities to improve provision. As the draft DCO includes provision for a combined cycle track and PMA there is no flexibility to move the private access track without the walking/cycling track remaining adjacent to it.
- 3.4.2. **Description of the change:** Some landowners have raised concerns about potential safety and security issues associated with the current DCO application proposals for shared routes. These landowners have suggested that by separating the tracks any potential conflict between users and heavy farm machinery could be avoided and would also provide better security for the estate, mitigating issues of potential anti-social behaviour. In addition, landowners have sought to ensure that there is greater flexibility in the location of the tracks so as to minimise the impact on agricultural land.
- 3.4.3. In response to these suggestions National Highways is proposing that the DCO should include greater flexibility, to enable the tracks to be separated where such separation is considered necessary and appropriate. Increased limits of deviation (LoDs) would enable two separate routes (one for public rights of way and one for private means of access) to be developed. These may be adjacent to each other in certain locations, but the flexibility allowed by increased LoDs will enable them to diverge from each other as necessary within the revised LoDs.
- 3.4.4. Since the proposed changes consultation, National Highways has given more detailed consideration to proposed change DC-05, and as a result the extents of DC-04 have been amended, such that DC-04 now commences immediately west (Work No 03-1B) of the Lightwater rather than running the full length of the scheme. The part of DC-04 to the west of this point is now presented as part of DC-05 (i.e. as a definitive change rather than a proposed LoDs change). Proposed change DC-05 terminates at the eastern end of Work No. 03-1A. The split between DC-05 and DC-04 is shown in Figure DC-04(a).

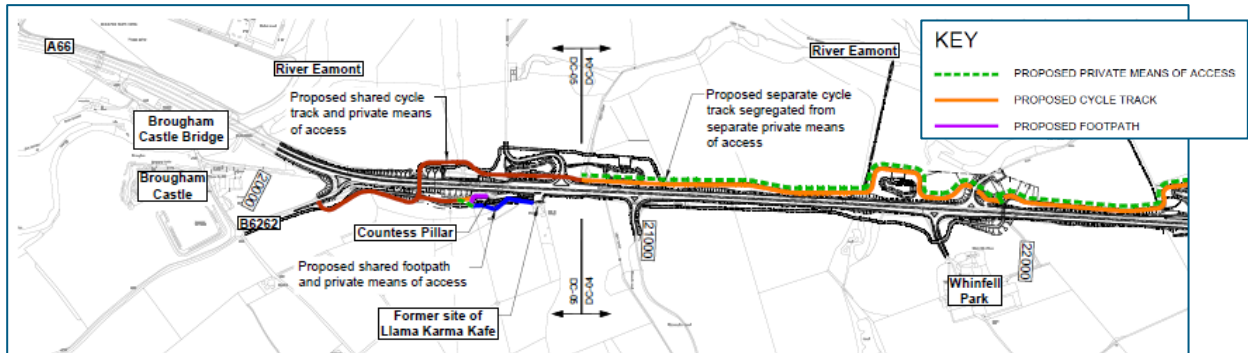


Figure DC-04(a) Summary of Proposed Changes 1 of 2

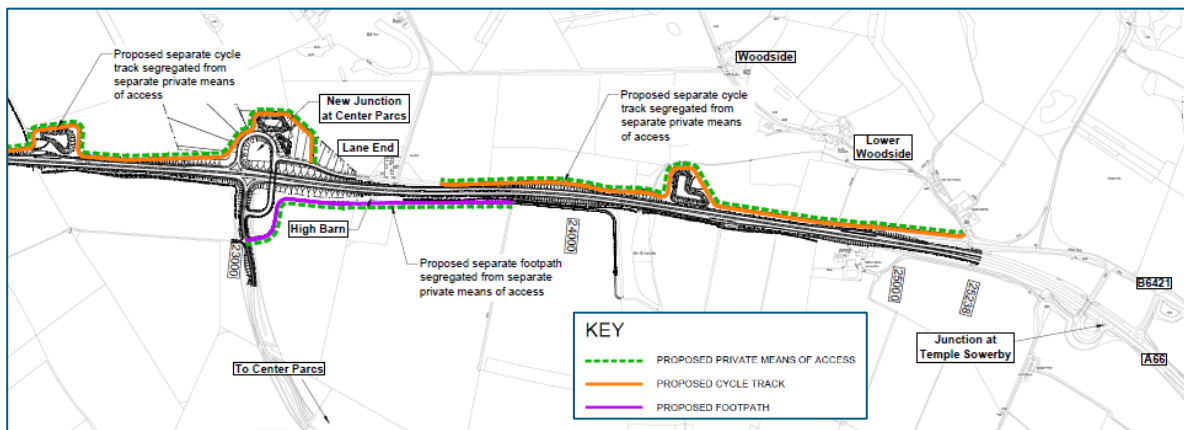


Figure DC-04(b) Summary of Proposed Changes 2 of 2

3.4.5. For example, Figures DC-04(a) and DC-04(b) shows the public right of way to the north of the balancing ponds. However, there would be flexibility in the revised LoDs to enable the public right of way to move to the south, where possible, to suit landowner specific needs and address any construction issues arising from changes to drainage and/or pond locations. To enable a shared public right of way and private means of access provision, National Highways has allowed for a 6m wide track, which it is felt is adequate to accommodate and reallocate separate public rights of way and private means of access provision, depending on the specific usage expected, whilst also taking into consideration any potential user conflicts. Should the private access track be remote from the walking/cycling track then this will be subject to discussion with the landowner and it may be the case that the total width of the two tracks exceeds 6m where this is the case.

3.4.6. Following consultation the extent of the proposed separation and flexibility for shared tracks has been extended to include that further length of shared public right of way and private means of access provision to the south east of the junction at Center Parcs. This is now consistent with the approach being adopted on the northern side of the A66 dual carriageway. This additional element, which has been added in response to consultation feedback, is denoted by the purple line in Figures DC-04(a) and DC-04(b).

- 3.4.7. **Alignment/ Design Speed/ Speed Limit:** There is no impact to the proposed A66 carriageway as a result of this change.
- 3.4.8. There is no impact to the proposed road classification, design speed or speed limit as result of this change.
- 3.4.9. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks than those discussed above as a result of this change.
- 3.4.10. **Traffic:** The proposed change does not affect the road network in any manner therefore it has no impact on traffic modelling.
- 3.4.11. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy, Document Ref 3.4, APP-221).
- 3.4.12. **Geotechnics/ Earthworks/ Pavement:** There is no significant impact in earthworks and paved area associated with this change.
- 3.4.13. **Structures:** There is no impact to any proposed or existing structures.
- 3.4.14. **Utilities:** There are no new utilities directly impacted by this change.
- 3.4.15. **Land take/ Land use:** No additional land is required by this change, however there potentially is scope to reduce land take which will be determined through detailed design.
- 3.4.16. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.
- 3.4.17. **LODs:** There are a number of changes to the Limits of Deviation as a result of this proposed change. To facilitate this change the applicant is seeking to introduce greater flexibility in the LoDs for the following work numbers: Work No. 03-6, Work No. 03-7B and Work No. 03-8. Changes are outlined in the following paragraphs.
- 3.4.18. It is intended that the vertical LoDs will provide flexibility to align with the existing ground corresponding to any horizontal movement of the track.
- 3.4.19. The increase in horizontal LoDs will provide the flexibility to relocate the new PROW to the south side of the drainage ponds to better suit landowner requests and offer greater flexibility to realign the cycle tracks to improve the geometry to better suit the existing topography (both horizontal and vertical). For this reason, the proposed change seeks greater flexibility than would be the norm in order to facilitate the above.
- 3.4.20. The detail in respect of the proposed LoDs changes is shown in Table DC-04(a).

Table DC-04(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
03-6	To any extent the undertaker considers to be necessary	To any extent the undertaker considers to be necessary	Northwards - to the outer extent of the earthworks of the A66 mainline – Work No 03-1B (A66 Mainline). Southwards - standard	Provide greater flexibility, via increased LoDs, to enable the PROW to move to the other side of the ponds (where possible) to suit landowner specific needs and address any construction issues arising from changes to drainage and/or pond locations.
03-7B	To any extent the undertaker considers to be necessary	To any extent the undertaker considers to be necessary	Northwards - to the extent of the Order limits Southwards - to the extent of the earthworks of the A66 mainline – Work No 03-1B (A66 mainline).	Provide greater flexibility, via increased LoDs, to enable the PROW to move to the other side of the ponds (where possible) to suit landowner specific needs and address any construction issues arising from changes to drainage and/or pond locations.
03-8	To any extent the undertaker considers to be necessary	To any extent the undertaker considers to be necessary	Northwards - to the extent of the DCO Order limits Southwards - to the extent of the earthworks of the A66 mainline – Work No 03-1B (A66 mainline).	Provide greater flexibility, via increased LoDs, to enable the PROW to move to the other side of the ponds (where possible) to suit landowner specific needs and address any construction issues arising from changes to drainage and/or pond locations.

3.4.21. Rationale for making the change: As a consequence of feedback from consultation, the Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- The proposed change provides more flexibility to make better use of the land to suit individual landowner needs, whilst also taking cognisance of the wider active travel proposals,
- It would provide more flexibility to increase the level of segregation between different modes of travel, which would reduce the potential for conflicts,

- It would minimise potential security issues,
- There would be no loss in provision as a result of the proposed change to either walking/cycling or agricultural/maintenance vehicles,
- The total footprint of the tracks may increase as a result of the separation.

3.4.22. **Conclusions and Materiality** The change appears to be of some public interest based on the feedback received at consultation (there were 8 feedback responses received of which three were not in favour and one in favour of the change (see Consultation Report – section 3.2). A large number of issues raised could be resolved through the detailed design process, such as surfacing materials, standards and widths and separation of private means of access and footpaths in specific locations. National Highways considers that there is sufficient flexibility built into the proposed change (through the use of LoDs) to accommodate some of these specific requests.

3.4.23. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. Assessment work undertaken and reported in the ES Addendum Volume II has confirmed that there is no risk of potential new or different effects on the Lightwater and therefore there is no change to the outcome of the HRA. See ES Addendum Volume II and the HRA Addendum Technical Note.

3.4.24. The change would not require an extension to the DCO Order limits and no additional land interests (beyond those affected by the current draft DCO) would be affected by this proposed change. Given the findings set out above, the Applicant considers that this change is likely to be non-material.

3.4.25. The benefits of this likely non-material change, arise principally from the increased flexibility that revised LoDs would provide, in allowing for the provision of two separate routes to be developed, splitting the walking and cycling provision from farm and estate traffic. There would be consequential safety benefits, less land-take and less disruption for landowners during the construction stage of the Project. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, provide a strong justification for this change.

3.5. **DC-05 – Removal of junction for Sewage Treatment Works (and private residence) from A66, and provision of an alternative access from B6262**

3.5.1. **Background to the change:** Our DCO Application includes an eastbound left-in, left-out access from the A66 dual carriageway to the road serving the sewage treatment works and a residential property at Brougham (north of the A66). At this location there is both a high-pressure fuel pipeline (Shell) and a high-pressure gas main (National Grid) that run north-south and pass underneath the existing A66 (see Figure DC-05(a)) for approximate locations of utilities in the vicinity).

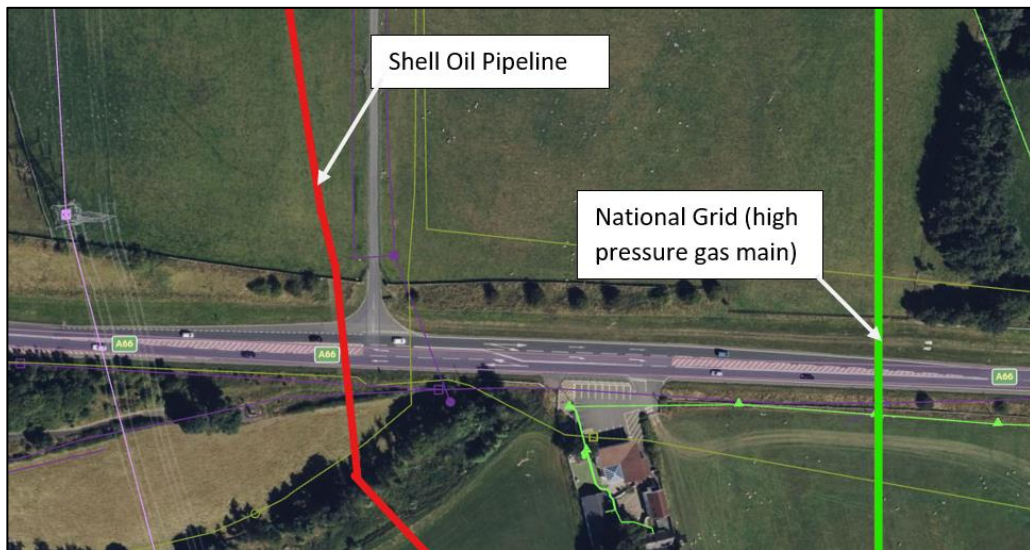


Figure DC-05(a) Approximate location of major existing underground utilities

- 3.5.2. Prior to our DCO application, discussions with Shell about this nationally important high-pressure fuel pipeline led us to conclude it was necessary to amend the design for the access to the sewage treatment works and residential property from that presented at earlier consultation events. Based on the information available about the pipelines at the DCO application design stage, it was considered feasible to move the access further east and locate it between the Shell pipeline and the gas main, thus reducing the potential impact on the Shell pipeline.
- 3.5.3. This location for the access road would allow the Shell fuel pipeline to remain in place. However, based on the information available to the project at the time, a lengthy diversion of the gas pipeline to provide sufficient space for the new left-in, left-out access to the sewage treatment works and residential property was still required.

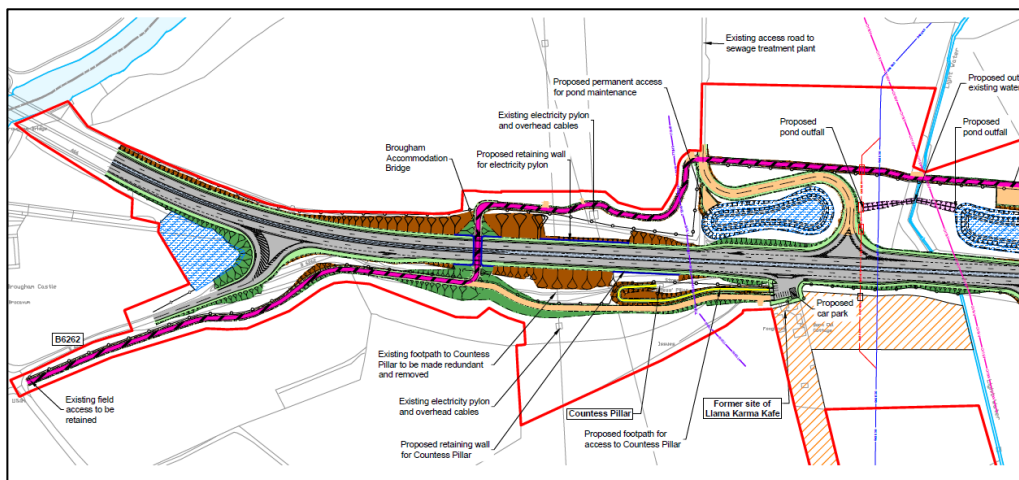


Figure DC-05(b) Extract from General Arrangement Drawing (Before)

- 3.5.4. **Description of change:** As a result of early detailed design and further information from both Shell and National Grid the complex nature of the diversion of the gas pipeline has required electricity re-consideration to determine how best to maintain a suitable access for the sewage treatment works and private residence on to the A66 dual carriageway.
- 3.5.5. Feedback from Shell indicated that the Shell pipeline could be protected by means of a concrete slab over the top of it (the result of this is presented in DC-06); Shell also advised that a 50m corridor either side of the pipeline would be required as a safe control zone.
- 3.5.6. The line of the National Grid Gas pipeline is shown in blue in Figure DC-05(c); whilst the line of the proposed diversion is shown in red. National Grid Gas advised that their exclusion zones for any diverted pipe would be 15m either side of the red line shown. As can be seen in Figure DC-05(c) below, the DCO design, and in particular the access to the sewage treatment works, sits atop the National Grid Gas pipeline and the exclusion zone. Were any maintenance or intervention required on the pipeline then it would be necessary to close the access to the sewage treatment works and private residence meaning that they would become inaccessible, whilst the A66 dual carriageway would be able to continue to operate under a contraflow arrangement.

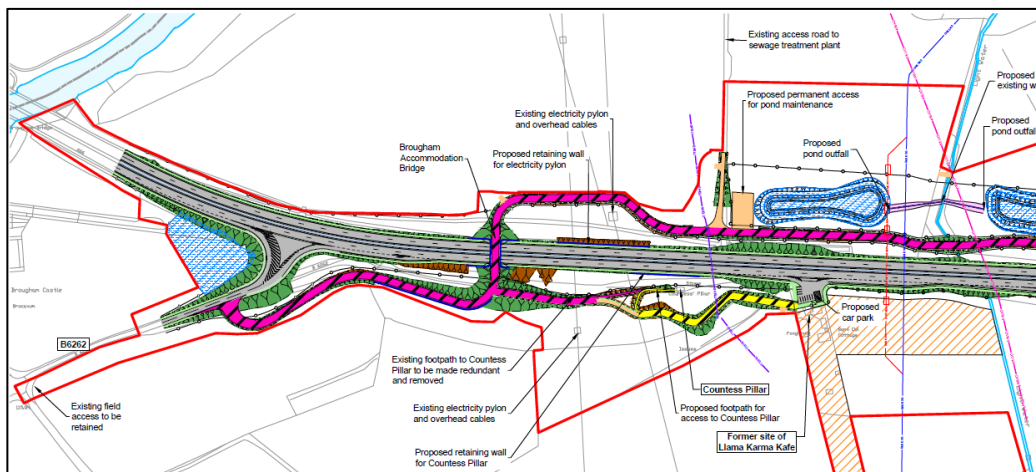


Figure DC-05(c) Extract from General Arrangement Drawing (After)

- 3.5.7. From our assessment there is inadequate space between the Shell fuel pipeline and the National Grid gas pipeline to construct and maintain a safe and suitable access. The proposed change therefore seeks to remove the access to the sewage treatment works and private residence from the eastbound carriageway entirely, as National Highways is of the opinion that the residual risk of impacting or damaging either pipeline is too great.
- 3.5.8. The proposed change would move the access to the sewage treatment works and private residence to the westbound carriageway via the B6262 and the length of private access track, shared with a cycle track that extends northwards, crossing the A66 on the Brougham accommodation bridge before connecting to the original track. The design of the access

track will be amended to accommodate HGVs as well as walkers and cyclists with the junction created on to the B6262 north-east of its original tie-in point. As part of the proposed change it is intended to retain access to the Countess Pillar for pedestrian movements which was previously removed in the DCO design. These changes are shown in the extracts from the Rights of Way and Access Plans in Figures DC-05(d) and DC-05(e).

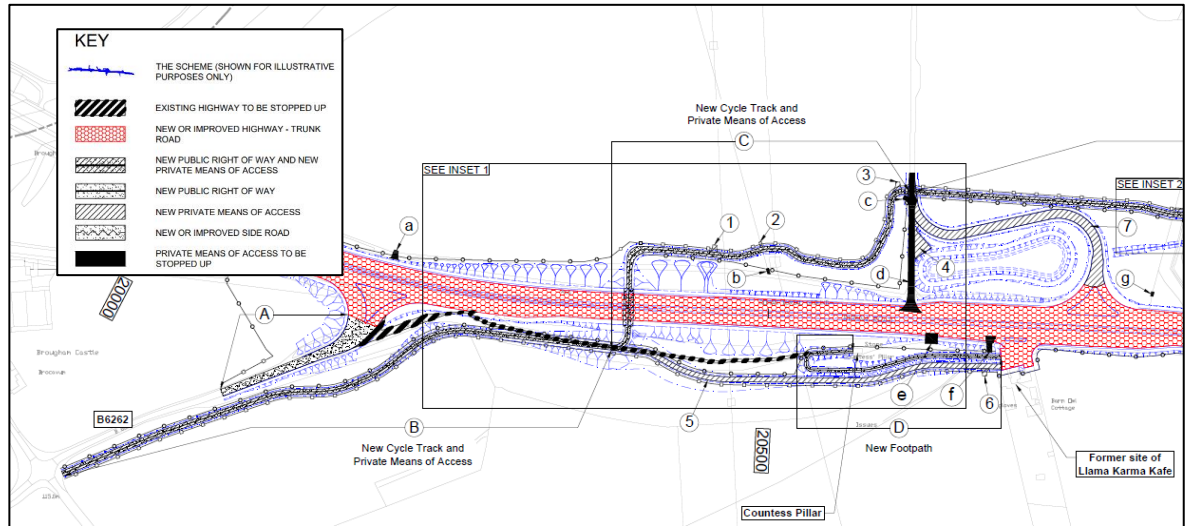


Figure DC-05(d) Extract from Rights of Way and Access Plans (Before)

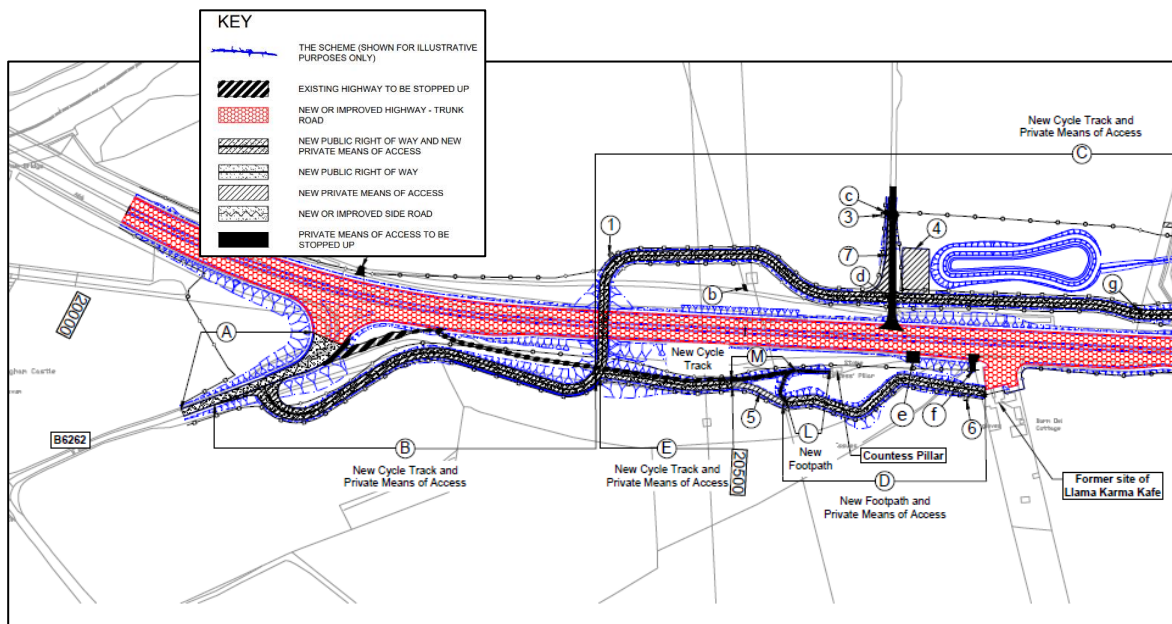


Figure DC-05(e) Extract from Rights of Way and Access Plans (After)

3.5.9. To accommodate proposed change DC-05, the extents of proposed change DC-04 have been amended such that DC-04 commences immediately west of the Lightwater (at the start of Work No. 03-1B) rather than running the full length of the scheme. The part of DC-04 to the west of the Lightwater is not presented as part of DC-05. Proposed Change

DC-05 terminates at the eastern end of Work No. 03-1A (Refer to Figure DC-05(f), (g) & (h)).

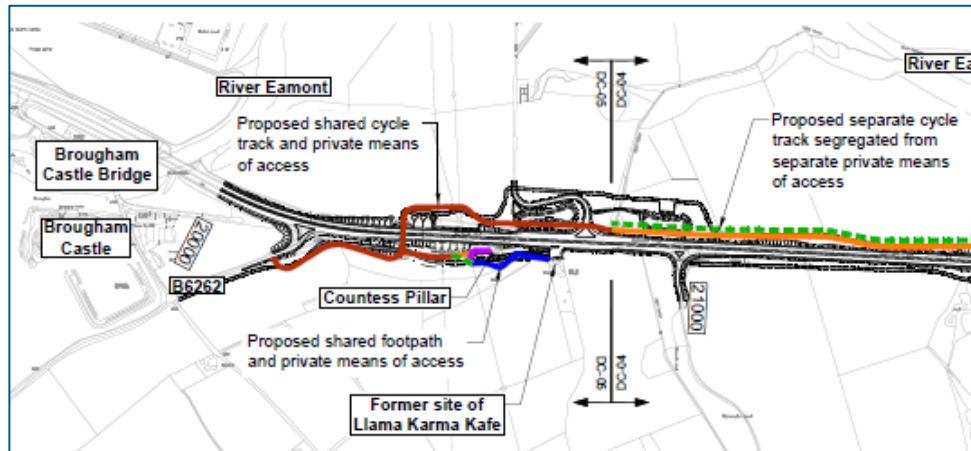


Figure DC-05(f) Division of DC-04 and DC-05

- 3.5.10. The proposed change also introduces a length of retaining wall to minimise the works adjacent to an electricity pylon following further engagement with National Grid Electricity. These works would be located to the west of the line of the Shell Pipeline.
- 3.5.11. **Alignment/ Design Speed/ Speed Limit:** The existing direct access from the A66 eastbound carriageway including auxiliary lane diverge and merge taper are removed by this change and are replaced by a connection across the A66 to the B6262. The horizontal alignment of the new cycle track and PMA (Work No. 03-7A) will be amended to accommodate the nature of traffic using the access, including HGVs accessing the Sewage Treatment Works. Traffic will access the new PMA from an amended location on the B6262 closer to the A66, with the creating of a new junction. The horizontal and vertical alignment of the mainline A66 remain unchanged by this change. This change also includes a new PROW connecting the Countess Pillar to the B6262.
- 3.5.12. There is no impact to the proposed road classification, design speed or speed limit as result of this change.
- 3.5.13. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.5.14. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result there will be no impact on traffic modelling outputs for the scheme.
- 3.5.15. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221). The maintenance hardstanding location will be amended.

- 3.5.16. **Geotechnics/ Earthworks/ Pavement:** There is no significant impact in earthworks and paved area associated with this change.
- 3.5.17. **Structures:** There is no impact to any proposed or existing structures. Following more detailed discussions with National Grid Electricity a new retaining structure will be required to minimise works in the proximity of an electricity pylon.
- 3.5.18. **Utilities:** Whilst the primary driver for the change is the risk associated with utilities, there are no new utilities directly impacted by this change.
- 3.5.19. **Land take/ Land use:** No additional land is required by this change, however there is potentially scope to reduce land take which will be determined through detailed design.
- 3.5.20. **LODs:** There are a number of changes to the Limits of Deviation as a result of this proposed change. To facilitate this change the applicant is seeking to introduce greater flexibility in the LoDs for work number: Work No. 03-9. Changes are outlined in the following paragraphs.
- 3.5.21. The alignment of the PMA/PROW has been amended. LoDs as defined in article 7 of the draft DCO, will be applied to the line and level of the track on Work No. 03-7A.
- 3.5.22. As outlined in the Table DC-05(a), Work No 03-9 is to be split in to two parts to facilitate changes to the pedestrian access to the Countess Pillar. This will create Work No. 03-9A and 03-9B.
- 3.5.23. The detail in respect of the LoDs changes is shown in Table DC-05(a) whilst Figure DC-05(h) shows the amended work numbers.

Table DC-05(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
03-9A	Standard	Standard	Standard	New work number introduced to facilitate linkage from Countess Pillar to B6262
03-9B	Standard	Standard	Standard	New work number introduced to accommodate improved access to Countess Pillar from former Llama Karma Kafe site

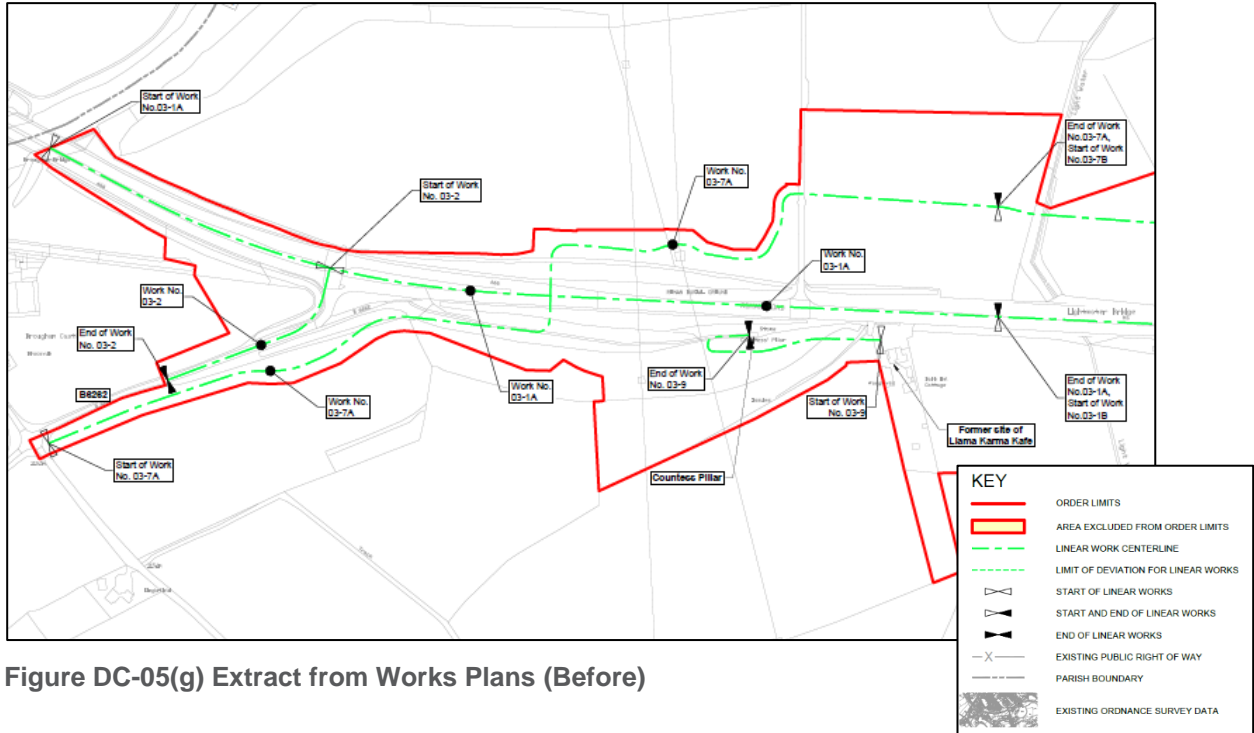


Figure DC-05(g) Extract from Works Plans (Before)

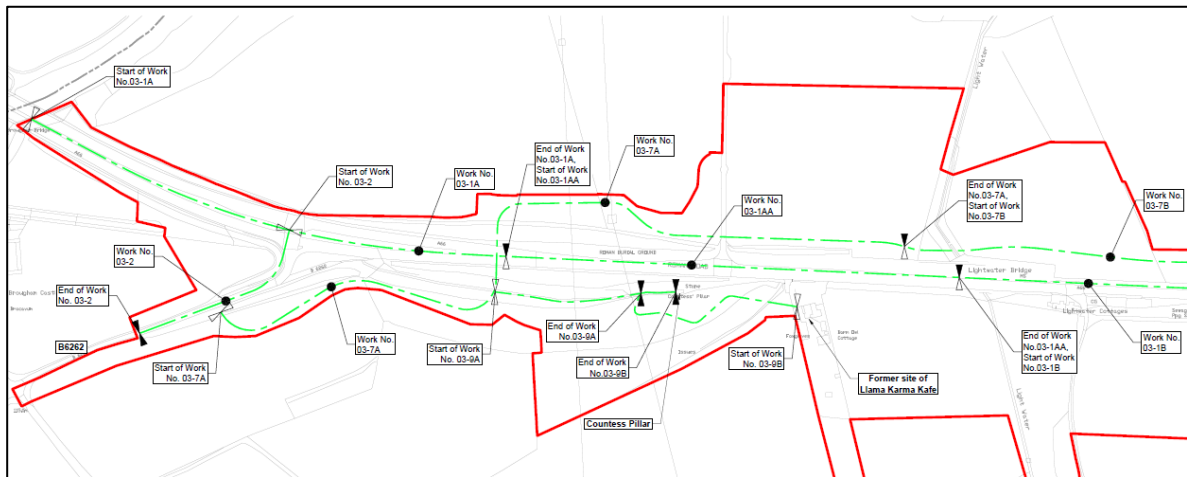


Figure DC-05(h) Extract from Works Plans (After)

3.5.24. Rationale for making the change: As a consequence of feedback from consultation, the Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- As described above, by removing the junction, a clash with the gas pipeline is avoided. The proposed change also reduces potential disruption and the risk associated with constructing over nationally significant utilities which would make ongoing maintenance both unsafe, disruptive and costly.
- With this change, access to the A66 is provided to the westbound rather than the eastbound carriageway. In the DCO design, drivers joining the A66 would turn around at the junction local to Center Parcs

to travel west and with this change, drivers would need to use the junction at Kemplay Bank to travel east. The distance to Kemplay Bank (5.6km approx.) is similar to the distance to the junction at Center Parcs (5.0km approx.) meaning there is minimal change to the overall distance travelled when both the outbound and inbound journeys are considered.

- By removing the junction it will also be possible to move the proposed walking and cycling route and private access to the south of the balancing ponds (on the north side of the A66) which responds to feedback received from landowners to reduce the land required for the project (as described above this aspect of the change was promoted as part of DC-04 at consultation as a LoDs change but is included here as an absolute position).
- Pedestrian access is retained to the Countess Pillar as well as connectivity to Brougham.
- This change also combines accesses, making best use of the infrastructure that is being included to maintain local movements. The reduction in the number of direct accesses onto the A66 helps to reduce the number of potential conflict points on the network.
- There is no change to the cultural heritage assessment in relation to effects on scheduled monuments as a result of the proposed change (see ES Addendum Volume II DC-05)
- Concerns were raised at consultation that large vehicles serving the Sewage Treatment Works would create congestion and traffic issues on very minor roads in Brougham village. With appropriate signage and a review of the existing and possible new prohibitions, vehicle movements southwards along the B6262 can be restricted such that there is no impact on the village of Brougham.

3.5.25. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.

3.5.26. **Conclusions and Materiality:** The change appears to be of public interest based on the feedback received at consultation (there were 24 feedback responses received of which three were in favour and fourteen not in favour of the change (see Consultation Report – section 3.2). A number of the concerns raised at Consultation related to the suitability of the road network for the traffic that will need to utilise it, as a consequence of the change. In response National Highways can confirm that the design is subject to further technical work during the detailed design stage of the project that will include the specification of the road network, including but not limited to pavement construction, standards, widths, passing facilities and how shared road space will be delineated. National Highways will continue to engage with user groups via the

established Community Liaison Groups and Technical Working Groups as well as individual landowners and stakeholders on these matters.

- 3.5.27. National Highways can also confirm, to address another issue raised at Consultation, that the proposed change does not seek to encourage extra traffic to use the B6262 via Brougham. The B6262 is not suitable for HGVs and as such signage will be installed to direct drivers on to the A66 for all onward journeys. In addition, National Highways considers that matters associated with public use of private means of access and impact or severance of WCH facilities and routes can be addressed through continued engagement and liaison with the Local Authorities. Further detail on how National Highways has had regard to the matters raised at Consultation is set out at section 3.2 of the Consultation Report.
- 3.5.28. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The change would not require an extension to the DCO Order limits and additional land interests (beyond those affected by the current draft DCO) would not be affected. Nevertheless, given the public interest in this change the Applicant considers that this change is likely to be material.
- 3.5.29. National Highways consider that addressing the safety risk associated with works in proximity and over two nationally significant pipes outweigh impacts associated with the issues that have been raised as part of the consultation. This conclusion has been reached on the basis of the potential to address many of the issues that have been raised at consultation through further technical work and incorporation of mitigation. The benefits of this change in addressing the safety matters, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, provide a strong justification for this change.

3.6. **DC-06 – Increase in vertical Limits of Deviation local to Shell Pipeline**

- 3.6.1. **Background to the change:** A nationally important underground, high-pressure fuel (Ethylene) pipeline crosses under the A66, close to the Countess Pillar, in Brougham. This pipeline is classed as a “major accident hazard” by HSE and survey information would suggest that the cover to the pipeline is approximately 1m (from the existing A66 road level). Whilst the legal minimum cover is 0.9m, this potentially does not allow adequate space to safely construct a new protection slab over the pipeline for the dual carriageway (which is mandated by Shell).

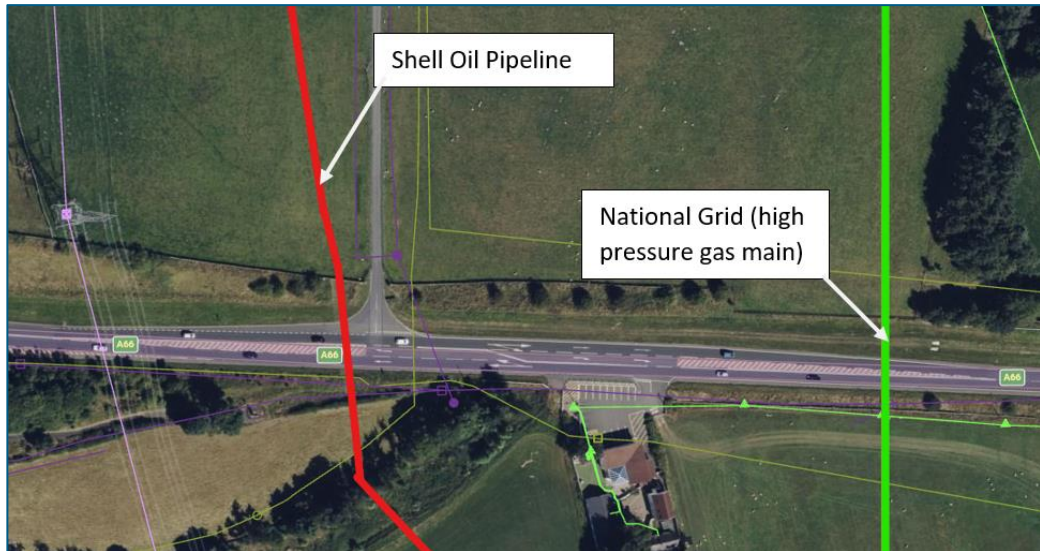


Figure DC-06(a) Approximate location of existing Shell Pipeline

- 3.6.2. National Highways has completed initial trial holes to investigate the area around the pipeline and since the submission of the DCO design, discussions have been ongoing with Shell about the impact that the project has on its operation.
- 3.6.3. In those discussions Shell have disclosed further details regarding their specification requirements for design and construction at this location. This information has led to a change in the assumptions made regarding the pipeline crossing under the A66.
- 3.6.4. **Description of the change:** National Highways are proposing to increase the cover (the distance between the top of the pipe and the finished road level) over the pipeline between approximately Ch 20400m to 20800m (see orange dashed line in the image below) to meet the asset owner's requirements with respect to protection of the pipeline. Whilst the legal minimum cover is 0.9m, early detailed design has indicated that cover of up to 1.5m to the finished road level may be required in order to ensure safe construction of the protection slab across the full width of the dual carriageway corridor.

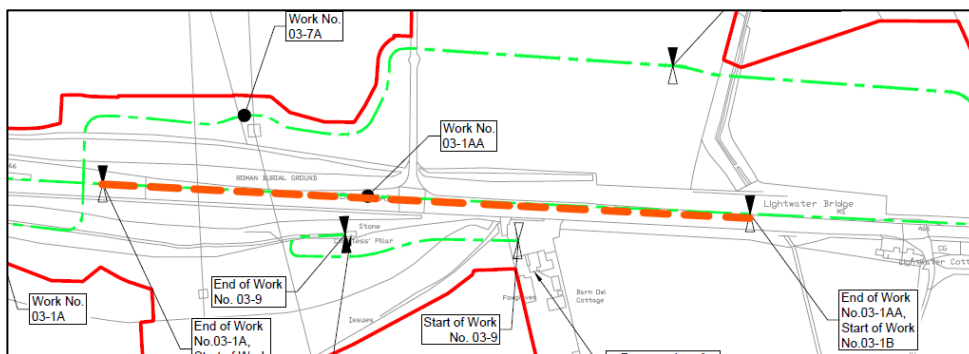


Figure DC-06(b) Extent of Change

- 3.6.5. The proposed change is sought via LoDs to provide greater flexibility. If the additional clearance is not proved to be necessary, the LoD approach provides the flexibility for the finished road level to be lowered.
- 3.6.6. **Alignment/ Design Speed/ Speed Limit:** This change could result in an increased vertical level over the Shell pipeline over a distance of up to 400m (see Works No 03-1AA contained within Fig DC-06(d)). Increasing this level will require amendments to the vertical alignment of the A66 (associated with new Work No. 03-1AA) to transition back to the original levels. The horizontal alignment of the A66 will remain unchanged.
- 3.6.7. There is no impact to the proposed road classification, design speed or speed limit as result of this change.
- 3.6.8. **Public Rights of Way/Access Tracks:** There are no amendments to any Public Rights of Way or access tracks as a result of this change.
- 3.6.9. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result there will be no impact on traffic modelling outputs for the scheme.
- 3.6.10. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221).
- 3.6.11. **Geotechnics/ Earthworks/ Pavement:** There will be a marginal increase in earthworks to facilitate raising the A66. The amount of paved area required will remain similar.
- 3.6.12. **Structures:** There is no impact to any proposed or existing structures.
- 3.6.13. **Utilities:** This change is driven by the existing Shell pipeline however there are no new utilities impacted by this change.
- 3.6.14. **Land take/ Land use:** No additional land is required by this change.
- 3.6.15. **LODs:** This change will require amendments to the vertical LoDs associated with the numbered works sections outlined in the following paragraphs.
- 3.6.16. As outlined in Table DC-06(a), the mainline Works No 03-1A is to be split into two parts to facilitate the introduction of vertical LoD changes to a short section of the A66 mainline to provide greater flexibility when working over the Shell pipeline.
- 3.6.17. Work No. 03-1A will be truncated to allow for the introduction of a new Work No. 03-1AA over the length of the Shell pipeline. The LoDs for this work number are unaffected by proposed change DC-04 but are amended by DC-09 (see DC-09 below).
- 3.6.18. Work No. 03-1AA will be created to the east of 03-1A to facilitate increased vertical LoDs over the pipeline. This section of the A66 traverses the Shell pipeline and the intention is to provide flexibility to maximise the working space directly over the pipeline along this section

(which will be dictated by the actual level and condition of the pipeline). The vertical profile will be raised locally (within design standards) and tie back in before the commencement of the Work Nos. either side.

3.6.19. The start of Work No. 03-1B will be moved eastwards to just west of the Lightwater bridge/culvert. The LoDs for this work number are unaffected by proposed change DC-04 but are amended by DC-09 (see DC-09 below).

Table DC-06(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
03-1AA	1.5m	0m	Standard	New work number introduced to facilitate increased vertical LoDs to minimise risk of damage to Shell ethylene pipeline and construction of protection slab. And also to protect and minimise impact on potential archaeology associated with Brougham Roman Camp (as agreed with Historic England) Previously this work number was part of 03-1A.

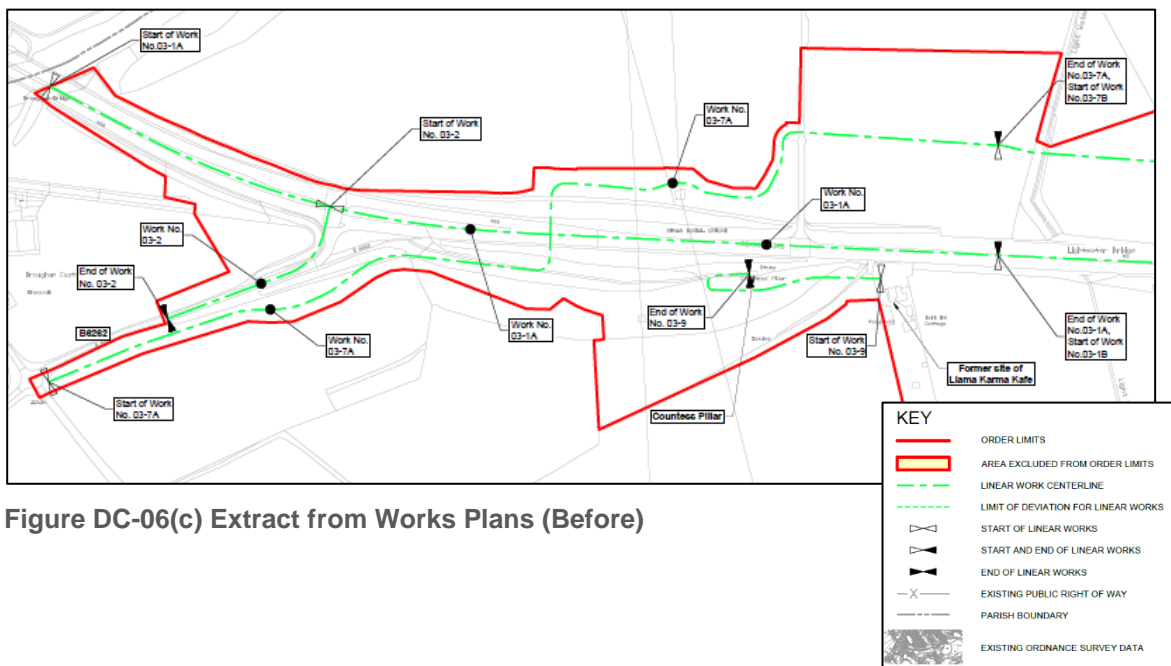


Figure DC-06(c) Extract from Works Plans (Before)

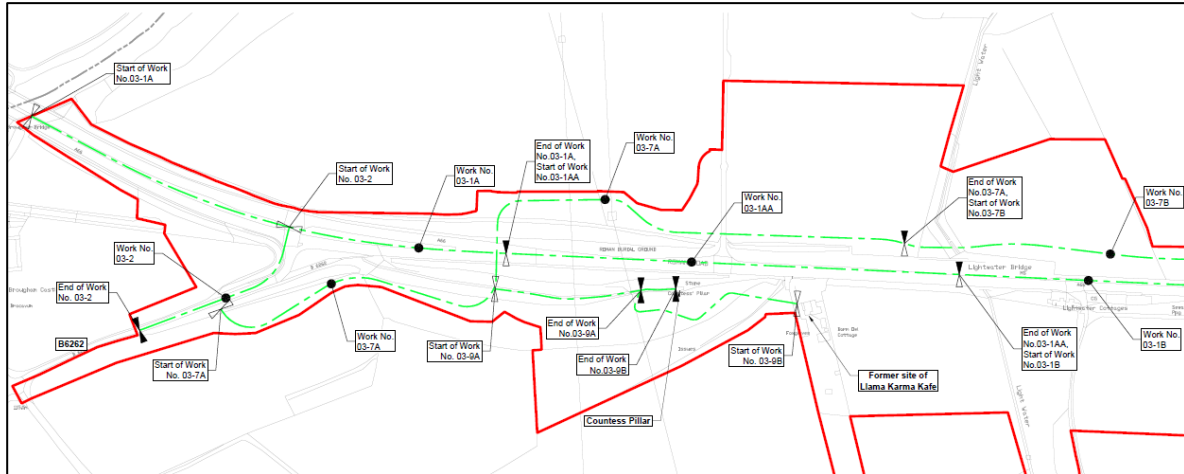


Figure DC-06(d) Extract from Works Plans (After)

3.6.20. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- Based on discussions with Shell and the development of early detailed design, the potential increase in the level of the road is required to allow for the permanent installation of a protective slab below the new road and above the existing pipeline.
- This increase in level reduces the potential risk of contact with the pipeline (in complying with the Construction (Design and Management) Regulations 2015 (CDM 2015)) whilst enabling more flexibility in the solutions that can be implemented.

3.6.21. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.

3.6.22. **Conclusions and Materiality:** The change appears to be of little public interest based on the feedback received at consultation (there were 2 feedback responses received and neither indicated whether they were in favour or not (see Consultation Report – section 3.2)).

3.6.23. There are no new or different likely significant effects associated with this change, reported in the ES Addendum.

3.6.24. The change would not require an extension to the DCO Order limits and additional land interests (beyond those affected by the current draft DCO) would not be affected. Given the above findings the Applicant considers that this change is likely to be non-material.

3.6.25. The benefits of this likely non-material change, arise from the additional flexibility that would be provided through the DCO LODs which provides opportunities to minimise the risk associated with works in proximity and over a nationally significant pipeline, principally associated with

minimising the potential risk of contact with the pipeline during construction. These benefits, in the absence of additional adverse environmental impacts as confirmed in the ES Addendum, alongside no concerns being raised on the change at consultation, provide a strong justification for this change.

3.7. DC-07 – Retention of Lightwater Cottages

This change is not being progressed (see section 2.4)

3.8. DC-08 – Inversion of the mainline alignment at the junction at Center Parcs

3.8.1. **Background to the change:** In the current DCO application an all-movement/grade separated junction local to the entrance of Center Parcs is proposed, to allow movements east and west on the A66 from the local road network as well as to and from Center Parcs.



Figure DC-08(a) Extract from General Arrangement Drawing (Before)

3.8.2. The current DCO design of the mainline of the new A66, travelling east/west, is elevated on an embankment approximately eight metres above the existing ground levels (see Figures DC-08(b) & (C)). The junction passes underneath the elevated A66. For construction of the embankment a temporary traffic diversion would be required, which would run through farmland to the south of the current A66 and would be approximately 1.2km in length and be in place for approximately 18 months.



Figure DC-08(b) Computer generated image of DCO design of the junction at Center Parcs looking from South West (Before)

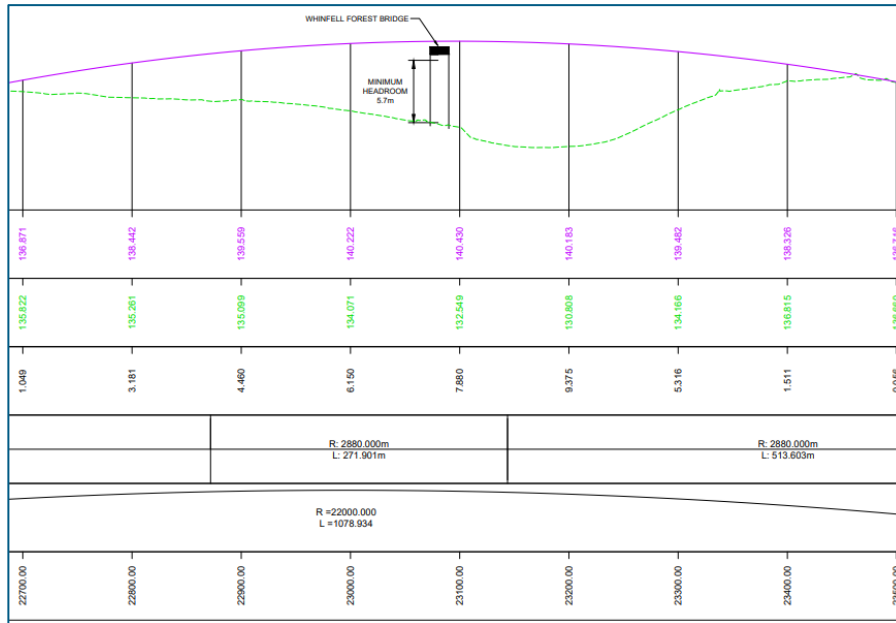


Figure DC-08(c) Extract from Mainline Profile Ch 22410m to Ch23810m (Before)

- 3.8.3. The change has arisen as a result of continued design refinement which has identified improvements without new or different environmental effects.
- 3.8.4. **Description of the change:** The principal intent of the junction remains unchanged as a result of this proposed change in so much as all the movements between the local road network and the A66 dual carriageway are maintained.
- 3.8.5. The proposed change would invert the junction so that the mainline of the A66 would more closely follow the vertical alignment of the existing road rather than being elevated on an eight-metre high embankment. The local road access, which forms part of the junction, would cross over the A66 mainline on a bridge rather than passing underneath it (and would connect in with the access to Center Parcs). It is intended that the proposed local road bridge would be at a similar height to the mainline A66 with the maximum elevation being in approximately the same location as the design included in the DCO.
- 3.8.6. The orientation of the junction will look different in so much as the elevated length was orientated west to east in the DCO design (as defined by the mainline), whilst the proposed change will have a more dominant north-south elevation (as defined by the height of the slip road alignment).
- 3.8.7. **Alignment/ Design Speed/ Speed Limit:** This change will result in a lowering of the vertical alignment of the mainline A66 through the new junction at Center Parcs, to more closely match the existing road level as far as possible whilst complying with dual carriageway design standards (see Figure DC-08(e)). The vertical alignment of the proposed connector road associated with the compact grade separated junction (Work No. 03-4A) will be amended and raised to meet a new bridge structure

spanning over the A66. The horizontal alignment of both the A66 dual carriageway and the links to the local roads will remain largely unchanged.

3.8.8. Figure DC-08(d) shows an indicative 3d visualisation of the arrangement of the proposed change to the junction. However, it must be stated that this model was developed primarily to illustrate the infrastructure elements of the design and therefore many of the other aspects of the layout (such as landscaping/landform /drainage) may not be an accurate representation of the final proposed layout.

3.8.9. There is no impact on the proposed road classification, design speed or speed limit as result of this change.



Figure DC-08(d) Computer generated image of DCO design of the junction at Center Parcs looking from South West (After) – see note in para 3.8.8

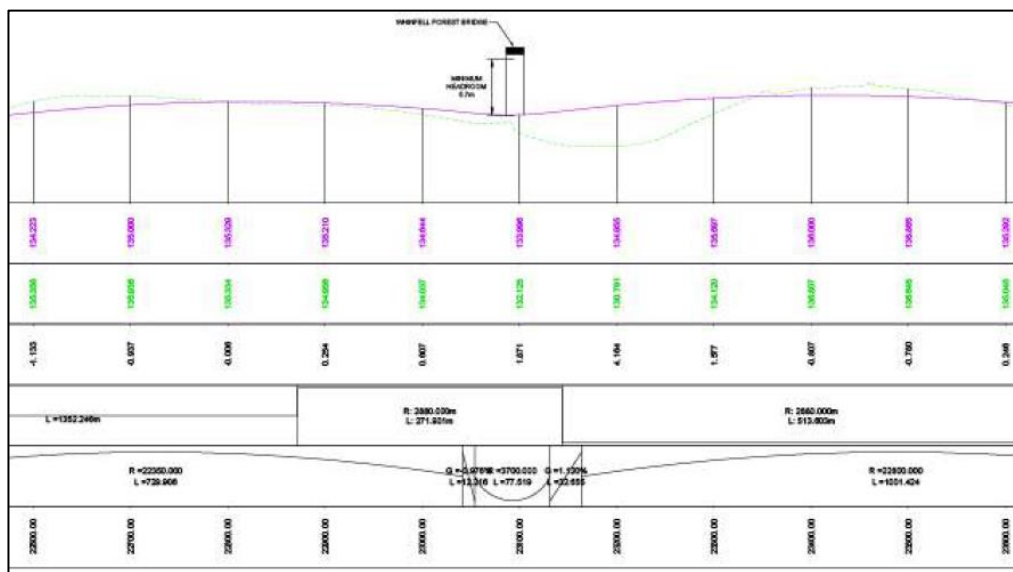


Figure DC-08(e) Extract from Mainline Profile Ch 22410m to Ch23810m (After)

- 3.8.10. **Public Rights of Way/Access Tracks:** Proposed changes to the shared track (shown as per the DCO design in Figure DC-08(a)) to the south-east of the junction are included as part of DC-05 and are not represented here.
- 3.8.11. **Traffic:** The fundamental arrangement of how the strategic A66 traffic will utilise the junction at Center Parcs remains unchanged i.e. the mainline is not impacted. Therefore this proposed change has no impact on traffic modelling.
- 3.8.12. **Drainage:** Localised amendments to the drainage network will be required as a result of lowering the mainline. Whilst drainage runs have changed, the same drainage principles will apply as the original submission with no expected impacts to proposed catchments, outfall locations, pond sizes or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221).
- 3.8.13. **Geotechnics/ Earthworks/ Pavement:** The change will result in a reduction of earthwork volumes, both in terms of cutting and fill. There is no difference in the overall height of earthworks for the junction as a whole. However, mainline embankment volumes will reduce, whilst the junction loop roads will increase slightly due to the inverted nature of the junction. It is expected that there will be a reduction in earthwork quantities as a result of this change. The removal of the need for a temporary diversion will reduce soil disturbance to agricultural land to the south. The amount of paved area required will remain similar.
- 3.8.14. **Structures:** The form of the proposed structure will be unchanged. However, this structure will now span over the A66 as opposed to the original proposal in which the A66 spanned over the connector road.
- 3.8.15. **Utilities:** There are no new utilities directly impacted by this change.
- 3.8.16. **Land take/ Land use:** No additional land is required by this change, however there may be scope to reduce land take to the south as a result of the removal of the need for the temporary diversion. This will be determined through detailed design.
- 3.8.17. **LODs:** Whilst the alignment has changed, the Work Nos. are unaffected and standard LoDs will be applied to this proposed design change.

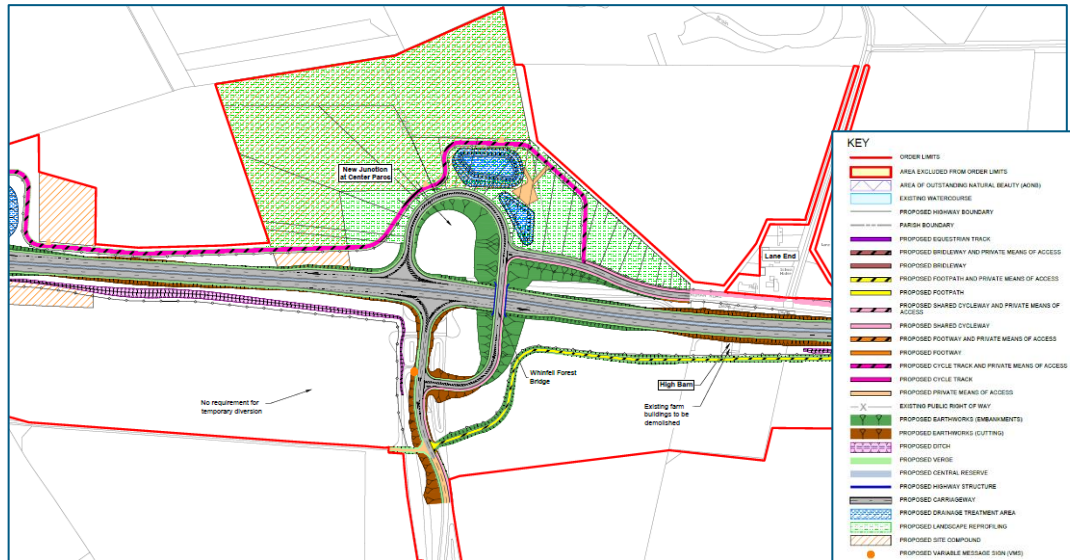


Figure DC-08(f) Extract from General Arrangement Drawing (After)

3.8.18. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- The proposed change removes the need for the temporary diversion, which would have been around 1.2km, minimising disruption for road users and adjacent landowners.
- The new bridge would be built in two sections with traffic initially being retained on the existing A66 while the westbound carriageway and southern half of the structure is constructed. Once complete, traffic will be switched to the newly-built carriageway whilst the northern half of the structure and eastbound carriageways works are completed. This will substantially reduce the construction period and amount of temporary work in this location as well as reducing construction traffic. Detailed design will develop this approach further, which may lead to a reduction in temporary land required to the south of the A66.
- There would also be a reduction in the large earthworks associated with the dual carriageway which, due to soil disturbance, would impact on the productivity of the surrounding land for some time to come and would require a high number of vehicles to transport material. It would also likely reduce the overall land required for the project.

3.8.19. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.

3.8.20. **Conclusions and Materiality** - The change appears to be of some public interest (although not significant) based on the feedback received at consultation (there were 6 feedback responses received which did not specify whether they were in favour or not (see Consultation Report –

section 3.2)). Some issues were raised about the precise alignment of the footpath and the design of attenuation ponds and the potential impacts on land interests. National Highways is seeking to provide flexibility to the south of the A66 to enable changes to be made to the design to accommodate specific requests of land interests and reduce land take where possible. Detailed design will develop the solution further in respect to the size, shape and location of attenuation ponds.

- 3.8.21. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The change would not require an extension to the DCO Order limits and land interests (already affected by the current draft DCO) would principally benefit from the change. Given the above findings the Applicant therefore considers that this change is likely to be non-material.
- 3.8.22. The benefits of this likely non-material change, relate principally to minimising disruption and potentially the land required for the project at this location. In addition, there is the potential to reduce the construction period and associated duration of construction related impacts as well as benefits to road users, local businesses and land interests. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum and in the absence of any major concerns being raised at consultation, provide a strong justification for this change.

3.9. DC-09 – Flexibility to reuse the existing A66 carriageway

- 3.9.1. **Background to the change:** Along part of the length of the Penrith to Temple Sowerby Scheme, National Highways is seeking increased flexibility in the vertical LoDs to better facilitate online widening. The survey data available to support the development of the preliminary DCO design (on which the DCO Application is based) indicates that in this area the existing road is relatively straight but the vertical alignment undulates to the extent that the vertical alignment is not in accordance with current design standards in parts (for the intended speed of the road).
- 3.9.2. **Description of the change:** As a result of more detailed topographical survey data recently being secured to support the detailed design process, the proposed change seeks an increase in the vertical LoDs to allow the design of the road to rise and fall to a greater extent. Extending the Limits of Deviation in this way will provide greater flexibility to enable the Applicant to utilise more of the existing A66 to provide the westbound carriageway of the new A66 dual carriageway.
- 3.9.3. **Alignment/ Design Speed/ Speed Limit:** The change will allow the levels of the vertical alignment to be raised or lowered to match the existing A66 over the extent shown in Figure DC-09(a). The change will not amend the principles associated with the vertical alignment submitted with the original application (as shown on the Engineering Section Drawings – Plan and Profiles).



Figure DC-09(a) Summary of extent of Change

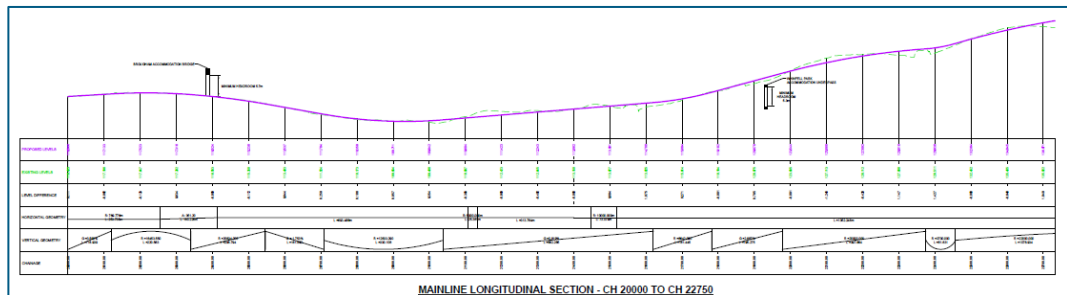


Figure DC-09(b) Extract from mainline profile showing the extent of the Change

- 3.9.4. There is no impact to the proposed road classification, design speed or speed limit as result of this change.
- 3.9.5. The Proposed Change could not be applied in the vicinity of the Shell pipeline (the length of the dual carriageway shown in Figure DC-09(a)) due to the requirements of Proposed Change DC-06.
- 3.9.6. **Public Rights of Way/Access Tracks:** There are no amendments to any Public Rights of Way or access tracks as a result of this change.
- 3.9.7. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result there will be no impact on traffic modelling outputs for the scheme.
- 3.9.8. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221).
- 3.9.9. **Geotechnics/ Earthworks/ Pavement:** The change will result in less earthworks as it will allow the vertical profile to better match the existing levels of the A66. Whilst the amount of paved area required will remain similar as a result of this change, the change will allow the existing pavement structure to be better incorporated as part of the southern carriageway.
- 3.9.10. **Structures:** There is no impact to any proposed or existing structures.
- 3.9.11. **Utilities:** There are no new utilities impacted by this change.
- 3.9.12. **Land take/ Land use:** No additional land is required by this change.

- 3.9.13. **LODs:** There are a number of changes to the Limits of Deviation as a result of this proposed change. To facilitate this change the applicant is seeking to introduce greater flexibility in the LoDs for the following work numbers: Work No. 03-1A and 03-1B.
- 3.9.14. Work No. 03-1A will be truncated to allow for the introduction of a new Work No. 03-1AA over the length of the Shell pipeline (refer to DC-06). Work No. 03-1AA will be created to the east of 03-1A to facilitate increased vertical LoDs over the pipeline. The start of Work No. 03-1B will be moved eastwards to just west of the Lightwater bridge/culvert.
- 3.9.15. In both instances the horizontal LoDs will remain unchanged.
- 3.9.16. By implementing this change National Highways will be able to reduce or increase the level of the new carriageway to more closely replicate the vertical alignment of the existing A66 carriageway (as outlined in Figure DC-09(b)) thereby reducing the extent of excavation and/or deposition. Standard vertical LoDs of +/-1m may not be sufficient to allow this to take place. As a consequence, it is proposed that Work No. 03-1A and Work No. 03-1B will be able to flex to a greater extent so as to allow an efficient and safe alignment along this section (taking into consideration all other aspects of the design).
- 3.9.17. The detail in respect of the changes is shown in Table DC-09(a) whilst Figures DC-09(c), (d), (e) and (f) show the amended work numbers.

Table DC-09(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
03-1A	Standard LoD but with flexibility to enable the level of existing A66 to be met/followed	Standard LoD but with flexibility to enable the level of existing A66 to be met/followed	Standard	Increased flexibility in the vertical LoDs to allow the design of the road to rise and fall to minimise excavation/deposition and help utilise more of the existing A66
03-1B	Standard LoD but with flexibility to enable the level of existing A66 to be met/followed	Standard LoD but with flexibility to enable the level of existing A66 to be met/followed	Standard	Increased flexibility in the vertical LoDs to allow the design of the road to rise and fall to minimise excavation/deposition and help utilise more of the existing A66

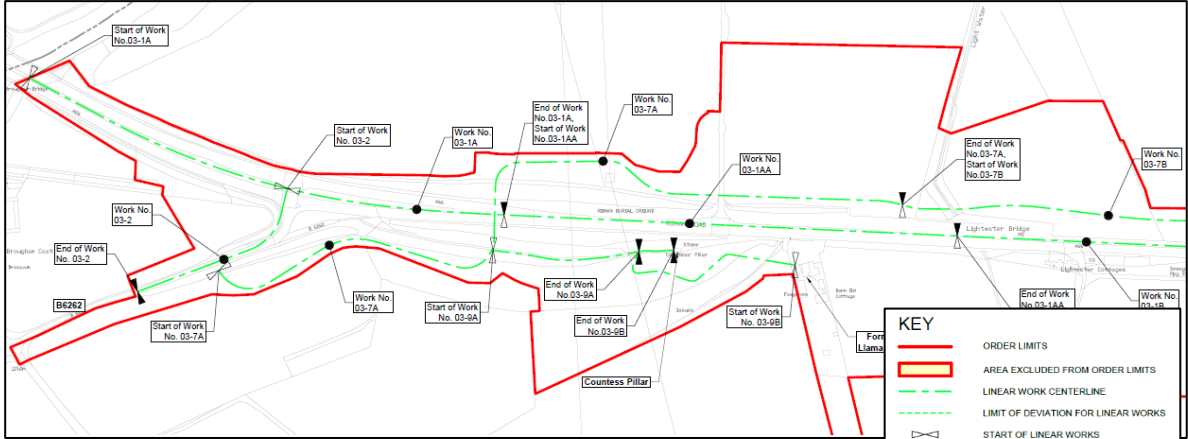


Figure DC-09(c) Extract from Works Plans 1 of 4

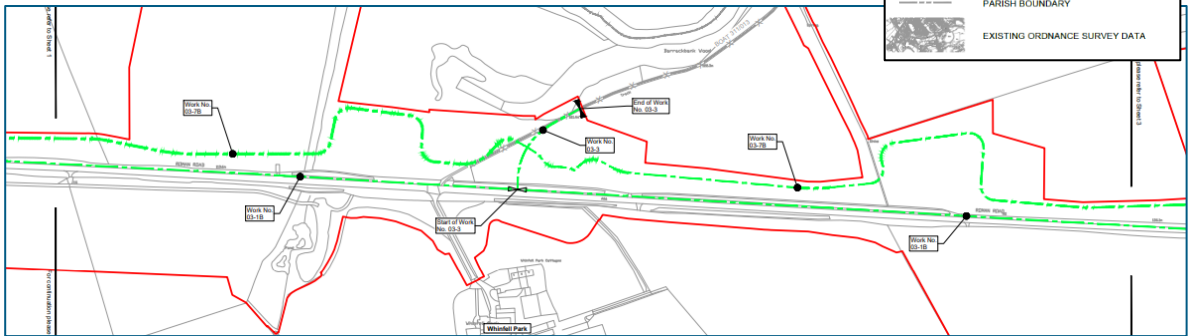


Figure DC-09(d) Extract from Works Plans 2 of 4

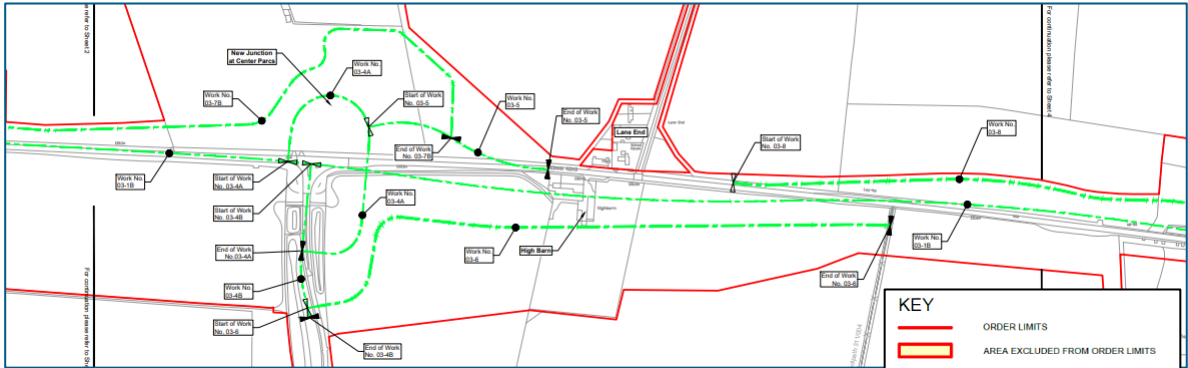


Figure DC-09(e) Extract from Works Plans 3 of 4

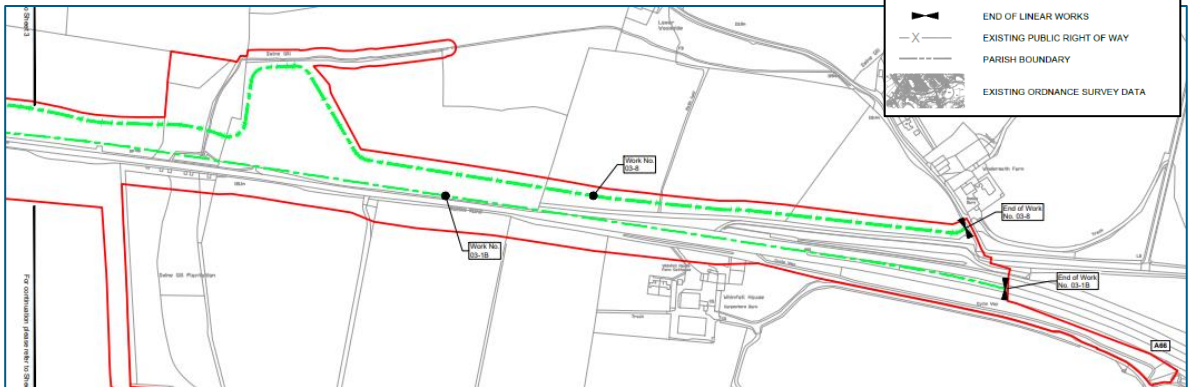


Figure DC-09(f) Extract from Works Plans 4 of 4

- 3.9.18. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:
- This change would allow flexibility for parts of the existing A66 road to be repurposed in the existing position without extensive earthworks to dig out or build up a new alignment.
 - This change would have a positive impact on the construction work required for the westbound lanes of the new A66, reducing it to overlaying a new road surface, which would, in turn, reduce earthworks and associated construction vehicle movements and the duration of the build period.
- 3.9.19. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.
- 3.9.20. **Conclusions and Materiality** – There appears to be very little public interest in this change based on the feedback received at consultation (there were 3 feedback responses received, one of which was in favour (see Consultation Report – section 3.2)). To address issues raised at feedback on design standards and safety National Highways confirms that the design will be carried out in accordance with the relevant design standards and a Road Safety Audit will be carried out by an independent team to ensure that any safety issues are considered, and recommendations made accordingly to mitigate those issues.
- 3.9.21. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The change would not require an extension to the DCO Order limits and no new land interests would be affected; notably, feedback from those land interests affected by the proposed change is supportive, given that the change reduces the land required. Given these findings the Applicant considers that this change is likely to be non-material.
- 3.9.22. The benefits of this likely non-material change are principally associated with providing the greatest level of flexibility to enable the levels of the existing A66 to be followed, allowing for variance in survey data and any other detailed design development. As a consequence, the land requirements and associated extent of and duration of construction impacts in this location would be reduced. These benefits alongside the support from the land interests affected, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, provide a strong justification for this change.

3.10. **DC-10 – Removal of Priest Lane underpass**

This change is not being progressed (see section 2.4)

3.11. DC-11 – Earlier tie-in of Cross Street to the existing road

3.11.1. **Background to the change:** The re-aligned Cross Street shown in the DCO application documents is for a 60mph rural road to current DMRB design standards for the horizontal and vertical geometry. Based on a realistic worst case design principle the road alignment was extended northwards to ensure a suitable transition of comparable geometrical standards could be achieved. This removed the existing below standard bends of Cross Street, particularly to the north of the A66 mainline.

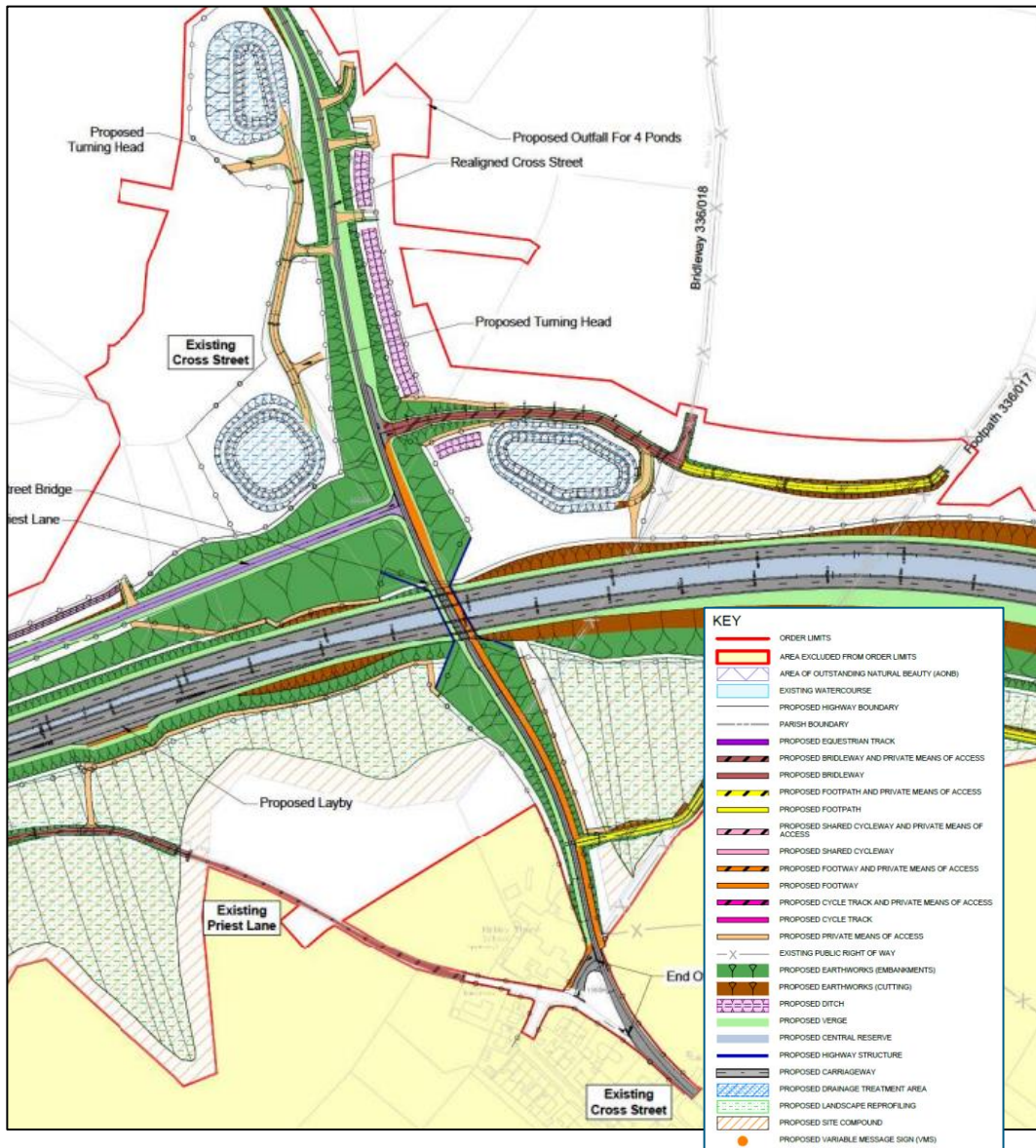


Figure DC-11(a) Extract from General Arrangement Drawing (Before)

3.11.2. **Description of the change:** To the north-west of Kirkby Thore, the change seeks to provide greater flexibility in the LoDs to allow for changes to the alignment of Cross Street so that it is more in keeping with the local rural road network. This change will also allow the realigned length of Cross Street to tie in with its existing alignment at a point up to 195m closer to the new A66 and will reduce the height of the structure

above existing ground, while keeping the same road width of 3.5m (with passing places) as proposed in the current DCO design.

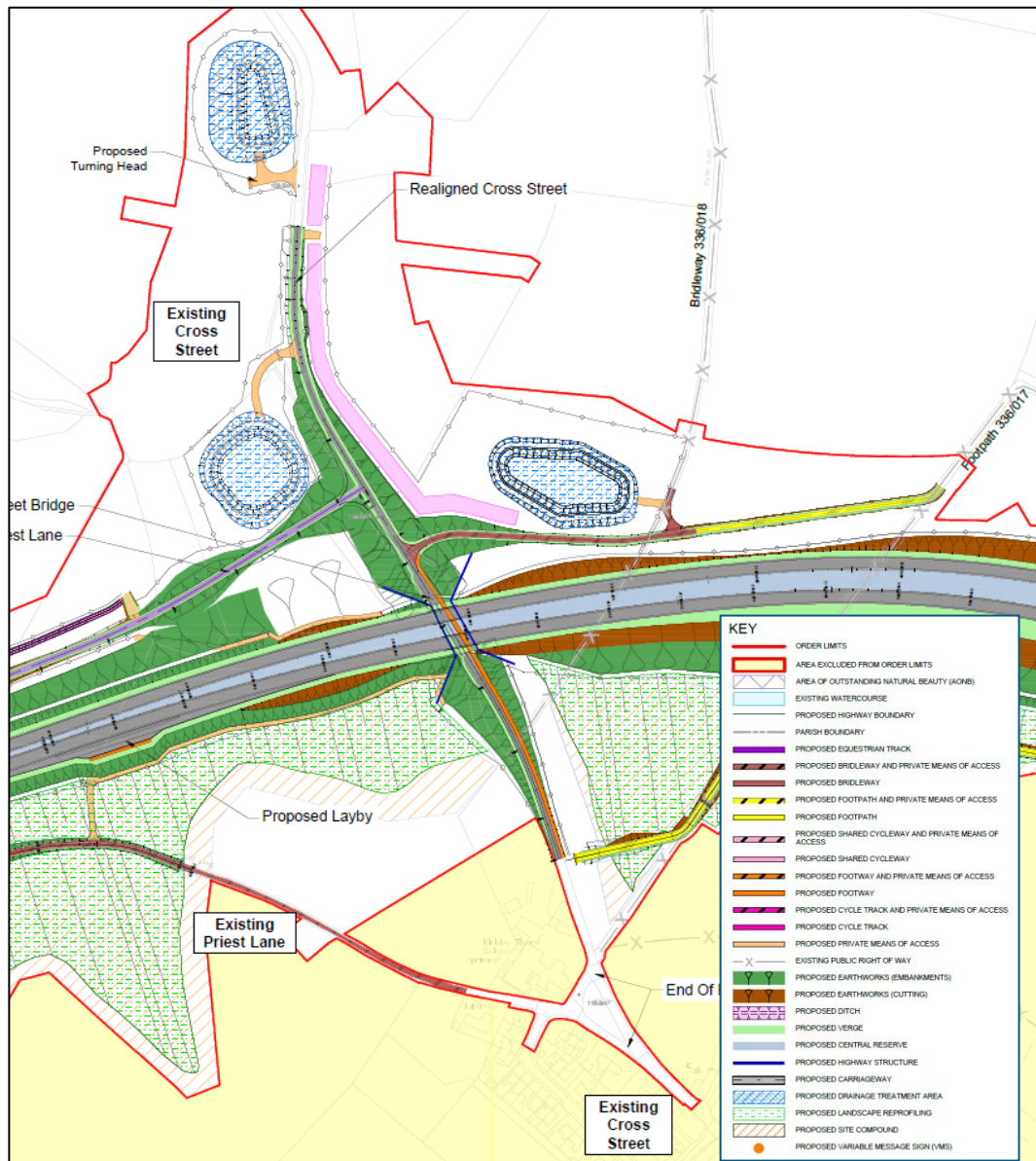


Figure DC-11(b) Extract from General Arrangement Drawing (After)

3.11.3. Alignment/ Design Speed/ Speed Limit: To achieve this change, parts of the diverted Priest Lane and diverted bridleway 336/018 are also realigned to tie-in to the realigned Cross Street. The design speed of Cross Street is reduced to allow for the road geometry to be changed while maintaining compliance with local highway design standards. To ensure the change is safe for all road users, a reduction in the speed limit to 30mph is required for the full length of the re-aligned Cross Street (from the existing 60mph speed limit, which is currently proposed in the DCO application). This will in effect extend the current 30mph zone outwards from the village.

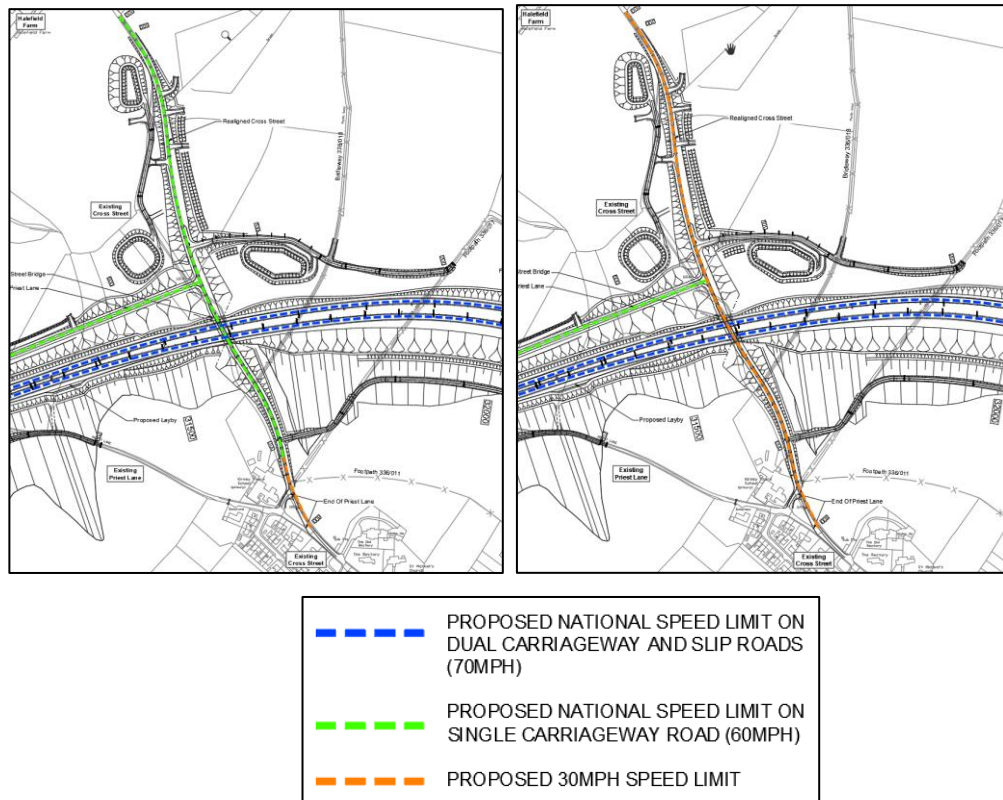


Figure DC-11(c) Before (left) & After (right) Extracts from Traffic Regulation Measures (Speed Limits) Plans

- 3.11.4. Any change in speed limit is subject to further technical work including a formal independent Road Safety Audit. In addition, the Applicant intends to engage with the emergency service providers, police enforcement teams and Local Authorities to ensure speed limits are locally appropriate.
- 3.11.5. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.11.6. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result, there will be no impact on traffic modelling outputs for the scheme.
- 3.11.7. **Drainage:** The proposed drainage networks, catchments and pond sizes described in ES Appendix 14.2: Flood Risk Assessment and Outline Drainage Strategy (APP-221) are reduced by the change, due to the reduction in the area of new road; updates to these will be subject to the provisions set out in provision D-RDWE-02 of the EMP (REP3-004). The proposed drainage outfall locations, drainage strategy principles, water quality mitigation and conclusion of the Flood Risk Assessment are unaffected.
- 3.11.8. **Geotechnics/ Earthworks/ Pavement:** The change reduces the required earthworks and paved areas due to the shorter length of the realigned road.

- 3.11.9. **Structures:** The structure is potentially lower than that currently proposed in the DCO application due to the reduced design speed and revised vertical geometry. This reduces the visual impact while maintaining compliance with the DMRB for headroom clearances to the dual carriageway below.
- 3.11.10. **Utilities:** There are no additional utilities impacted by this change.
- 3.11.11. **Land take/ Land use:** No additional land is required for this change. Implementation of the LoDs to the full extent may potentially lead to a reduction in land take; this will be determined during the detailed design stage.
- 3.11.12. **LODs:** There are a number of changes to the Limits of Deviation as a result of this proposed change. To facilitate this change the Applicant is seeking to introduce greater flexibility in the LoDs for the following work numbers: Work No. 0405-6, Work No. 0405-7 & Work No. 0405-8. Changes are outlined in the following paragraphs.
- 3.11.13. As outlined in Table DC-11(a), Work No. 0405-6 is to be split in to three parts to facilitate changes to Priest Lane to enable it tie-in to Cross Street. This will create Work No. 0405-6A, Work No. 0405-6B (at Ch0+250m) and 0405-6C (at Ch0+480m). The split Work No. 0405-6 is shown in Figure DC-11(e).
- 3.11.14. The flexibility of the LoDs applying to Work No. 0405-7 will be increased so as to facilitate the earlier tie-in of the realigned Cross Street to the existing Cross Street.
- 3.11.15. The flexibility of the LoDs applying to Work No. 0405-8 is also affected. An increase in horizontal LoDs will provide the flexibility to relocate the new PROW to the inside of the ponds to better suit landowner requests and offer greater flexibility during detailed design to realign the tracks to improve the geometry to better suit the existing topography (both horizontal and vertical).
- 3.11.16. The proposed change seeks more flexible LoDs for several of the numbered works in this location (i.e. more flexible than the 'standard' LoDs applying broadly across the Project), but for the numbered works listed in Table DC-11(a) this flexibility is necessary, to enable the design to flex to the extent necessary to accommodate significant variances in the existing ground profile.

Table DC-11(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
0405-6A	Standard	Standard	Standard	New Work No. introduced to enable change to Priest Lane to tie-in to the realigned Cross Street. Previously this work number was part of 0406-6.

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
0405-6B	2 metres	To any extent the undertaker considers to be necessary	Standard	<p>Increased flexibility in the vertical LoDs to allow the design of Priest Lane to rise and fall to tie-in to the realigned Cross Street.</p> <p>Previously this work number was part of 0406-6.</p>
0405-6C	2 metres	To any extent the undertaker considers to be necessary to tie in with Work No. 0405-7	<p>Northwards - to the extent of the corresponding fine dashed green line shown on the works plans.</p> <p>Southwards - standard</p>	<p>Increased flexibility in the vertical LoDs to enable the design of Priest Lane to rise and fall to tie-in to the realigned Cross Street.</p> <p>Increased horizontal flexibility to enable Priest Lane to tie-in to the realigned Cross Street.</p> <p>Previously this work number was part of 0406-6.</p>
0405-7	Standard	To any extent the undertaker considers to be necessary	<p>Eastwards - standard</p> <p>Westwards - to the extent of the corresponding fine dashed green line shown on the works plans.</p>	<p>Increased flexibility in the vertical LoDs to enable the design of Cross Street to tie-in sooner to the existing road</p> <p>Increased horizontal flexibility to enable the design of Cross Street to tie-in sooner to the existing road</p>
0405-8	To any extent the undertaker considers to be necessary to tie in with Work No. 0405-7	To any extent the undertaker considers to be necessary to tie-in with Work No. 0405-7	<p>Northwards - standard</p> <p>Southwards - to the extent of the corresponding fine dashed green line shown on the works plans.</p>	<p>Increased flexibility in the vertical LoDs to enable the design of the access track/PRoW to rise and fall to tie-in to the realigned Cross Street.</p> <p>Increased horizontal flexibility to enable the access track/PRoW to tie-in to the realigned Cross Street.</p>

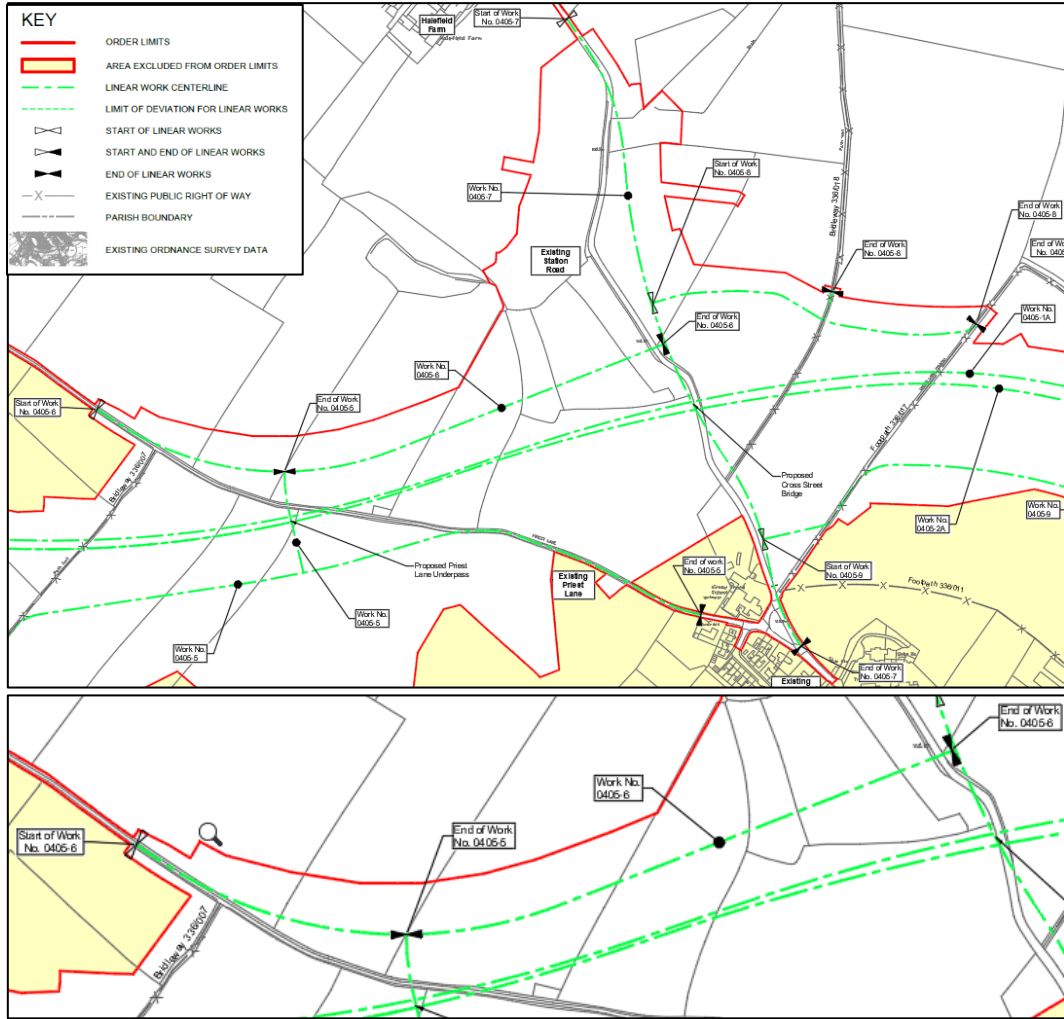


Figure DC-11(d) Extract from Works Plans (Before)

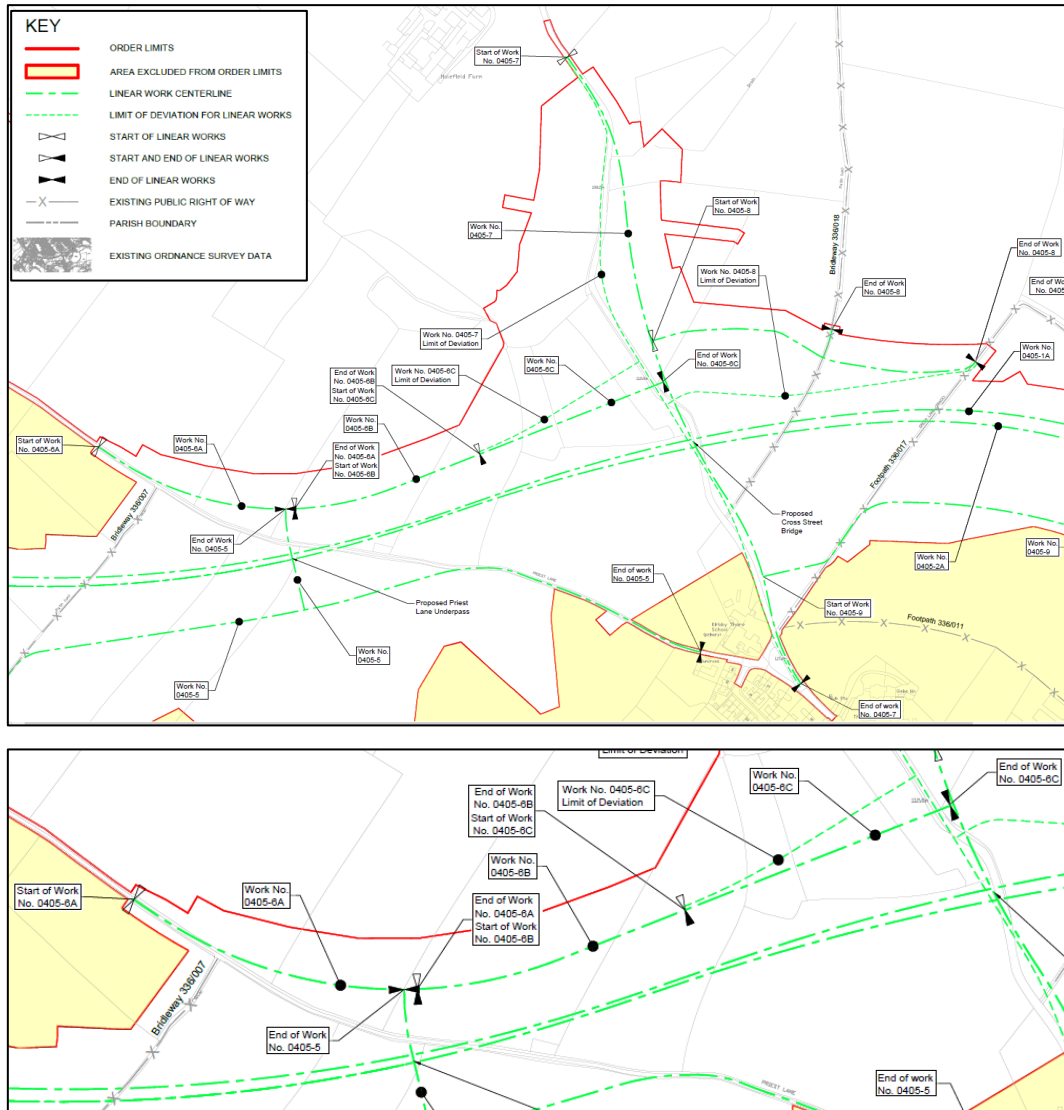


Figure DC-11(e) Extract from Works Plan (After)

3.11.17. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- By keeping the new realigned Cross Street closer to the existing Cross Street for a longer length, the size of the structure and earthworks can be reduced, therefore reducing construction time and impact.
- The use of tighter horizontal geometry will also make the road more in keeping with the local roads in the area.
- The new alignment of Cross Street would reduce the area of land required to the south of the A66 local to the school and the land identified for a new housing development.

- This proposed change will reduce the area of land required for permanent works due to the earlier tie-in to the north of the A66 mainline.
- Less road construction will lead to smaller drainage catchments and the potential for smaller attenuation ponds and drainage networks.
- The speed limit on the local road is proposed to be reduced to 30mph, making the route safer.

3.11.18. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.

3.11.19. **Conclusions and Materiality** - There appears to be some public interest (although not significant) in this change based on the feedback received at consultation (there were 5 feedback responses received, one of which was in favour and one of which was not in favour, although the overall sentiment of the responses were supportive (see Consultation Report – section 3.2). Issues raised at consultation, such as those associated with safety and matters of detail on the design will be considered through further technical work as part of the detailed design development including a formal independent Road Safety Audit. In addition, National Highways intends to engage with the emergency service providers, police enforcement teams and Local Authorities.

3.11.20. There are no new or different likely significant effects associated with this change, reported in the ES Addendum (Volume 2). The change would not require an extension to the DCO Order limits and no new land interest would be affected. The applicant considers that this change is likely to be non-material.

3.11.21. National Highways considers that as this proposed change will provide the same overall solution as the proposals originally proposed in the DCO application but, subject to detailed design and the necessary agreements in regard to design standards, provide the opportunity to reduce the amount of construction work and the footprint of the scheme. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, and the support expressed at consultation, provide a strong justification for this change.

3.12. DC-12 – Green Lane bridge realignment

3.12.1. *This change is not being progressed (see section 2.4)*

3.13. DC-13 – Realignment of Main Street

3.13.1. **Background to the change:** The diverted Main Street shown in the DCO application documents is for a 60mph rural road to current DMRB design standards for the horizontal and vertical geometry. Based on a realistic worse case design principle this results in a wide verge on an

embankment to provide the required visibility for the tight bend at the eastern tie-in to the existing Main Street north of the dual carriageway. As a result of the widened verge, an existing agricultural building known locally as Green Barn, would need to be acquired and demolished.



Figure DC-13(a) Extract from General Arrangement Drawing (Before)

- 3.13.2. **Description of the change:** To the north-east of Kirkby Thore, the change seeks to provide greater flexibility in the LoDs to allow for changes to the alignment of the diverted Main Street to reduce the impact on local business and make it more in keeping with the local rural road network.
- 3.13.3. The Proposed Change would also remove an access track to fields to the north-east of Main Street with access not being provided directly from the diverted Main Street, as the levels of the road are closer to existing ground levels than in the DCO design.

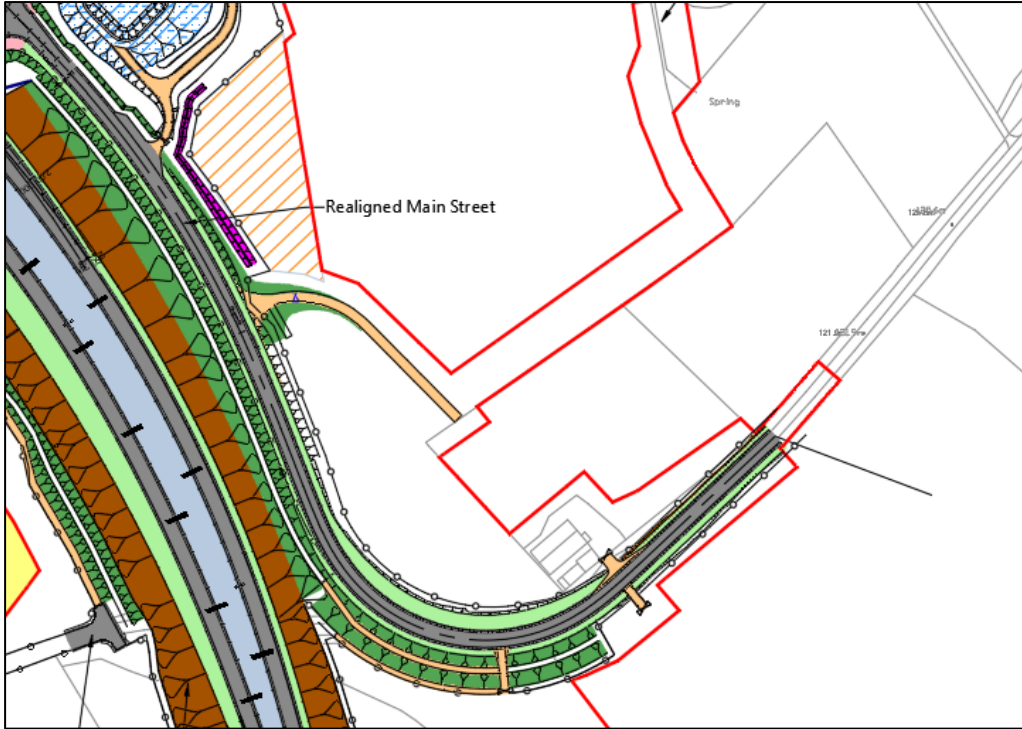


Figure DC-13(b) Extract from General Arrangement Drawing (After)

3.13.4. **Alignment/ Design Speed/ Speed Limit:** To achieve this change, the design speed of the diverted Main Street is reduced to allow for the road geometry to be changed while maintaining compliance with local highway design standards. To ensure the change is safe for all road users, a reduction in the speed limit to 30mph is required for the full length of the diverted Main Street, north of the dual carriageway and also Fell Lane between the tie-in to the existing adopted highway south of the industrial estate and the proposed junction with the eastbound dual carriageway off slip (from the existing 60mph speed limit, which is currently proposed in the DCO application).

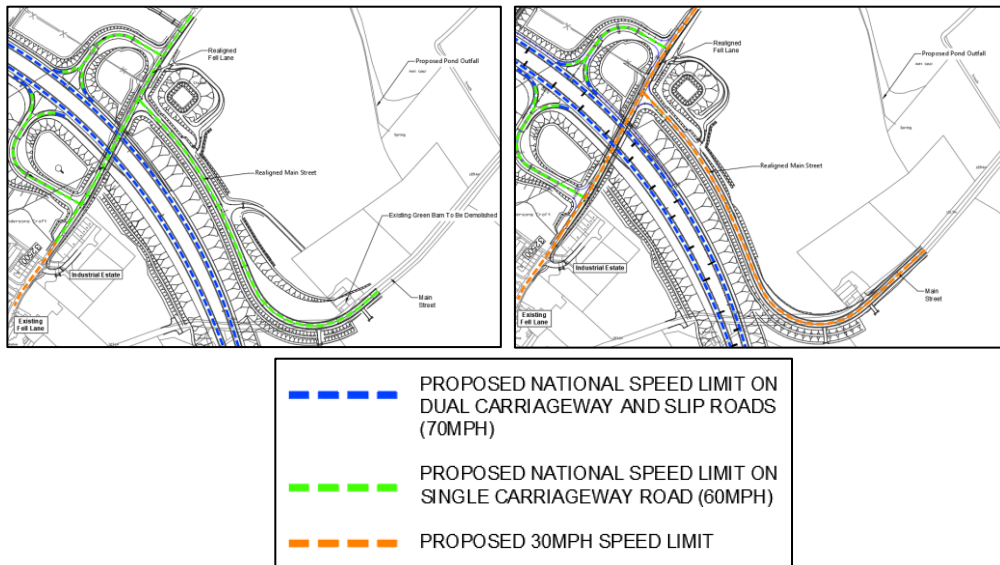


Figure DC-13(c) Before (left) & After (right) Extracts from Traffic Regulation Measures (Speed Limits) Plans

- 3.13.5. Any change in speed limit is subject to further technical work including a formal independent Road Safety Audit. In addition, National Highways intends to engage with the emergency service providers, police enforcement teams and Local Authorities.
- 3.13.6. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change
- 3.13.7. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result, there will be no impact on traffic modelling outputs for the scheme.
- 3.13.8. **Drainage:** The proposed drainage networks, catchments and pond sizes described in ES Appendix 14.2: Flood Risk Assessment and Outline Drainage Strategy (APP-221) are affected by the change and will be subject to the provisions set out in provision D-RDWE-02 of the EMP (REP3-004). The proposed drainage outfall locations, drainage strategy principles, water quality mitigation and conclusion of the Flood Risk Assessment are unaffected.
- 3.13.9. **Geotechnics/ Earthworks/ Pavement:** The change reduces the required earthworks due to the reduced embankment height and narrower verge adjacent to Green Barn. The paved areas are unaffected.
- 3.13.10. **Structures:** Highway structures are unaffected by this change.
- 3.13.11. **Utilities:** There are no additional utilities impacted by this change.
- 3.13.12. **Land take/ Land use:** No additional land is required for this change. Implementation of the LoDs to the full extent may potentially lead to a reduction in land take; this will be determined during the detailed design stage.
- 3.13.13. **LODs:** A number of changes to the Limits of Deviation as a result of this proposed change. To facilitate this change the applicant is seeking to introduce greater flexibility in the LoDs for work number: Work No.0405-12. Changes are outlined in the following paragraphs.
- 3.13.14. As outlined in Table DC-13(a), Work No. 0405-12 is to be split in to two parts to facilitate changes to Main Street. This will create Work No. 0405-12A and Work No. 0405-12B (at Ch0+210m). The split Work No. 0405-12 is shown in Figure DC-13(e).
- 3.13.15. The proposed change seeks more flexible LoDs for several of the numbered works in this location (i.e. more flexibility than the 'standard' LoDs applying broadly across the Project), but for the numbered works listed in Table DC-13(a) this flexibility is necessary, to enable the design to flex to the extent necessary to accommodate significant variances in the existing ground profile.

Table DC-13(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
0405-12A	Standard	To any extent the undertaker considers to be necessary to better follow existing ground levels	Standard	New Work No. introduced to enable change to Main Street. Previously this work number was part of 0406-6.
0405-12B	Standard	To any extent the undertaker considers to be necessary to better follow existing ground levels	Northwards - standard Southwards - to the extent of the corresponding fine dashed green line shown on the works plans.	Increased flexibility in the vertical LoDs to allow the design of Main Street to tie-in. Previously this work number was part of 0406-6.

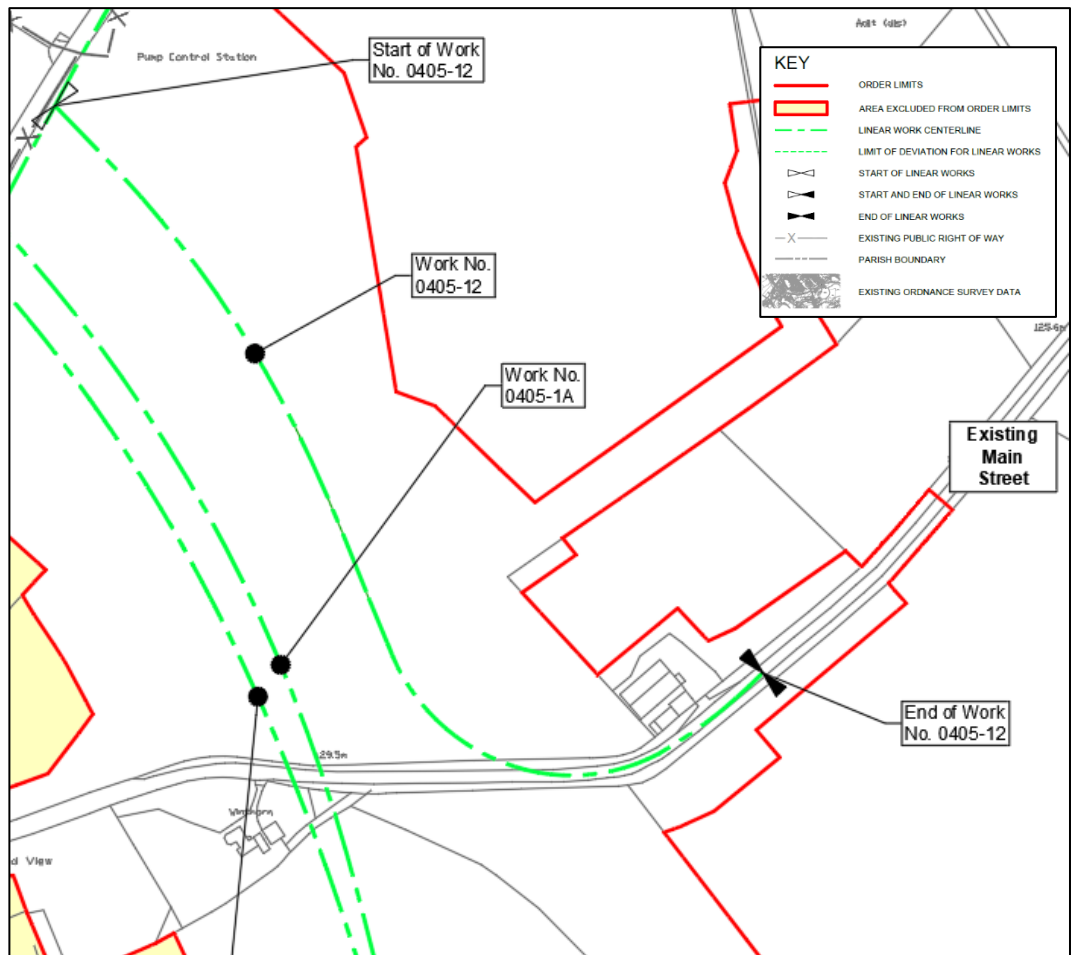


Figure DC-13(d) Extract from Works Plan (Before)

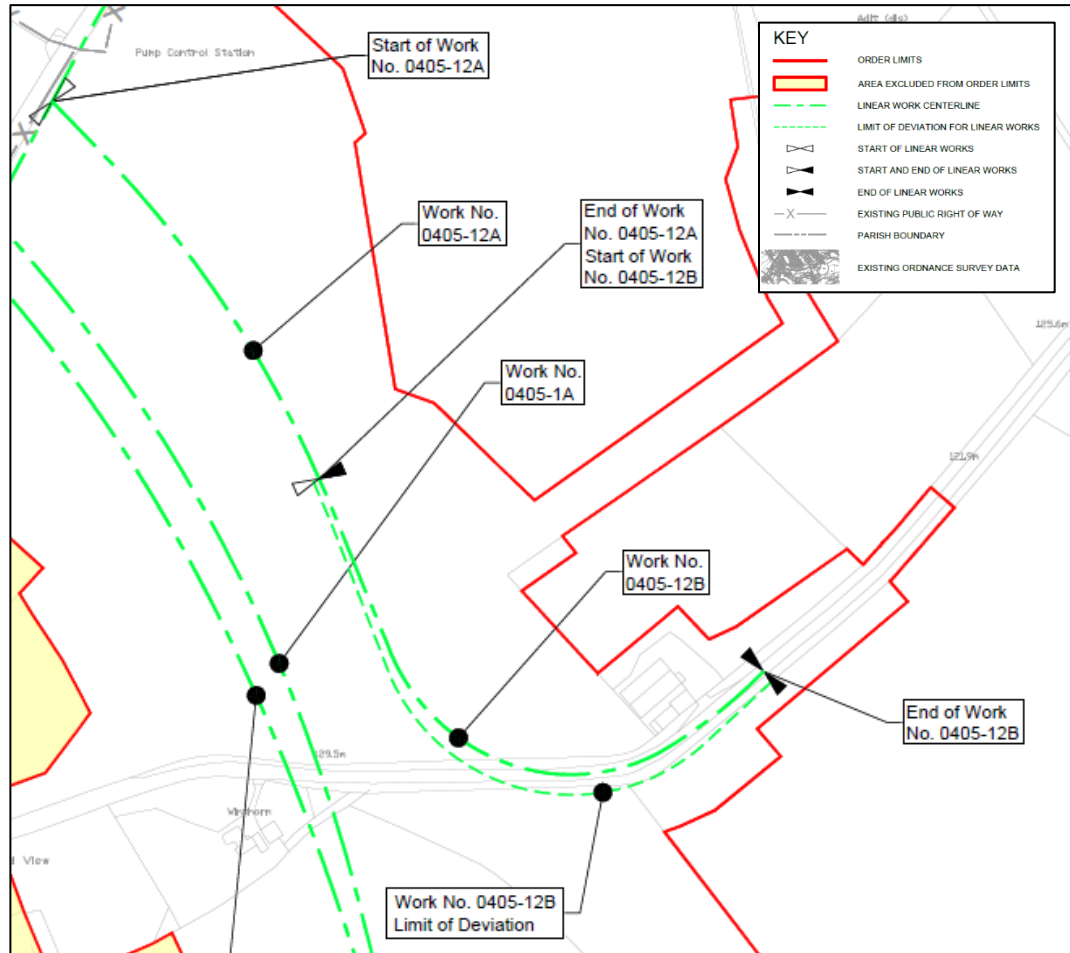


Figure DC-13(e) Extract from Works Plan (After)

3.13.16. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- This reduction in speed enables the verge widths to be reduced as drivers will be travelling at a slower speed meaning that the visibility at the curve of the road can be reduced.
- The speed limit on the local road is proposed to be reduced to 30mph, making the route safer.
- It would allow for the retention of a landowner's barn and the existing private access track off Main Street and would reduce the impact on neighbouring landowners where a replacement access road is currently proposed.
- It would enable a reduction in the required earthworks and less land required for the realigned road.

3.13.17. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project

Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.

- 3.13.18. **Conclusions and Materiality** - There appears to be some public interest in this change based on the feedback received at consultation (there were 5 feedback responses received, three of which were in favour (see Consultation Report – section 3.2). National Highways considers that many of the issues raised through consultation can be addressed through further technical work and through engagement with the emergency service providers, police enforcement teams and Local Authorities.
- 3.13.19. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The change would not require an extension to the DCO Order limits and effects on land interests would be principally beneficial. The Applicant considers that this change is likely to be non-material.
- 3.13.20. The benefits of this likely non-material change are that they provide the same overall solution but, subject to detailed design and the necessary agreements in regard to design standards, provide the opportunity to reduce the amount of construction work and the footprint of the scheme. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, and the overall support expressed through consultation, provide a strong justification for this change.

3.14. **DC-14 – Realignment of Sleastonhow Lane**

- 3.14.1. **Background to the change:** The re-aligned Sleastonhow Lane shown in the DCO application documents is for a 60mph rural road to current DMRB design standards for the horizontal and vertical geometry. To avoid tying into the existing below standard existing bends the alignment was extended to ensure a suitable transition of comparable geometrical standards could be achieved based on a realistic worst case design principle.

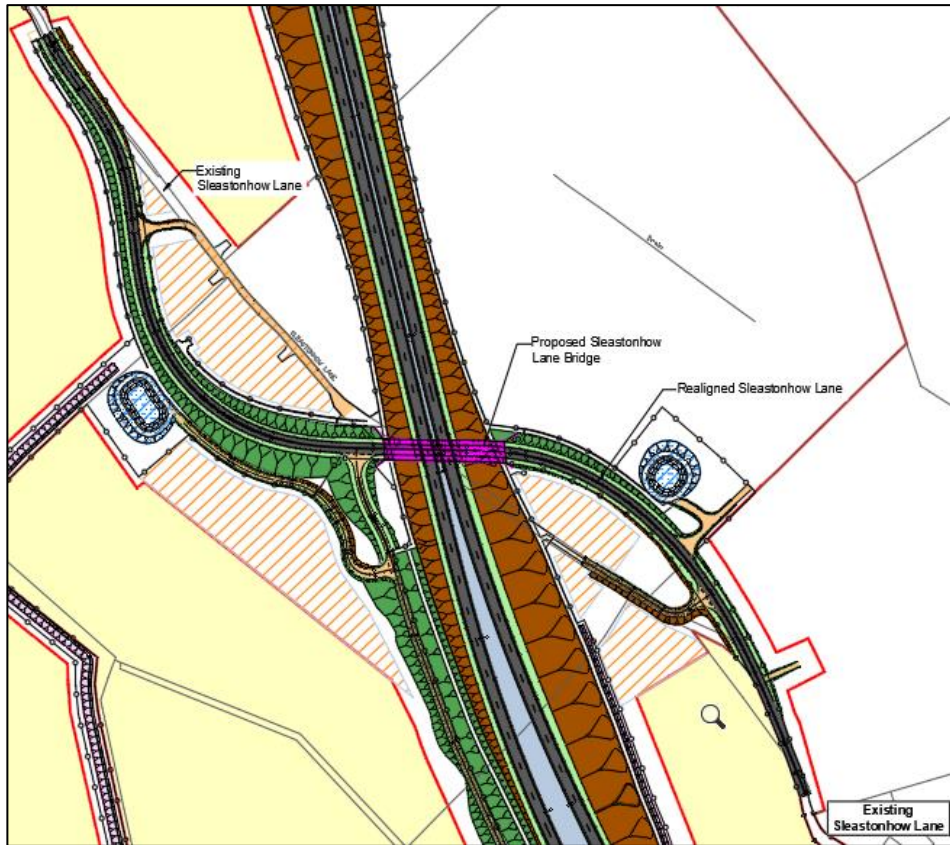


Figure DC-14(a) Extract from General Arrangement Drawing (Before)

- 3.14.2. **Description of the change:** The proposed change seeks to provide greater flexibility in the LoDs to allow for changes to the alignment of Sleastonhow Lane so that it is more in keeping with the local rural road network. Where the lane crosses the proposed A66 mainline a crossing at a near right angle would create two sharper bends either side of the proposed dual carriageway reducing the length of carriageway required while avoiding the veteran trees. Intervisible passing bays would be included either side of the structure to allow vehicles to wait.

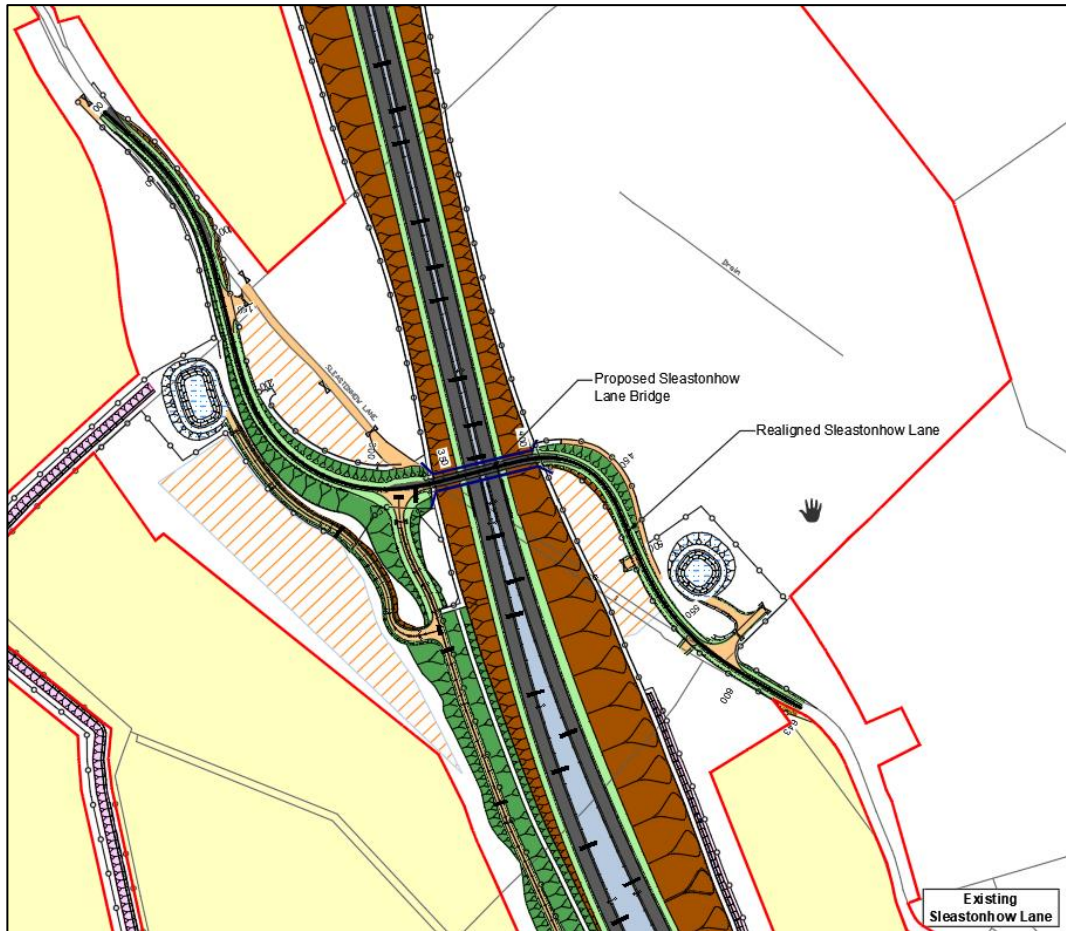


Figure DC-14(b) Extract from General Arrangement Drawing (After)

- 3.14.3. **Alignment/ Design Speed/ Speed Limit:** To achieve this change the design speed of the re-aligned Sleastonhow Lane is reduced to 30mph to allow for the road geometry to be changed while maintaining compliance with local highway design standards. Carriageway width to be 3.5m with passing places. To ensure the change is safe for all road users, a reduction in the speed limit to 30mph is required for the full length of the existing and diverted Sleastonhow Lane (from the existing 60mph speed limit, which is currently proposed in the DCO application).

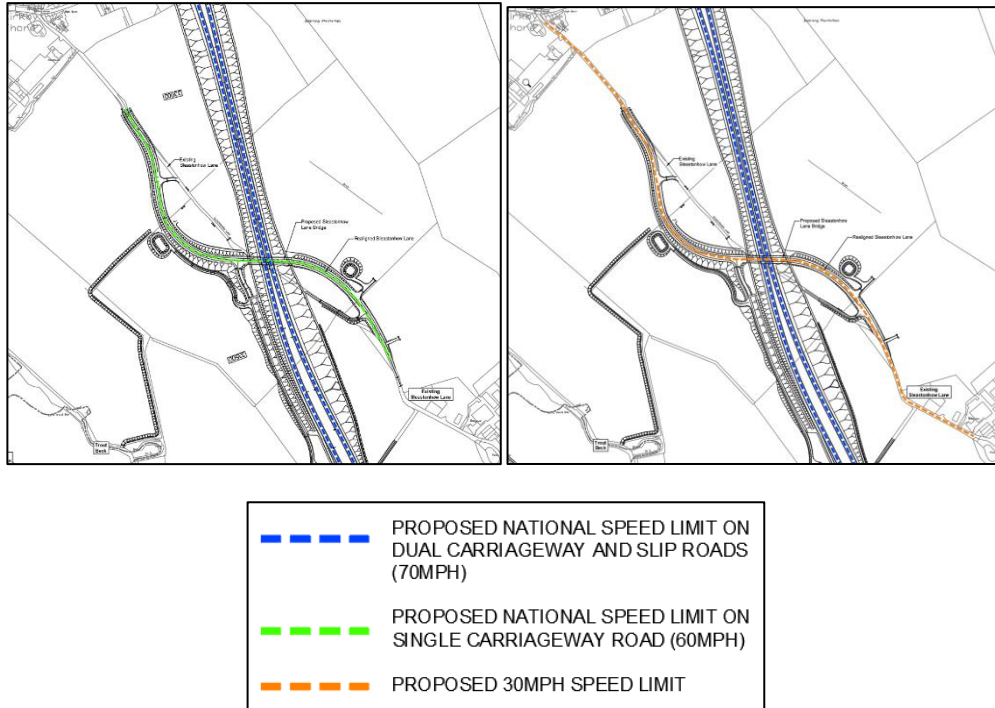


Figure DC-14(c) Before (left) & After (right) Extract from Traffic Regulation Measures (Speed Limits) Plans

- 3.14.4. Any change in speed limit, including how this affects the remaining length of Sleastonhow Lane, is subject to further technical work, including a formal independent Road Safety Audit. In addition, National Highways intends to engage with the emergency service providers, police enforcement teams and Local Authorities
- 3.14.5. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.14.6. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result, there will be no impact on traffic modelling outputs for the scheme.
- 3.14.7. **Drainage:** The proposed drainage networks, catchments and pond sizes described in ES Appendix 14.2: Flood Risk Assessment and Outline Drainage Strategy (APP-221) are slightly affected by the change, updates to these will be addressed at the detailed design stage and subject to the provisions set out in provision D-RDWE-02 of the EMP (REP3-004). The proposed drainage outfall locations, drainage strategy principles, water quality mitigation and conclusion of the Flood Risk Assessment are unaffected.
- 3.14.8. **Geotechnics/ Earthworks/ Pavement:** The change reduces the earthworks overall due to the reduced width and length of the embankment in the vicinity of the structure. The paved areas are also reduced.

- 3.14.9. **Structures:** The Highway structure span is reduced as a result of it being squared up to the A66 mainline.
- 3.14.10. **Utilities:** There are no additional utilities impacted by this change.
- 3.14.11. **Land take/ Land use:** No additional land is required for this change. Implementation of the LoDs to the full extent may potentially lead to a reduction in land take; this will be determined during the detailed design stage.
- 3.14.12. **LODs:** A number of changes to the Limits of Deviation as a result of this proposed change. To facilitate this change the applicant is seeking to introduce greater flexibility in the LoDs for work number: Work No.0405-13.
- 3.14.13. The horizontal flexibility has been increased to the extents shown on the works plans in part to ensure that the Sleastonhow Oak continues to be avoided as a result of the proposed change.
- 3.14.14. As the horizontal flexibility is of an extent that the existing ground profile varies more than that facilitated by standard LoD the proposed change seeks greater flexibility than would be the norm for a number of the works numbers listed in Table DC-14(a).

Table DC-14(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
0405-13	3m	To any extent the undertaker considers to be necessary to better follow existing ground levels	To the extent of the corresponding fine dashed green line shown on the works plans.	<p>Increased flexibility in horizontal to enable a squarer bridge crossing of the A66 mainline.</p> <p>Increase in the vertical so as to ensure that existing ground profiles can be followed.</p>

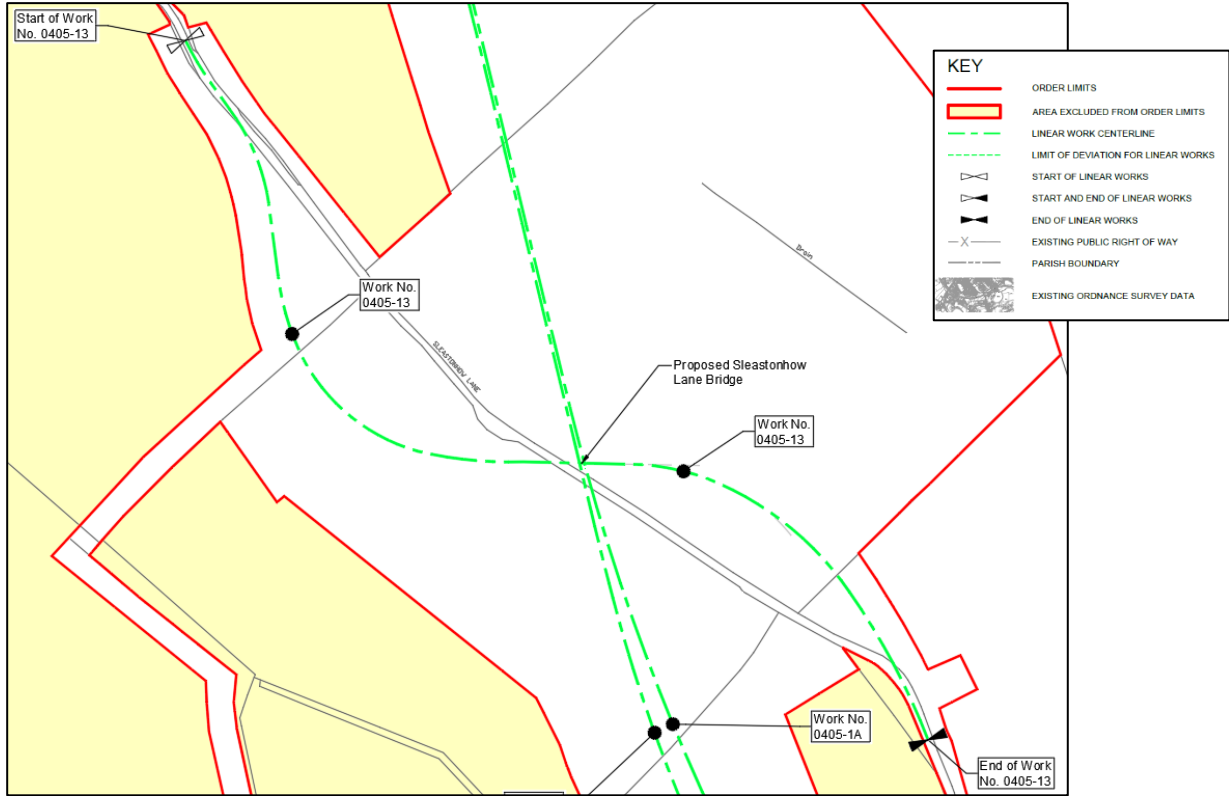


Figure DC-14(d) Extract from Works Plan (Before)

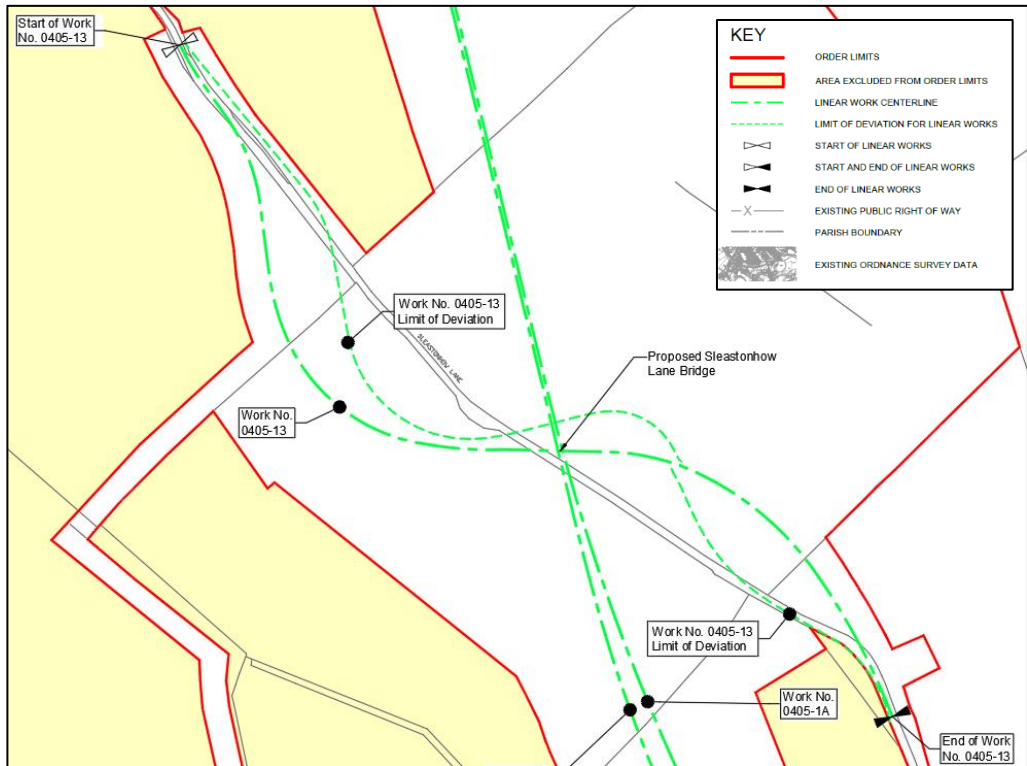


Figure DC-14(e) Extract from Works Plan (After)

- 3.14.15. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:
- Sleastonhow Lane would remain in keeping with other local rural lanes with a width of 3.5m and passing places at a maximum spacing of 200m, including either side of the structure,
 - Squaring up the structure will lead to a simpler design that will be easier to construct,
 - The reduction in the footprint of the road and tightening up of the horizontal geometry provides the opportunity to reduce the footprint of the road, potentially leading to smaller drainage attenuation ponds,
 - As noted in the amends to the LoDs above, the proposed change will be designed around the Sleastonhow Oak in line with Project Design Principle 0405.15 [REP3-040].
 - The speed limit on the local road is proposed to be reduced to 30mph, making the route safer.
 - It would also enable retention of more of the field hedgerows in this location.
- 3.14.16. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.
- 3.14.17. **Conclusions and Materiality:** There appear to be some (although not significant) public interest in this change based on the feedback received at consultation (there were 8 feedback responses received, two of which were not in favour (see Consultation Report – section 3.2)). The issues raised at consultation were principally relating to the design of Sleastonhow Lane and the protection of the veteran oak tree along the Lane. National Highways confirms that many of the issues raised can be addressed through the detailed design process alongside further engagement with emergency service providers, police enforcement teams and Local Authorities. The protection of the veteran oak tree will be addressed through provisions of the EMP (REP3-004), which require an Arboricultural Impact Assessment to be undertaken and requirements to establish root protection areas and Tree Protection Plans.
- 3.14.18. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The change would not require an extension to the DCO Order limits and no additional effects on new land interests. The Applicant considers that this change is likely to be non-material.
- 3.14.19. The benefits of this likely non-material change are that it will provide the same overall solution as the DCO application proposals but, subject to detailed design and the necessary agreements on design standards,

provides the opportunity to reduce the amount of construction work and the footprint of the scheme. There is also greater opportunity with the changes for a detailed design to emerge which retains field hedgerows and reflects the character of other local rural roads. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, provide a strong justification for this change.

3.15. DC-15 – Realignment of Crackenthorpe underpass

3.15.1. **Background to the Change:** The current DCO application proposes an underpass at Crackenthorpe for the use of a landowner to access their land and also to accommodate a diverted footpath and bridleway. The underpass was aligned with a natural valley to cross below the proposed dual carriageway at an angle that created a v-shaped route.

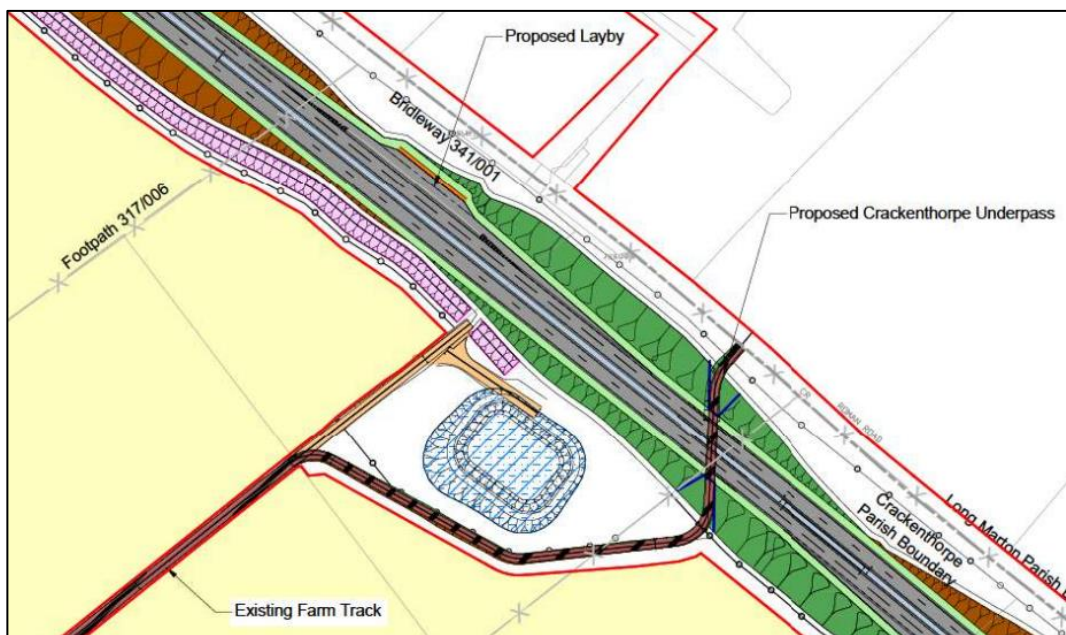


Figure DC-15(a) Extract from General Arrangement Drawing (Before)

3.15.2. **Description of the Change:** A change is proposed to the LoDs associated with the underpass and the footpath, which would enable them to be aligned at a near right angle to the proposed dual carriageway, shortening the underpass and footpath.

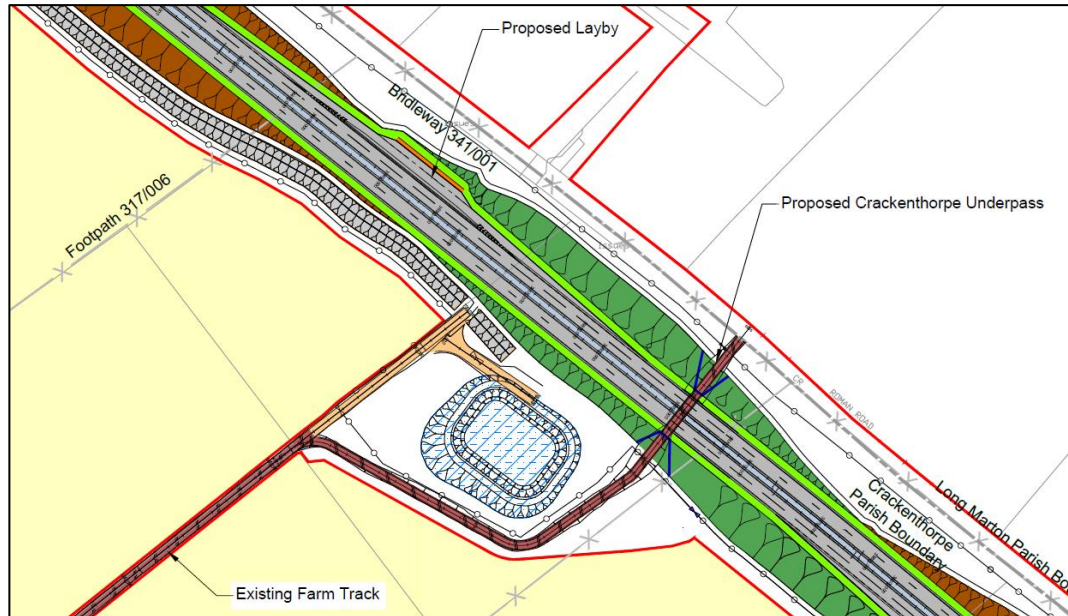


Figure DC-15(b) Extract from General Arrangement Drawing (After)

- 3.15.3. **Alignment/ Design Speed/ Speed Limit:** The alignment is in accordance with DMRB standards for bridleways and private means of access.
- 3.15.4. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.15.5. **Traffic:** The proposed change does not affect the modelled network therefore it has no impact on traffic modelling.
- 3.15.6. **Drainage:** The proposed drainage networks, catchments and pond sizes described in ES Appendix 14.2: Flood Risk Assessment and Outline Drainage Strategy (APP-221) are slightly affected by the change, updates to these will be addressed at the detailed design stage and subject to the provisions set out in provision D-RDWE-02 of the EMP (REP3-004). The proposed drainage outfall locations, drainage strategy principles, water quality mitigation and conclusion of the Flood Risk Assessment are unaffected.
- 3.15.7. **Geotechnics/ Earthworks/ Pavement:** The change will have minimal affect on the earthworks as the underpass will be deeper into existing ground, but this is largely offset by the structure being shorter. The paved areas are also reduced.
- 3.15.8. **Structures:** The length of the highway structure is reduced.
- 3.15.9. **Utilities:** There are no additional utilities impacted by this change.
- 3.15.10. **Land take/ Land use:** No additional land is required for this change. Implementation of the LoDs to the full extent may potentially lead to a reduction in land take; this will be determined during the detailed design stage.

- 3.15.11. **LODs:** There are a number of changes to the Limits of Deviation as a result of this proposed change. To facilitate this change the applicant is seeking to introduce greater flexibility in the LoDs for Work No.0405-20. Changes are outlined in the following paragraphs.
- 3.15.12. As outlined in Table DC-15(a), Work No. 0405-20 is to be split in to three parts to facilitate changes to the Crackenthorpe underpass. This will create Work No. 0405-20A, Work No. 0405-20B (at Ch0+180m) and Work No. 0405-20C (at Ch0+ 40m). The split Work No. 0405-20 is shown in Figure DC-15(d).
- 3.15.13. Work No. 20A is defined as the length of track to the point where Work No. 20B is formed to enable the track to pass beneath the A66 mainline with revised LoDs, whilst Work No. 20C is included north of the underpass to connect to the Roman Road.
- 3.15.14. The detail in respect of the changes is shown in Table DC-15(a) whilst Figure DC-15(d) shows the amended work numbers.

Table DC-15(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
0405-20A	Standard	Standard	Standard	New Work No. introduced to increase the flexibility in the line and level of the underpass Previously this work number was part of 0406-20.
0405-20B	Standard	To any extent the undertaker considers to be necessary to enable the underpass to pass beneath Work No. 0405-1B and Work No. 0405-2B	Eastwards - standard Westwards - to the extent of the corresponding fine dashed green line shown on the works plans.	New Work No. introduced to increase the flexibility in the line and level of the underpass Previously this work number was part of 0406-20
0405-20C	Standard?	To any extent the undertaker considers to be necessary to tie into Work No. 0405-20B	Standard	New Work No. introduced to increase the flexibility in the line and level of the underpass Previously this work number was part of 0406-20

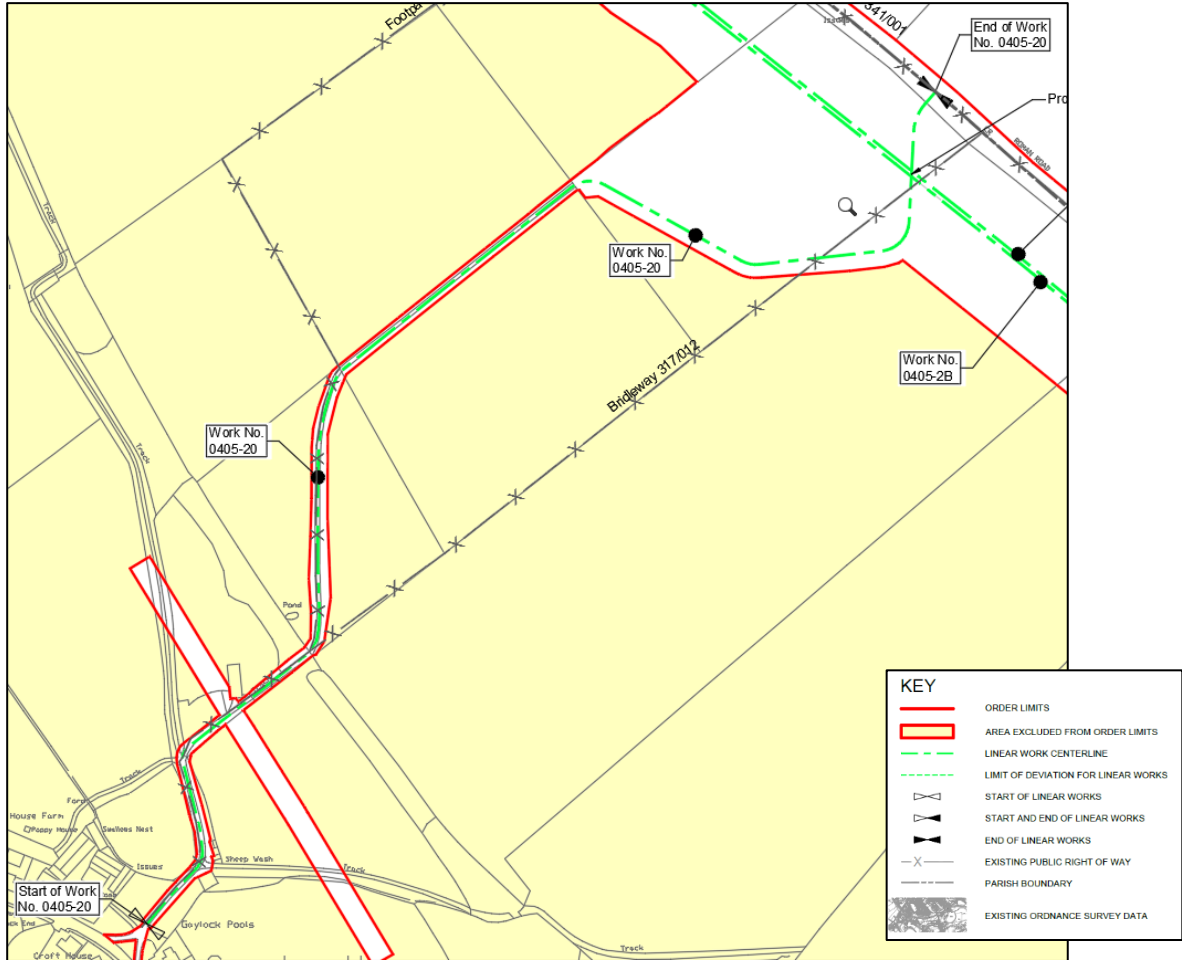


Figure DC-15(c) Extract from Works Plan (Before)

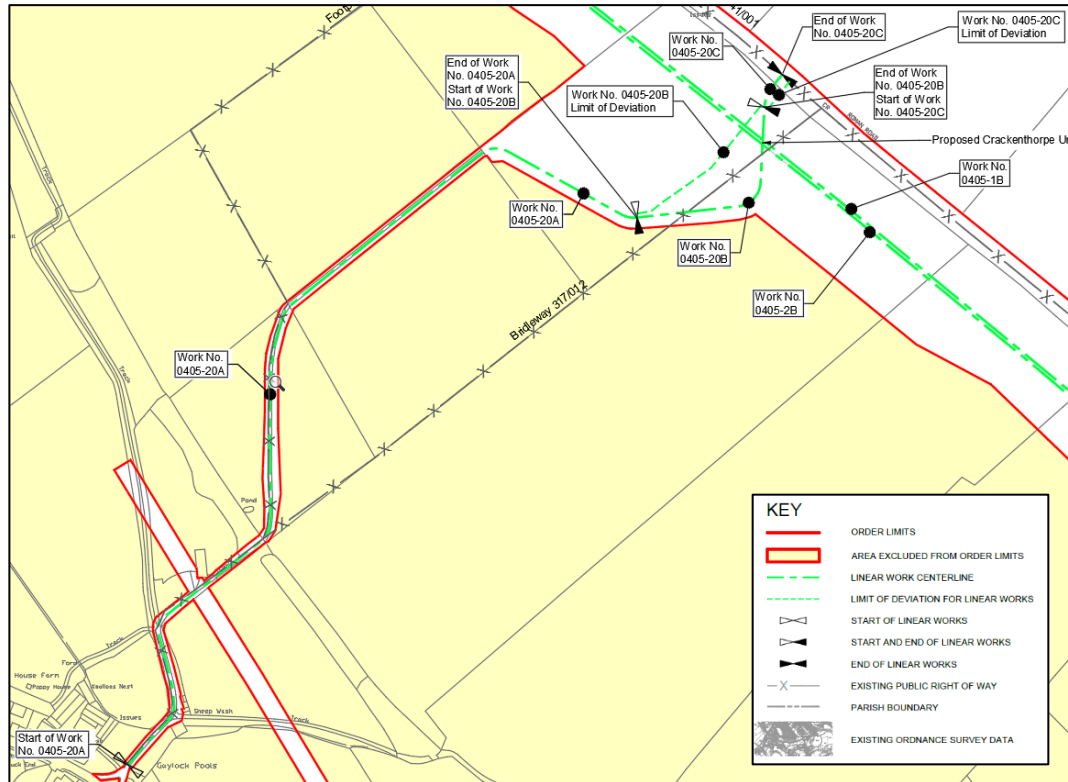


Figure DC-15(d) Extract from Works Plan (After)

3.15.15. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- It would reduce the area of land required,
- It would improve the visibility through the underpass, and
- It would reduce the complexity of construction works through the use of the squared up structure.

3.15.16. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.

3.15.17. **Conclusions and Materiality:** There appears to be little public interest in this change based on the feedback received at consultation (there were 3 feedback responses received, two of which were in favour (see Consultation Report – section 3.2)). National Highways can confirm that all the issues raised at consultation can be addressed during detailed design, which will be subject to a formal independent Road Safety Audit.

3.15.18. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The change would not require an extension to the DCO Order limits and there are no additional effects on land interests. Given the above findings the applicant considers that this change is likely to be non-material.

3.15.19. The benefits of this likely non-material change are the provision of a more direct route and a shorter underpass resulting in a less complex construction process and a reduction in land requirements. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum and the support expressed at consultation, provide a strong justification for this change.

3.16. DC-16 – Removal of Roger Head Farm overbridge

3.16.1. This change is not being progressed (see section 2.4)

3.17. DC-17 – Café Sixty-Six – Revised land plan

3.17.1. **Background to the change:** On the Appleby to Brough section of the route, National Highways sought to accommodate the requirements for access for an existing business (Café Sixty-Six), with a design which maintained an eastbound left-in, left-out access for the Cafe onto the A66 in principle. The DCO plans for the café currently allow for an access road off the A66 with a lower loop access into the café area, which inadvertently impacts on the buildings used by the Cafe.

3.17.2. **Description of the change:** Revisions are sought to the DCO plans regarding the land use and acquisition powers which are proposed to be sought within the DCO Order limits. National Highways intends to increase the area of land proposed to be subject to powers of temporary possession, and to reduce the area of land proposed to be acquired. The purpose of the proposed change is to allow for opportunities to simplify access arrangements and ensure that the Café buildings are outside the DCO Order limits. The revisions to the land required on a permanent and temporary basis have been identified through engagement with the owners of Café Sixty-Six. Further detail is provided in section 6 below.

3.17.3. **Alignment/ Design Speed/ Speed Limit:** There is no impact to the proposed alignment, road classification, design speed or speed limit as result of this change.

3.17.4. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.

3.17.5. **Traffic:** The proposed change does not affect the modelled network therefore it has no impact on traffic modelling.

3.17.6. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221).

3.17.7. **Geotechnics/ Earthworks/ Pavement:** The change will have minimal impact on the earthworks required though simplification of the access arrangement and could result in a reduction in earthwork quantities. The amount of paved area required will remain similar as a result of this change.

- 3.17.8. **Structures:** There is no impact to any proposed or existing structures.
- 3.17.9. **Utilities:** There are no new utilities impacted by this change.
- 3.17.10. **Land take/ Land use:** The amount of permanent land take has been reduced as a result of this change (Refer to Figure DC-17(b)). In addition, some land that was previously proposed to be acquired is now only needed temporarily.
- 3.17.11. **LODs:** This change will not affect the LODs proposed in the original DCO submission.
- 3.17.12. Figures DC-17(a) & DC-17(b) below illustrates the changes to the land proposed as part of this change.

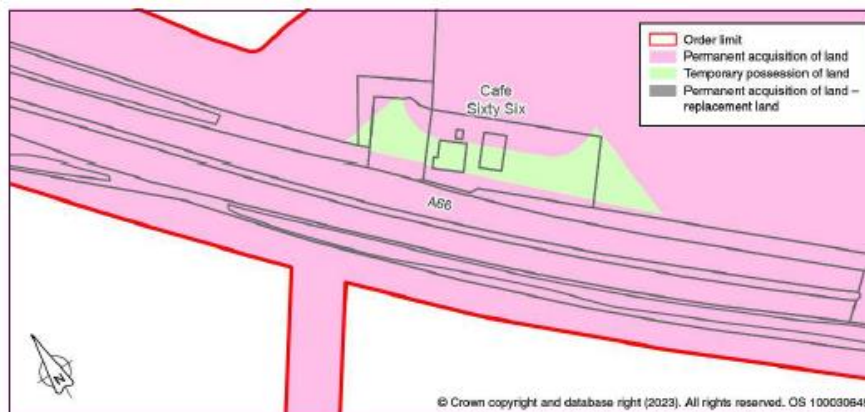


Figure DC-17(a) Extract from Land Plan (Before)



Figure DC-17(b) Extract from Land Plan (After)

- 3.17.13. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- Reductions in the amount of land needing to be acquired from the landowner on a permanent basis;
- Reductions in the amount of land subject to temporary possession;

- Simplification of access arrangements for the business.
- 3.17.14. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.
- 3.17.15. **Conclusions and Materiality:** There appears to be little public interest in this change based on the feedback received at consultation (there were 2 feedback responses received, one of which was in favour and one not in favour, the latter raised detailed design comments (see Consultation Report – section 3.2). The design and land acquisition issues raised were from the owners of Café Sixty Six and National Highways commits to working with the owners of Café Sixty Six to ensure that the business remains open and operational during the construction period. For example, measures such as appropriate diversions and signage will be utilised to direct customers to the Café and parking areas during construction.
- 3.17.16. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The change would require a revision to the DCO Order limits, but the effect of the revision would be to exclude land (not to add in additional land). Similarly, National Highways' intention would be to 'downgrade' part of the area from proposed compulsory acquisition to proposed temporary possession, which could be perceived as beneficial to the relevant Affected Persons, with whom the Applicant is currently discussing the proposed change and future access arrangements for the business and its operational buildings. Given these findings the Applicant considers that this change is likely to be a nonmaterial change.
- 3.17.17. The benefit of this likely non-material change is that it would ensure that the land required to construct the scheme, both temporary possession and permanent acquisition in and around Café Sixty Six could be secured via the DCO, in the event that acquisition by agreement was not achieved within the necessary timescales. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, provide a strong justification for this change.
- 3.18. DC-18 – Revision to access for New Hall Farm and Far Bank End**
- 3.18.1. This change is not being progressed (see section 2.4)
- 3.19. DC-19 – Realignment of cycleway local to Cringle and Moor Beck**
- 3.19.1. **Background to the Change:** The current DCO application proposes to include a length of walking and cycling route that runs broadly parallel to the A66 mainline. As a result, the route runs through the floodplain associated with Moor Beck and Cringle Beck. It passes beneath the

eastbound link to the old A66 via an underpass and includes four minor structures over the becks. Refer to Figure DC-19(a).

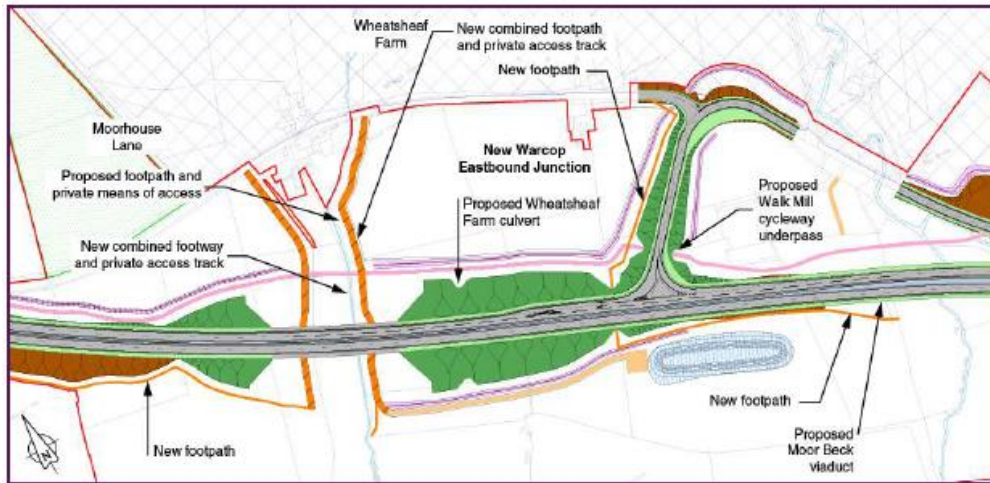


Figure DC-19(a) Extract from General Arrangement Drawing (Before)

- 3.19.2. **Description of the change:** The change involves re-routing a small section of the walking and cycling route to move it away from the new A66 mainline and out of the floodplains of Moor Beck and Cringle Beck. The proposed route will utilise part of the old, de-trunked A66 road instead (Refer to Figure DC-19(b)). The old A66 carriageway will become a shared route providing access to properties as well as the walking and cycling route.

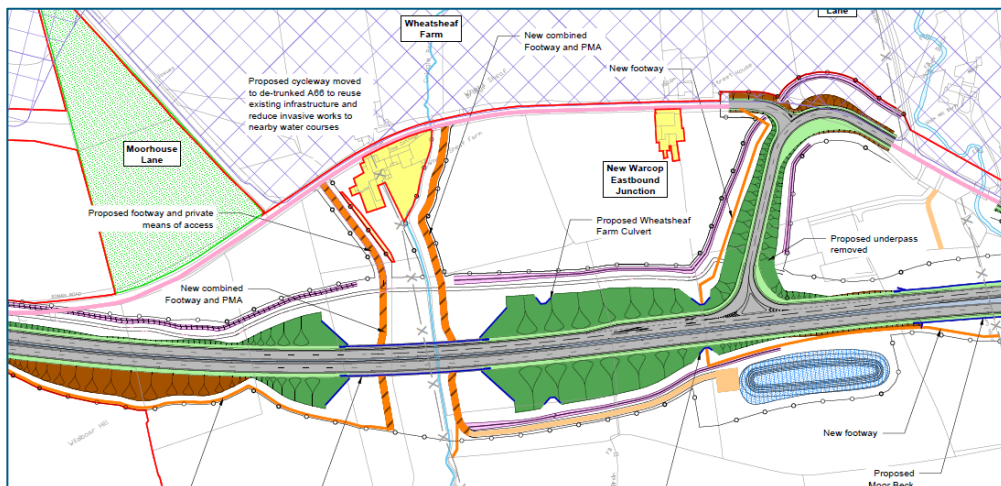


Figure DC-19(b) Extract from General Arrangement Drawing (After)

- 3.19.3. **Alignment/ Design Speed/ Speed Limit:** The horizontal alignment of the proposed Cycleway (A* as shown on the Right of Way & Access Plans) will be amended to follow the route of the old A66. The cycleway will follow the existing vertical alignment of the existing road.

- 3.19.4. This change will also require amendments to the road classification of the de-trunked A66 (Refer to Figure DC-19(c)). This road will be re-classified as an Unclassified Road.

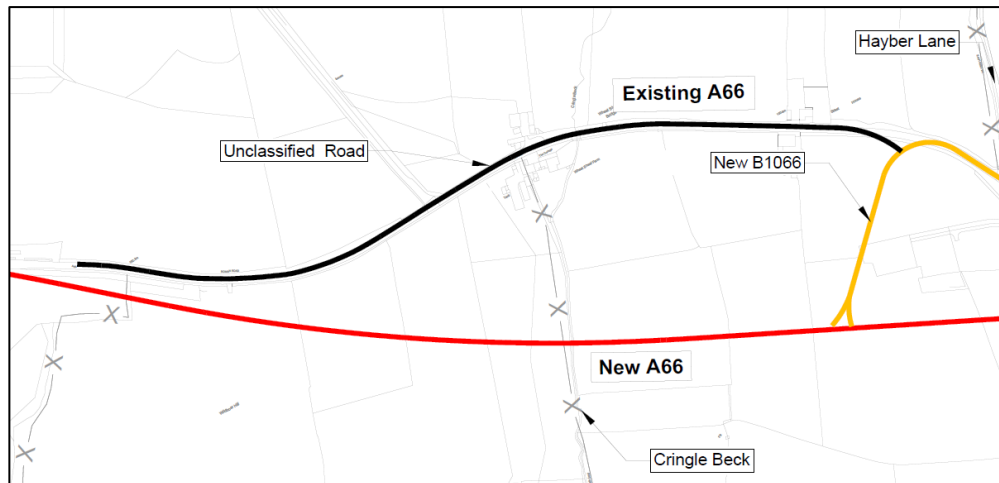


Figure DC-19(c) Extract from Classification of Roads Plans (After)

- 3.19.5. The design speed of the de-trunked A66 is reduced from national to 30mph by the change, making the route safer for all users (Refer to Figure DC-19(d)).

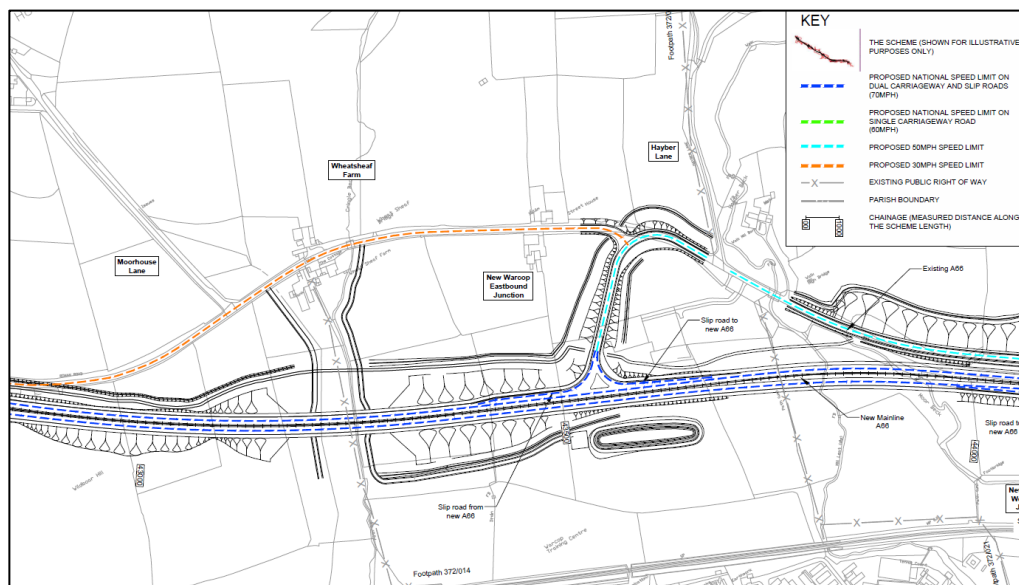


Figure DC-19(d) Extract from Traffic Regulation Measures Speed Limits Plans (After)

- 3.19.6. Any change in speed limit is subject to further technical work including a formal independent Road Safety Audit. In addition, National Highways intends to engage with the emergency service providers, police enforcement teams and Local Authorities.

- 3.19.7. All other classifications and speed limits will remain unchanged.

3.19.8. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.

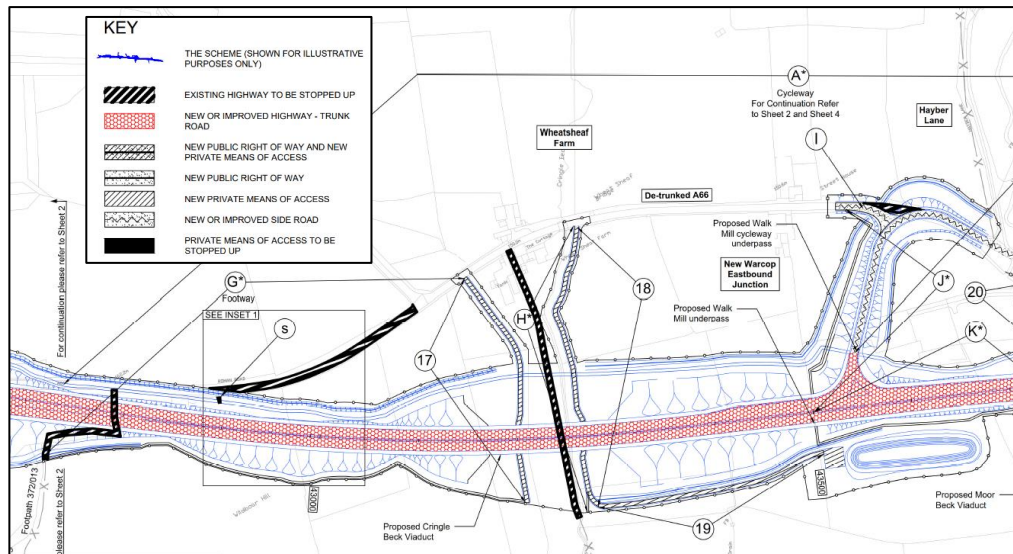


Figure DC-19(e) Extract from Rights of Way and Access Plans (Before)

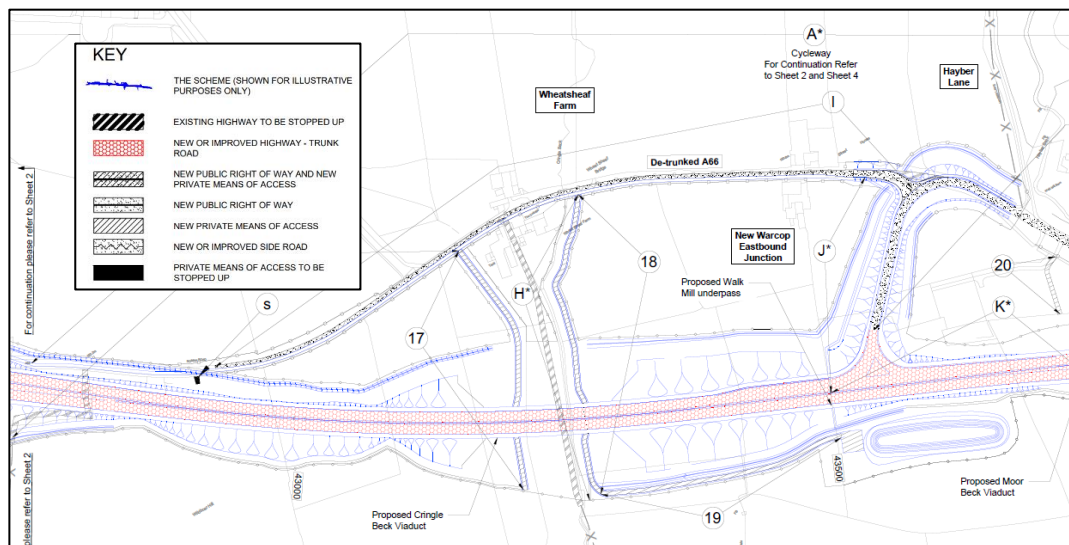


Figure DC-19(f) Extract from Rights of Way and Access Plans (After)

3.19.9. **Traffic:** The proposed change does not affect the modelled network therefore it has no impact on traffic modelling.

3.19.10. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221). As mentioned above, moving the walking and cycling route out of the floodplain will remove any potential constriction that the four structures may have caused in the floodplain.

- 3.19.11. **Geotechnics/ Earthworks/ Pavement:** The change will have minimal impact on the earthworks. The amount of paved area required will remain similar as a result of this change.
- 3.19.12. **Structures:** The change would remove the need for four small bridges to cross over Cringle Beck and Moor Beck. It will also remove the need for an underpass from the side road, meaning walkers and cyclists would no longer be required to pass underneath the road.
- 3.19.13. **Utilities:** There are no new utilities impacted by this change.
- 3.19.14. **Land take/ Land use:** Whilst the change would require some additional permanent land (outside of the DCO Order limits), all of the land required for the proposed change is already owned by National Highways. As explained in more detail below and in section 6 of this Change Application, this proposed change was modified in response to consultation feedback. The effect of the modification was to exclude land owned by Affected Parties (other than the Applicant). The consent of those Affected Parties to the revised proposed change (excluding their land interests) has been confirmed (please refer to section 6 below and Appendix C to this Change Application). Notwithstanding the modification outlined above, this change will allow room in the DCO Order limits to facilitate construction of the cycleway along the de-trunked section of the A66.
- 3.19.15. Refer to Figure DC-19(g) for the initial land requirement and to Figure DC-19(h) for the land requirement as amended in response to landowner feedback on this proposed change.

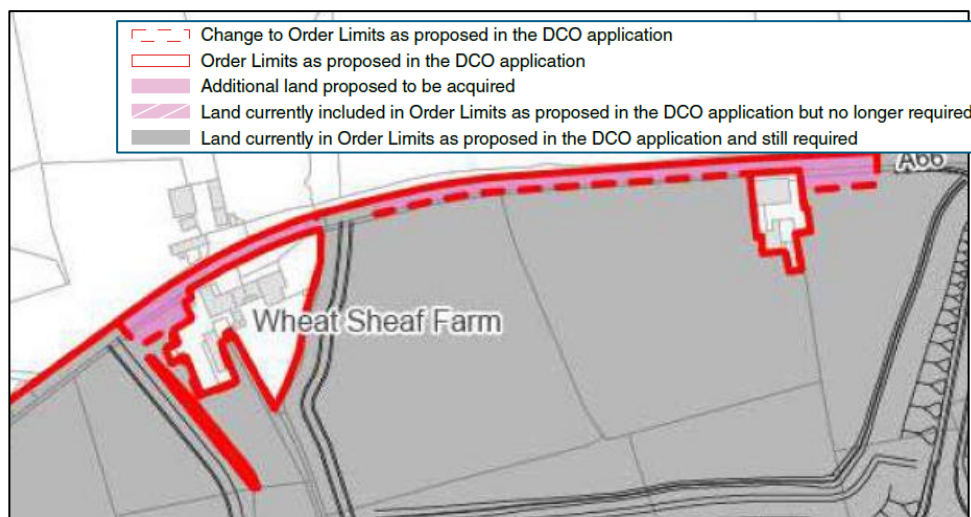


Figure DC-19(g) Initial land required as a result of the proposed change

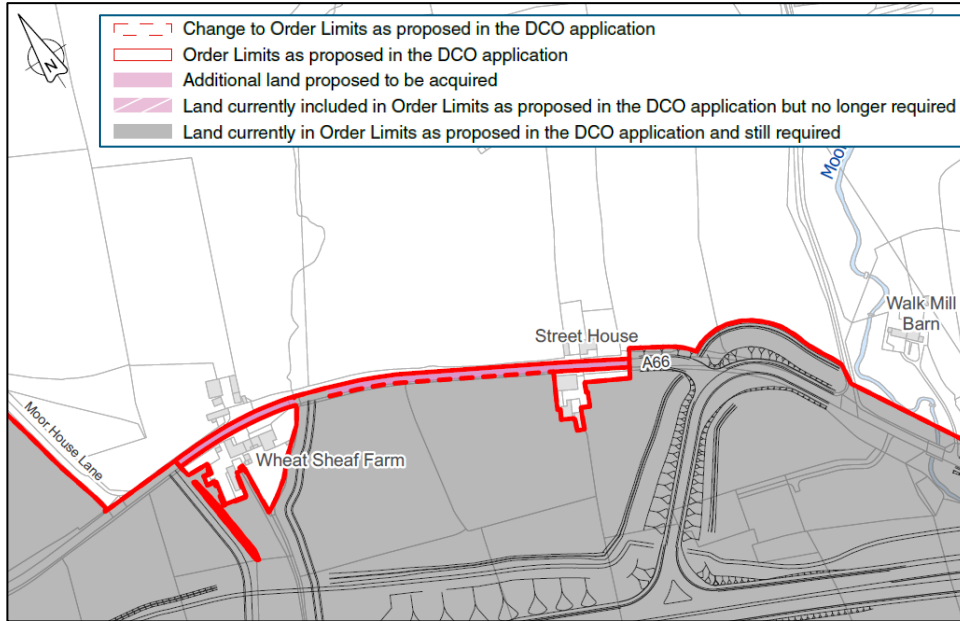


Figure DC-19(h) Land now required as a result of the proposed change, updated in response to landowner feedback

3.19.16. **De-trunking:** An area of highway, previously shown in the original submission to be stopped up, will now be retained and de-trunked to allow the new cycleway to be accommodated within the old A66 (Refer to Figure DC-19(i)).

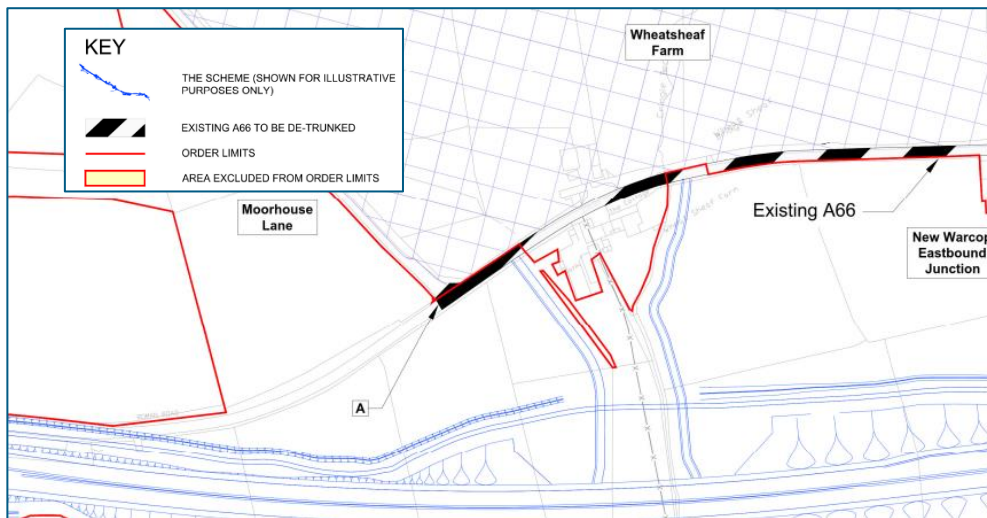


Figure DC-19(i) Extract from De-Trunking Plans (Before)

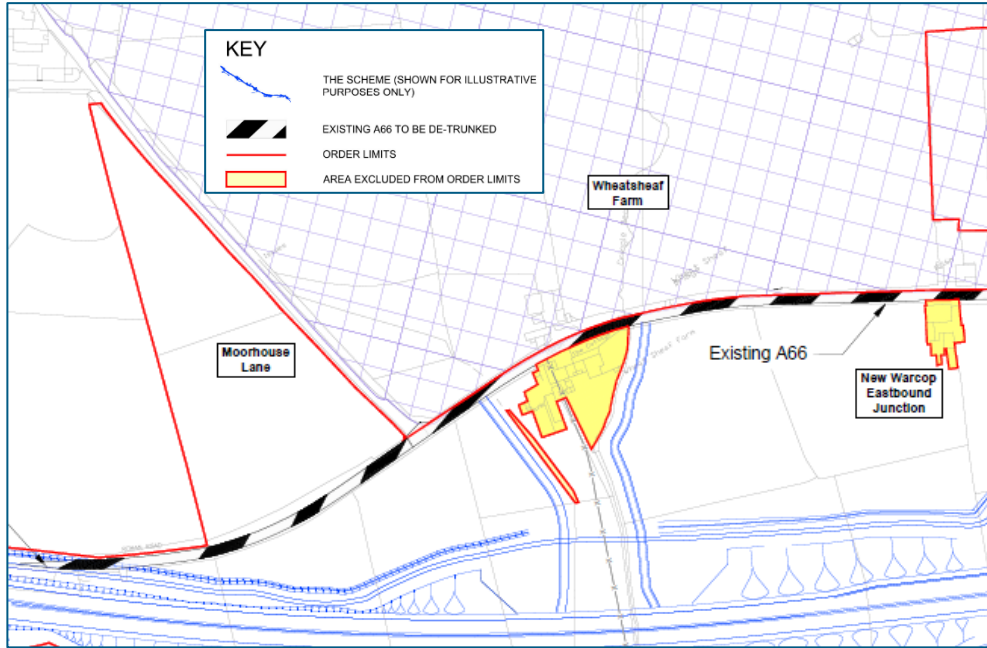


Figure DC-19(j) Extract from De-Trunking Plans (After)

3.19.17. **LODs:** As outlined in Table DC-19(a) Work No. 06-1CA is introduced along the line of the existing A66 to accommodate a new cycletrack. This section of the existing A66 will be de-trunked and the new Work No. will have standard horizontal and vertical LODs.

Table DC-19(a) Proposed changes to Limits of Deviation

Works No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
06-1CA	Standard	Standard	Standard	New Work No to allow introduction of cycleway to be provided along the line of the existing A66 (which is outside of the highway boundary of the new A66)

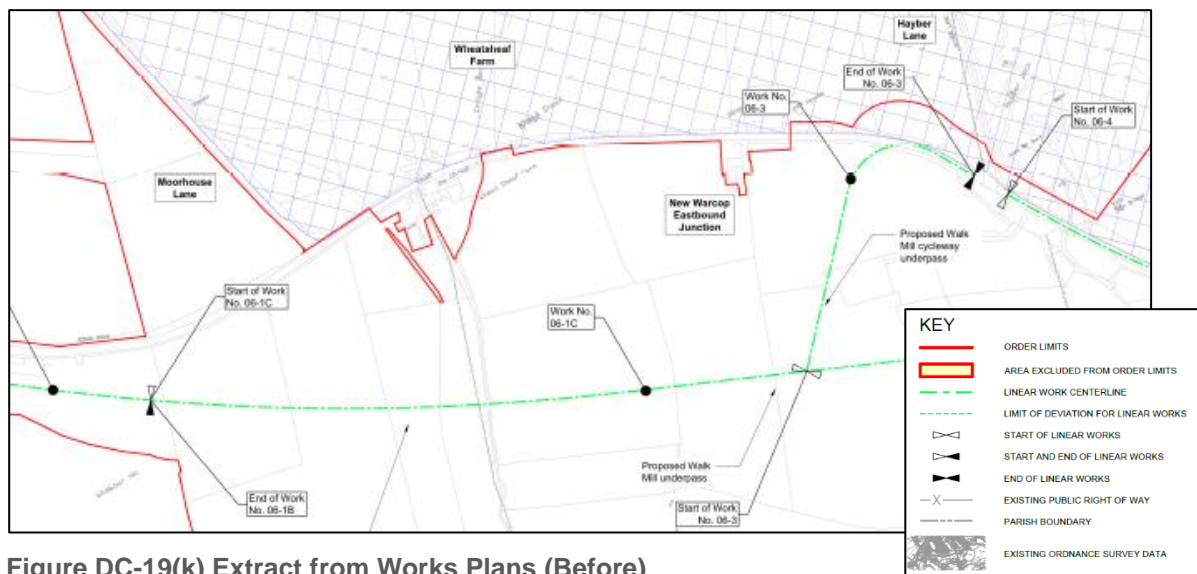


Figure DC-19(k) Extract from Works Plans (Before)

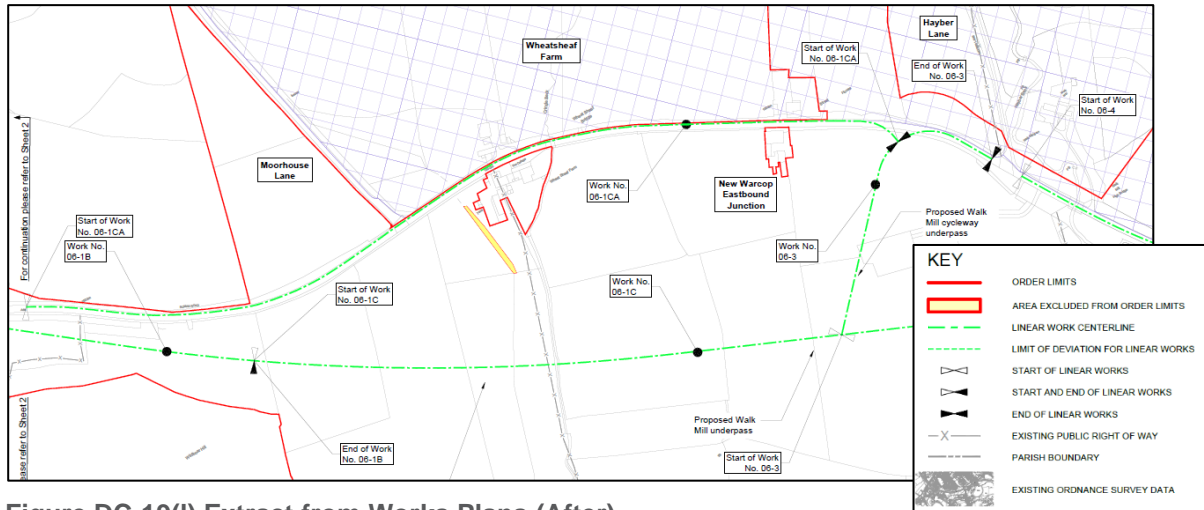


Figure DC-19(I) Extract from Works Plans (After)

3.19.18. Rationale for making the change: The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- It will move walkers and cyclists away from the new alignment of the A66 and onto the de-trunked A66 providing a more rural setting and a more attractive route for cycling.
- The speed limit on the local road is proposed to be reduced to 30mph, this will make the route safer.
- The change allows National Highways to repurpose the old A66 as a footpath and cycleway, removing the need for construction of a new route and utilising the existing infrastructure.
- It will remove the need for an underpass from the side road, meaning walkers and cyclists would no longer be required to pass underneath the road. If required, this underpass would have needed lighting which would not be appropriate in this rural location and would have created additional maintenance liabilities.
- It will relocate the cycleway to the existing A66, which minimises work in a floodplain thus reducing construction duration.
- The change would remove the need for four small bridges to cross over Cringle Beck and Moor Beck. Removal of these crossings will help to reduce impacts on the becks as well as further helping to reduce construction duration.
- The existing hedgerows and dry-stone walls which line the A66 can be retained, which are shown as needing to be removed under the current DCO plans.
- This change would require some additional land (outside the current Order limits) to enable the proposed walking and cycling route to be located on the de-trunked A66.

- 3.19.19. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.
- 3.19.20. **Conclusions and Materiality:** The change appears to be of some public interest based on the feedback received at consultation (there were 12 feedback responses received of which seven were in favour and two were not in favour (see Consultation Report – section 3.2). One of the principal issues raised at consultation was from an agricultural land interest and National Highways has had regard to the issue through amending and reducing the land take required for this change, such that there will be no need to acquire a farmyard area. Other design related issues can be addressed through further technical work during the detailed design stage of the project, such as identifying the specification of the tracks and crossing points.
- 3.19.21. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The change would require an extension to the DCO Order limits and therefore could be considered to be material. Although in determining materiality it will be important to take into account that the additional land required is already owned by the Applicant and the change (as modified in response to consultation feedback) would not affect any land in which other Affected Persons have an interest, therefore avoiding the requirement for compulsory purchase.
- 3.19.22. The principal benefit of this change is that it enables the old A66 to be repurposed rather than introducing a new route, thus reducing the footprint of the road. The proposed change also removes the proposed cycleway from the floodplain and reduces the number of new structures required over watercourses. The proposals also avoid the construction of a new route within a rural environment and avoids the need to remove dry stone walls. These benefits alongside the support for the change as expressed in the feedback from consultation, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, provide a strong justification for this change.

3.20. DC-20 – Update to Limits of Deviation on eastbound connection to local road (immediately west of Hayber Lane)

- 3.20.1. **Description of the change:** On the Appleby to Brough stretch of the route, the DCO application has built in some flexibility to move the mainline downward, if possible. This flexibility was included because it was recognised that the road at this location has been built up and, in some areas, is as high as 14m above the current levels. This could therefore restrict the best design solution to emerge for the main line route (as well as connections to local roads).

- 3.20.2. The new minor road which connects the de-trunked A66 to the new A66 mainline (Work No. 06-3) currently only has standard 1m vertical upward and downward limits applied. The proposed change seeks to include no downward vertical limit of deviation on Work No. 06-3 to ensure that it can move vertically with mainline Work No. 06-1c (which already has no downward limit of deviation in the submitted draft DCO).
- 3.20.3. **Alignment/ Design Speed/ Speed Limit:** There is no impact to the proposed alignment, road classification, design speed or speed limit as result of this change.
- 3.20.4. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.20.5. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result, there will be no impact on traffic modelling outputs for the scheme.
- 3.20.6. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221).
- 3.20.7. **Geotechnics/ Earthworks/ Pavement:** The change will have minimal impact on the earthworks required. The amount of paved area required will remain similar as a result of this change.
- 3.20.8. **Structures:** There is no impact to any proposed or existing structures.
- 3.20.9. **Utilities:** There are no new utilities impacted by this change.
- 3.20.10. **Land take/ Land use:]:** No additional land is required for this change.
- 3.20.11. **LODs:** This change, as shown in Table DC-20(a), will require amendments to the vertical LoDs associated with Work No. 06-3. The horizontal LODs will remain unchanged.

Table DC-20(a) Proposed changes to Limits of Deviation

Works No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
06-3	0m	No downwards LoD (i.e. 'to any extent downwards as may be necessary')	Standard	Amend the vertical downwards LoD to ensure that it can move vertically with mainline Work No. 06-1c (which already has no downward limit of deviation in the submitted draft DCO) to enable the provision of appropriate mitigation for authorised development within the flood plain.



Figure DC-20(a) Extract from Works Plans and General Arrangement Plans

3.20.12. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- It would enable the connecting road to move downwards to the same degree as the mainline to allow this side road to tie in appropriately with the mainline A66.
- It would ensure that this part of the Scheme, that is within the flood plain, can be appropriately and efficiently designed incorporating any required mitigation for the flood plain.

3.20.13. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.

3.20.14. **Conclusions and Materiality:** There appears to be little public interest in this change based on the feedback received at consultation (there were two feedback responses received, neither of which expressed whether they were in favour or not (see Consultation Report – section 3.2). The principal issue raised at consultation was in relation to the environmental assessment of the elevated stretch of dual carriageway at Cringle Beck and the related noise and visual effects in this location.

3.20.15. There are no new or different likely significant effects associated with this change, reported in the ES Addendum (Volume 2). With respect to the issue raised at consultation, as the elevation will only reduce as part of this design change the assessment within the Environmental Statement is already considered to be the worst case scenario for this location.

3.20.16. The change would not require any additional land or any extension to the DCO Order limits and would not give rise to any additional effects on land interests. Given the above findings the Applicant considers that this change is likely to be non-material.

3.20.17. The main benefit of this likely non-material change is that it will ensure that the design of the local road can tie in to the level of the A66 dual carriageway should it be amended within the scope of the Limits of Deviation that the draft DCO permits. This would allow for a reduced elevation of the road which if designed at a lower level (than as currently assessed in the ES) would have the potential to reduce noise and visual effects in this location. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, combined with the limited comments raised at consultation, provide a strong justification for this change.

3.21. DC-21 – Amendments to Order Limits within Ministry of Defence land

- 3.21.1. **Background to the change:** On the Appleby to Brough section of the route, the design of the road is constrained by land to the north which is owned by the Ministry of Defence (MoD) and some which is within the Area of Outstanding Natural Beauty (AONB). As the MoD land is Crown land, it cannot be purchased for the Project without the agreement of the MoD. The current DCO application proposed to use some of the MoD land for replacement of woodland and grassland planting for both habitat replacement and for mitigating potential effects on protected species, such as red squirrels.
- 3.21.2. **Description of the change:** Through its ongoing engagement with the MoD, National Highways has been informed that some of the MoD Crown land proposed to be used for environmental mitigation for the scheme is of strategic importance to the MoD for tactical reasons and for the training of troops. The MoD has therefore proposed alternative locations outside of the DCO Order limits, equal in size to those areas originally proposed, which can be used for environmental mitigation but which will not impact so significantly on the operational use of its site. The changes required to incorporate this new land (and exclude the operational land) into the DCO Order limits are shown in the plans below.
- 3.21.3. The Proposed Change has been split in to five geographical areas comprising one or more amendments as detailed below and as shown in overview in Figure DC-21(a).

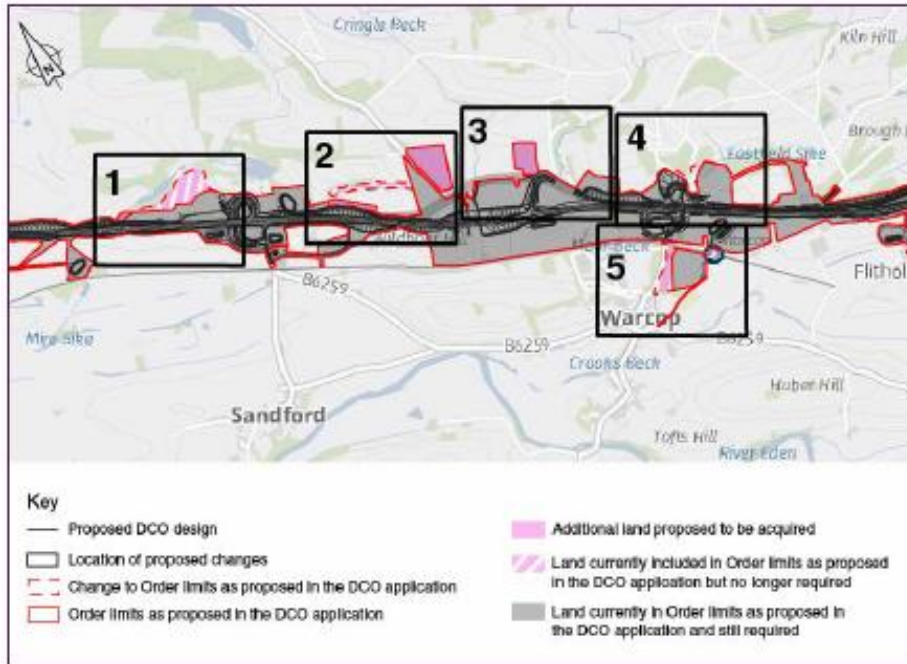


Figure DC-21(a) Five geographical areas affected

3.21.4. Change 1 – made up of two parts (Refer to Figure DC-21(b)).

- Reduction in an area of environmental mitigation to the northwest of the proposed Sandford Junction
- The extension of an existing area of environmental mitigation westward towards the limits of land owned by MoD

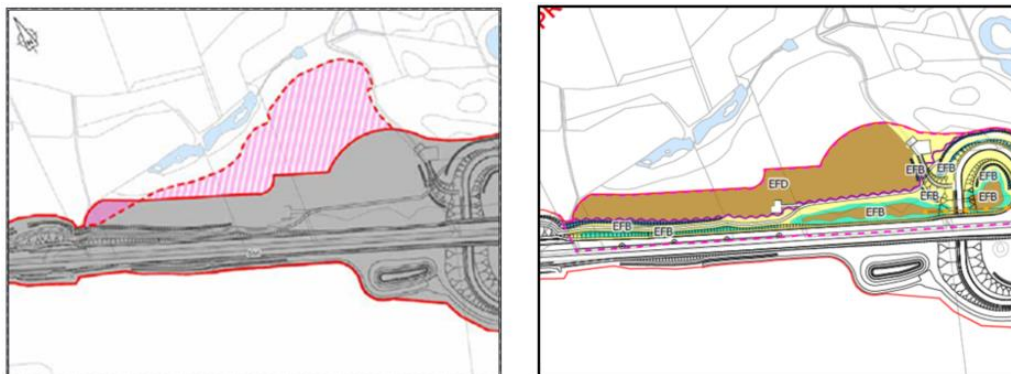


Figure DC-21(b) Proposed Change 1

3.21.5. Change 2 - made up of four parts (Refer to Figure DC-21(c)).

- Infilling of mitigation on the north side of the A66 mainline opposite Dyke Nook Cottage
- Extension of environmental mitigation eastwards and parallel to the north edge of the A66 mainline
- Removal of a long linear length of environmental mitigation to the north of the Warcop Roman Camp

- Introduction of additional environmental mitigation on the north-east side of Moor House Lane



Figure DC-21(c) Proposed Change 2

3.21.6. Change 3 – made up of one part (Refer to Figure DC-21(d)).

- Introduction of additional environmental mitigation to the north of the A66 Mainline north of Street House Farm.

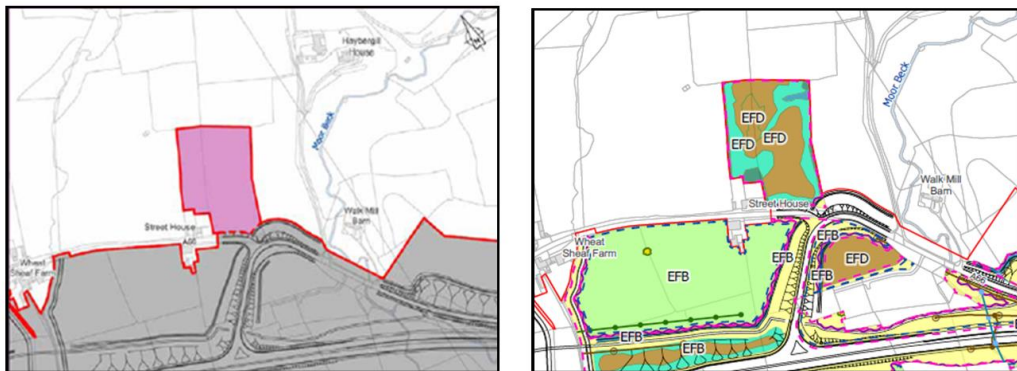


Figure DC-21(d) Proposed Change 3

3.21.7. Change 4 – made up of two parts (Refer to Figure DC-21(e)).

- Removal of environmental mitigation to the north of the junction at Warcop to avoid acquisition of an internal road
- Removal of environmental mitigation north of the assault course to the north-east of the junction at Warcop



Figure DC-21€ Proposed Change 4

3.21.8. Change 5 – made up of 1 part (Refer to Figure DC-21(f)).

- Removal of environmental mitigation west of the replacement football pitch site

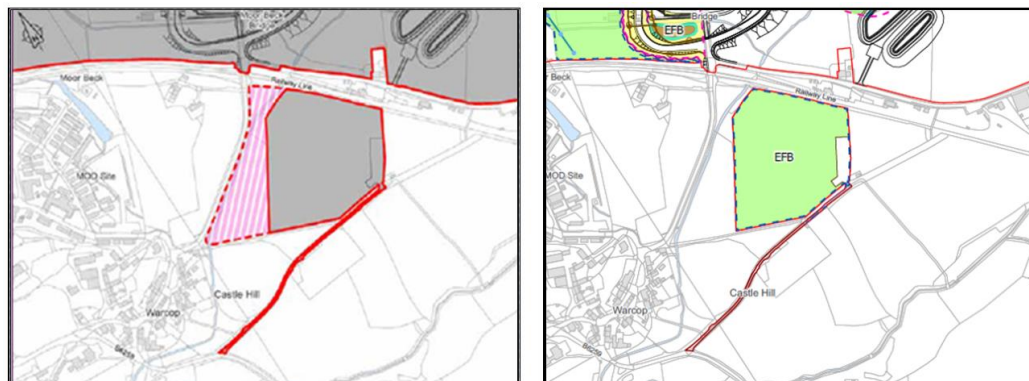


Figure DC-21(f) Proposed Change 5

3.21.9. Details of the changes to the environmental mitigation are presented in the ES Addendum in Chapter 7 of this document.

3.21.10. **Alignment/ Design Speed/ Speed Limit:** There is no impact to the proposed alignment, road classification, design speed or speed limits as result of this change.

3.21.11. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.

3.21.12. **Traffic:** The proposed change does not affect the modelled network therefore it has no impact on traffic modelling.

3.21.13. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221).

3.21.14. **Geotechnics/ Earthworks/ Pavement:** The change will have minimal impact on the earthworks required. The amount of paved area required will remain unchanged as a result of this change.

- 3.21.15. **Structures:** There is no impact to any proposed or existing structures.
- 3.21.16. **Utilities:** There are no new utilities impacted by this change.
- 3.21.17. **Land take/ Land use:** The overall amount of land take will remain similar; however the change will increase the DCO Order limits in areas and reduce them in others. Refer to Figures DC-21(a) to DC-21(f). The need for these proposed amendments arises from the operational requirements of the MoD and have been developed through engagement between the MoD and the Applicant. The Applicant notes (as explained further in section 6 below) that part of the land (proposed change / area 3) is subject to a grazing licence granted by the MoD.
- 3.21.18. **LODs:** There are no LODs amendments required as a result of this change.
- 3.21.19. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:
- This change will avoid the need to acquire or impact on land which is of strategic importance to the operations of the MoD.
 - It will not compromise on the project's environmental objectives.
- 3.21.20. **Environment:** For changes 2 and 3 there is a change in the effect on the AONB during construction from slight adverse to moderate adverse, which is significant. This is because both changes consist of new areas of woodland planting within the AONB, which would require construction activities in an otherwise pastoral landscape. These would not continue to be significant into the operational stage of the Project.
- 3.21.21. No other topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as an individual change or cumulatively.
- 3.21.22. **Conclusions and Materiality:** There appears to be some public interest in this change based on the feedback received at consultation, (there were 9 feedback responses received, of which five were in favour and three of which were not in favour (see Consultation Report – section 3.2)). Some of the comments raised at Consultation related to the preference for an alternative route (that was being promoted by Warcop Parish Council) further north severing the MoD's operational land. These alternatives have already been the subject of the Examination, such as at ISH1, and as the comments are not directly related to the change being promoted they have not therefore influenced the outcome of National Highways' assessment of this change. Other matters, such as addressing issues relating to drainage, will be addressed at the detailed design stage and subject to the provisions set out in the EMP.
- 3.21.23. The change involves providing different but the same amount of land for environmental mitigation and does not result in new or different likely significant effects as a result of the mitigation itself, as reported in the ES

Addendum Volume II. The requirement for construction activity within the AONB results in a new temporary moderate adverse effect to the AONB but only for the duration of the construction activity (consisting exclusively of works to implement mitigation planting) in these areas. There are no new or different significant environmental effects during the operation of the Project.

- 3.21.24. The change would require some additional land (outside of the DCO Order limits) and the Applicant has obtained the MoD's consent to the inclusion of this additional land in the DCO Application (see Section 6.5 and Item 8 of Appendix C). An objection was raised, at consultation, in respect to a specific parcel of land being acquired, however further investigations have determined that the individual does not have an interest (as acknowledged by the land agent) in the land objected to.
- 3.21.25. Given the above considerations, the applicant considers that this change is likely to be non-material.
- 3.21.26. The benefits of this likely non-material change arise through avoiding the need to acquire land which is of operational importance for the MoD. These benefits in combination with the support expressed through consultation for this change outweigh, one additional temporary adverse environmental impact, as confirmed in the ES Addendum.

3.22. DC-22 – Realignment of Warcop westbound junction

- 3.22.1. **Background to the change:** At Warcop the current DCO design includes an overbridge which will give access to the new A66 in both directions for people travelling to and from the village. The westbound junction and loop, on the south side of the A66, requires crossing Moor Beck in two locations.
- 3.22.2. **Description of the change:** The change seeks to introduce greater flexibility in the LoDs in this location, to allow the loop to be moved closer to the new A66, and north of Moor Beck compressing the junction (see Figure DC-22(a)).

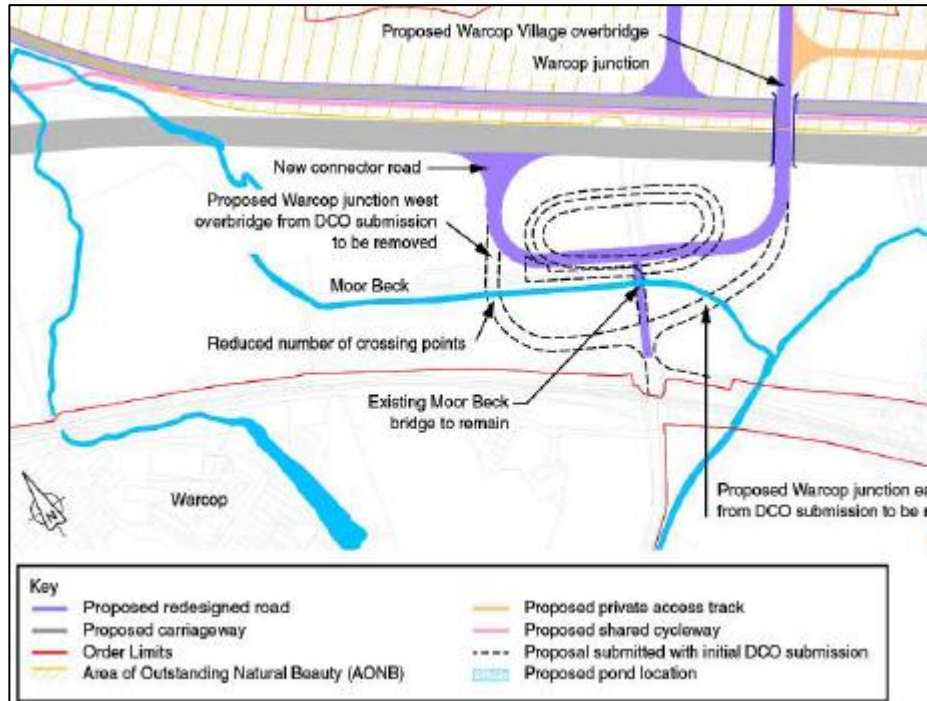


Figure DC-22(a) Schematic of Proposed Change (Before & After)

- 3.22.3. National Highways acknowledges that the proposed change is located in an area of known flooding and sensitive environment as the watercourses are functionally linked to the River Eden SAC. The draft DCO (included at Appendix B to this Change Application) includes new drafting in article 7 (limits of deviation) to enable this change to be brought forward as a potential alternative subject to mechanisms which would ensure that it could only be brought forward in a way which would protect this sensitive environment (having regard to, for example, the requirements of the Conservation of Habitats and Species Regulations 2017). National Highways will continue to actively engage with stakeholders (including MoD), Environment Agency and Natural England in the development and agreement of this proposed change.
- 3.22.4. **Alignment/ Design Speed/ Speed Limit:** There is no impact on the proposed alignment, road classification, design speed or speed limit as result of this change.
- 3.22.5. The proposed change would amend the manner in which MoD utilise it to manoeuvre their tank transporters around the junction. Further engagement will be required with MoD in this regard.
- 3.22.6. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.22.7. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result, there will be no impact on traffic modelling outputs for the scheme.

- 3.22.8. **Drainage:** The change has the potential to impact the location of the existing pond located within the junction. There are no other impacts to proposed catchments or outfall locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy, Document Ref 3.4, APP-221).
- 3.22.9. **Geotechnics/ Earthworks/ Pavement:** The change will have minimal impact on the earthworks required. The amount of paved area would be marginally less as a result of this change.
- 3.22.10. **Structures:** This change would remove the need for one of the two bridge structures across Moor Beck.
- 3.22.11. **Utilities:** There are no new utilities impacted by this change.
- 3.22.12. **Land take/ Land use:** No additional land is required by this change
- 3.22.13. **LODs:** This proposed change will require amendments to the LODs associated with Work No. 06-5 as shown in the Table DC-22(a).
- 3.22.14. The horizontal flexibility has been increased so as to facilitate moving the loop of the junction northwards, subject to meeting the foregoing criteria established above.
- 3.22.15. There would be no change to the vertical LoD as a result of this proposed change.

Table DC-22(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
06-5	Standard	Standard	Northwards - to the extent of the corresponding fine dashed green line shown on the works plans Southward - standard	Increase in horizontal LoD to allow greater flexibility to amend the connector road of the Warcop junction to allow it to be moved closer to the new A66 and north of Moor Beck, which would narrow the gap between the loop and the A66 dual carriageway.



Figure DC-22(b) Extract from Works Plans (Before)

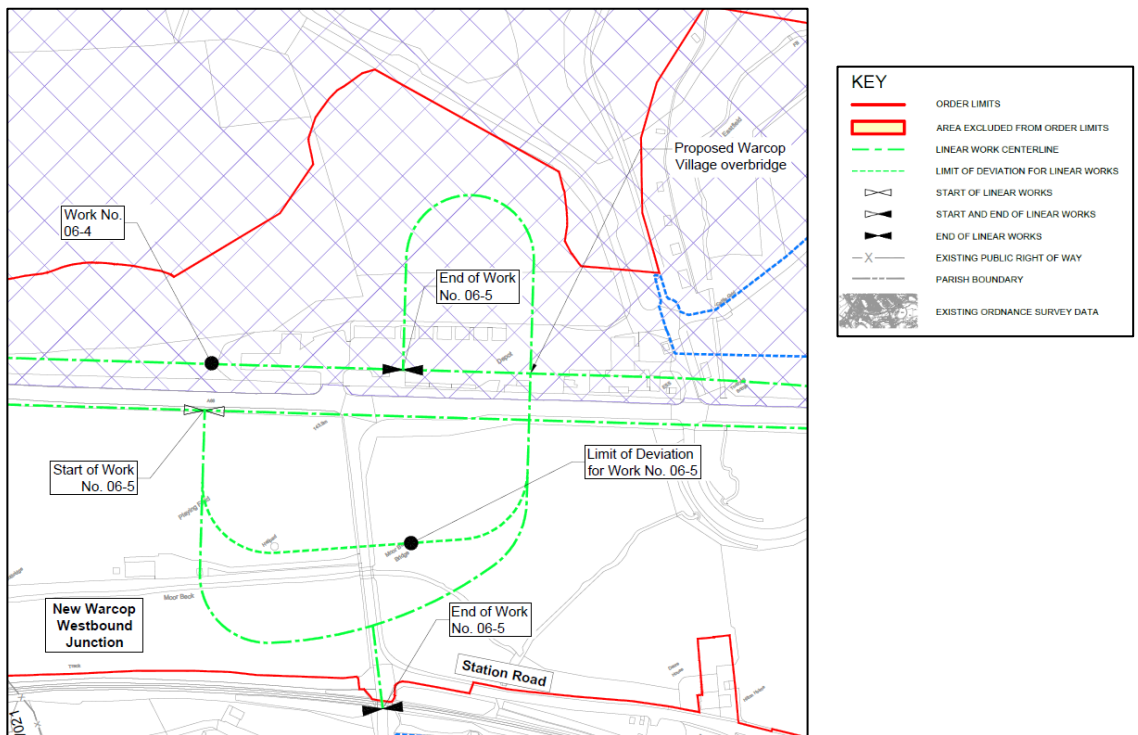


Figure DC-22(c) Extract from Works Plans (After)

3.22.16. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- Compressing the junction would have the advantages of limiting impacts on Moor Beck, removing the structures required for the two crossings, and the amount of construction required,

- By avoiding Moor Beck there is the potential that the flooding impact is reduced; more detailed modelling is required to ascertain how the proposed change can be a positive influence on the beck.
- Avoiding the need for structures has the potential to change the geomorphological aspects of the SAC functionally linked Moor Beck; more detailed modelling is required to ascertain how the proposed change can be a positive influence on the beck.
- The construction period would be shorter and disruption reduced as a result of the proposed change.
- The compressed junction may impact on the way in which MoD tank transporters operate.

3.22.17. This proposed change has not been assessed in the ES addendum, due to certain modelling inputs not yet being available which do not impact any other change aside from DC-23. For this reason, it is proposed this change is taken forward as a potential alternative to the existing DCO design, whereby the change could not be implemented unless certain tests were met to the Secretary of State's satisfaction (following consultation with Natural England and the Environment Agency, amongst others). This is considered a proportionate solution which would allow the proposed change to be examined and included within the DCO, even though it does not form part of the 'Rochdale envelope' parameters assessed either in the original ES or the ES Addendum due to the absence of required modelling inputs (in contrast to the other design changes, aside from DC-22). The tests would require the Applicant to robustly demonstrate that implementing this change would not (a) give rise to any materially new or materially worse adverse environmental effects when compared to those reported in the Environmental Statement; and (b) adversely affect the integrity of a site subject to protection under the Conservation of Habitats and Species Regulations 2017 ("the 2017 Regulations"). Where either limb of the test cannot be met to the Secretary of State's satisfaction, the limit of deviation as originally applied for would continue to apply. This mechanism, which is captured in article 7 (limits of deviation) of the version of the draft DCO submitted alongside this change application, would ensure that the Examining Authority and Secretary of State can be certain that any environmental effects arising from the implementation of the change would (a) be within the envelope of effects already reported; and (b) not give rise to a breach of the 2017 Regulations.

3.22.18. **Conclusions and Materiality:** There appear to be some (although not significant) public interest in this change based on the feedback received at consultation (there were 7 feedback responses received, two of which were not in favour (see Consultation Report– section 3.2). Many of the issues raised at consultation related to impacts of this part of the Scheme within a sensitive environment which is known to flood and is characterised by watercourses that are functionally linked to the River Eden SAC. These issues can be addressed through the detailed design

process, for example amendments to pond locations and /or shape to better fit the existing landscape/ field patterns, will be developed in consultation with the drainage authorities, as well as, critically, through the mechanism described above in paragraph 3.22.17 which would secure the protection of this sensitive environment. In relation to comments made on alternative routes for this Scheme these alternatives have already been the subject of the Examination, such as at ISH1, and as the comments are not directly related to the change being promoted, they have not therefore influenced the outcome of National Highways assessment of this change.

3.22.19. The change would not require an extension to the DCO Order limits and would not require any additional land or create additional effects on new land interests. Given the above, the applicant considers that this change is likely to be non-material.

3.23. DC-23 – Realignment of de-trunked A66 to be closer to new dual carriageway at Warcop

3.23.1. **Background to the change:** The current DCO design includes separation between the dual carriageway and the de-trunked length of the A66 to help us build the roads to the north of Warcop.

3.23.2. **Description of the change:** Early detailed design work has found that there is no requirement for construction purposes to separate the dual carriageway and the de-trunked road. The bridge (that forms part of the junction) spanning the new A66 and the de-trunked section of the old A66 as well as the culvert at Eastfield Syke can be reduced in length. This can be achieved through a change in the horizontal LoDs to enable the de-trunked A66 to move southwards closer to the dual carriageway. The change is illustrated in Figure DC-23(a).

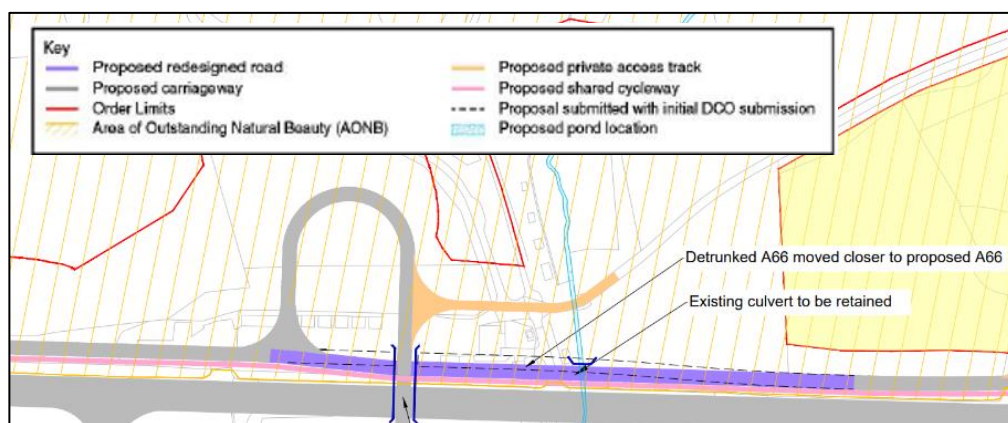


Figure DC-23(a) Schematic of Proposed Change (Before & After)

3.23.3. This change is being promoted in the same manner as DC-22.

3.23.4. National Highways acknowledges that the proposed change is located in an area of known flooding and sensitive environment as the watercourses are functionally linked to the River Eden SAC. The draft DCO (included at

Appendix B to this Change Application) includes new drafting in article 7 (limits of deviation) to enable this change to be brought forward as a potential alternative subject to mechanisms which would ensure that it could only be brought forward in a way which would protect this sensitive environment (having regard to, for example, the requirements of the Conservation of Habitats and Species Regulations 2017). National Highways will continue to actively engage with stakeholders (including MoD), Environment Agency and Natural England in the development and agreement of this proposed change.

- 3.23.5. **Alignment/ Design Speed/ Speed Limit:** The change would allow the alignment of the de-trunked A66 to be realigned closer to the alignment of the new A66.
- 3.23.6. There is no impact on the road classification, design speed or speed limits as result of this change.
- 3.23.7. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.23.8. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result there will be no impact on traffic modelling outputs for the scheme.
- 3.23.9. **Drainage:** No impact on proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy, Document Ref 3.4, APP-221). The culvert for East Field Syke would be affected by this proposed change (see structures below).
- 3.23.10. **Geotechnics/ Earthworks/ Pavement:** The proposed change will have minimal impact on the earthworks required. The amount of paved area would be marginally less as a result of this change.
- 3.23.11. **Structures:** The bridge spanning the new A66 and the de-trunked section of the old A66 as well as the culvert at Eastfield Syke can be reduced in span as a result of this change.
- 3.23.12. **Utilities:** There are no new utilities impacted by this change.
- 3.23.13. **Land take/ Land use:** No additional land is required by this change, however there is scope to reduce land take which will be determined through detailed design.
- 3.23.14. **LODs:** There are a number of changes to the Limits of Deviation as a result of this proposed change. To facilitate this change the applicant is seeking to introduce greater flexibility in the LoDs for Work No. 06-4. Changes are outlined in the following paragraphs.
- 3.23.15. Work No 06-4 is to be split in to four parts to facilitate changes for DC-23 and DC-24. Work No 06-4A, Work No. 06-4B and Work No. 06-4C are covered under this proposed change whilst Work No. 06-4D is presented

under proposed change DC-24. This proposed change will require amendments to the LoDs associated with Work No. 06-4B (refer to Figures DC-23(a) and DC-23(b)).

3.23.16. As outlined in Table DC-23(a), Work No. 06-4 is to be split to facilitate the introduction of horizontal LoD changes to a short section of the de-trunked A66 to provide greater flexibility and minimise the gap between this carriageway and the new A66 mainline.

Table DC-23(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
06-4A	Standard	Standard	Standard	Work No 06-4 to be split to allow introduction of new Numbered Work along mainline. Standard LoDs to be applied
06-4B	Standard	To any extent the undertaker considers to be necessary	Northwards – standard Southwards – to the outer extent of the earthworks of the north side of the A66 mainline – Work No 06-1C	Increase in the horizontal LODs to enable to de-trunked A66 to move southwards closer to the new A66 to reduce the gap between the two carriageways and thereby minimise the impact to the AONB land to the north.
06-4C	Standard	Standard	Standard	Work No 06-4 to be split to allow introduction of new Numbered Work along mainline. Standard LoDs to be applied

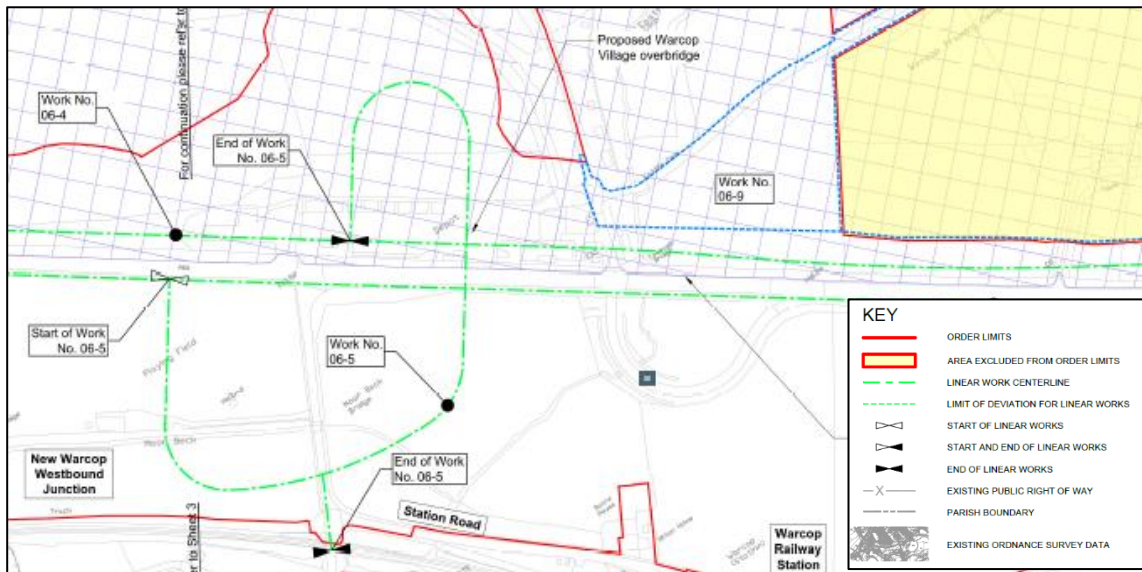


Figure DC-23(b) Extract from Works Plans (Before)

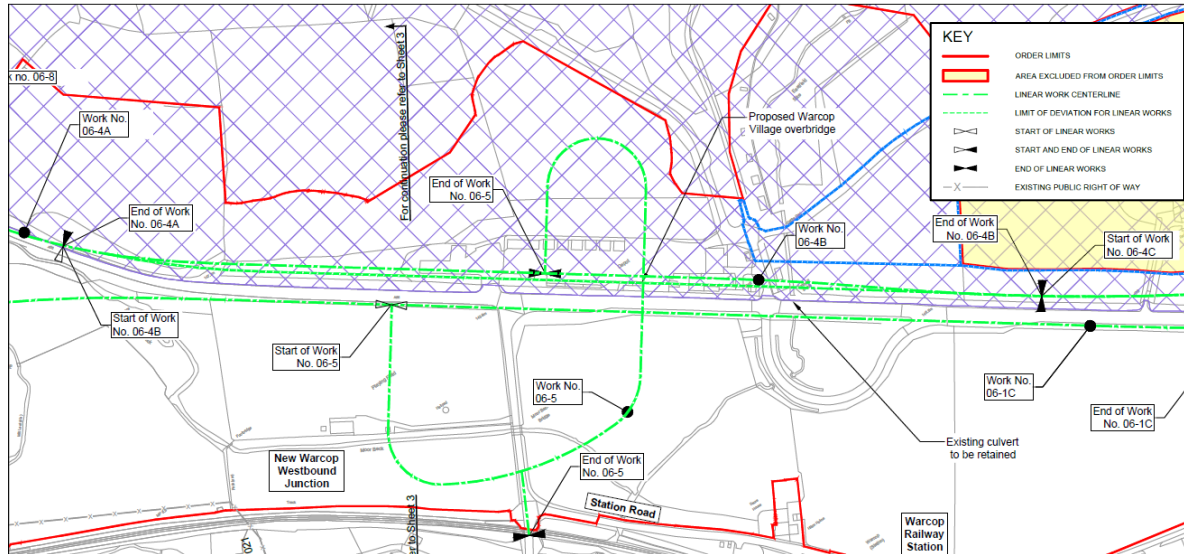


Figure DC-23(c) Extract from Works Plans (After)

3.23.17. Rationale for making the change: The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- It would reduce the area of land required from the Ministry of Defence land to the north; and
- Would reduce the size of the structure and therefore the construction period and associated disruption.

3.23.18. This proposed change has not been assessed in the ES addendum, due to certain modelling inputs not yet being available which do not impact any other change aside from DC-22. For this reason, it is proposed this change is taken forward as a potential alternative to the existing DCO design, whereby the change could not be implemented unless certain tests were met to the Secretary of State's satisfaction (following consultation with Natural England and the Environment Agency, amongst others). This is considered a proportionate solution which would allow the proposed change to be examined and included within the DCO, even though it does not form part of the 'Rochdale envelope' parameters assessed either in the original ES or the ES Addendum due to the absence of required modelling inputs (in contrast to the other design changes, aside from DC-22). The tests would require the Applicant to robustly demonstrate that implementing this change would not (a) give rise to any materially new or materially worse adverse environmental effects when compared to those reported in the Environmental Statement; and (b) adversely affect the integrity of a site subject to protection under the Conservation of Habitats and Species Regulations 2017 ("the 2017 Regulations"). Where either limb of the test cannot be met to the Secretary of State's satisfaction, the limit of deviation as originally applied for would continue to apply. This mechanism, which is captured in article 7 (limits of deviation) of the version of the draft DCO

submitted alongside this Change Application, would ensure that the Examining Authority and Secretary of State can be certain that any environmental effects arising from the implementation of the change would (a) be within the envelope of effects already reported; and (b) not give rise to a breach of the 2017 Regulations.

- 3.23.19. **Conclusions and Materiality:** There appear to be some (although not significant) public interest in this change based on the feedback received at consultation (there were 4 feedback responses received, one of which was in favour and one of which was not in favour (see Consultation Report– section 3.2)). Most of the issues raised at consultation related to impacts of this part of the Scheme within a sensitive environment which is known to flood and is characterised by watercourses that are functionally linked to the River Eden SAC. These issues can be addressed, critically, through the mechanism described above in paragraph 3.23.18 which would secure the protection of this sensitive environment.
- 3.23.20. The change would not require an extension to the DCO Order limits and no additional effects on new land interests. Given the above the applicant considers that this change is likely to be non-material.
- 3.23.21. The principal benefits of the change, which lie in reducing the area of land required from the Ministry of Defence land to the north, reducing the size of the structure and reducing associated construction related impacts, suffice to justify this change.

3.24. DC-24 – Reuse of existing A66 (north of Flitholme)

- 3.24.1. **Background to the change:** The DCO application currently proposes an underpass which leads under the new A66 road and onto the de-trunked section of the realigned old A66 to provide local access in both directions. Currently the proposal is to rebuild the de-trunked section of the A66 to the north of the current road due to the levels derived from having to pass under the A66 mainline.
- 3.24.2. **Description of the change:** A change to the LoDs in this area would allow an opportunity to realign the underpass and utilise more of the de-trunked A66 for local access. This change would also require a reduction in the speed limit on the de-trunked A66 to 30mph (from the existing 60mph limit, as proposed within the DCO application) which would be more in keeping with the local road network and enable tighter geometric standards to be adopted.
- 3.24.3. **Alignment/ Design Speed/ Speed Limit:** The change would allow the alignment of the de-trunked A66 to be re-aligned closer to the alignment of the new A66.
- 3.24.4. To facilitate realignment of the road the speed limit of the old A66 would be reduced to 30mph from 60mph proposed in the original DCO application A66. There is no impact on the road classification as result of this change.

- 3.24.5. Any change in speed limit is subject to further technical work including a formal independent Road Safety Audit. In addition, National Highways intends to engage with the emergency service providers, police enforcement teams and Local Authorities.
- 3.24.6. All other classifications and speed limits will remain unchanged.

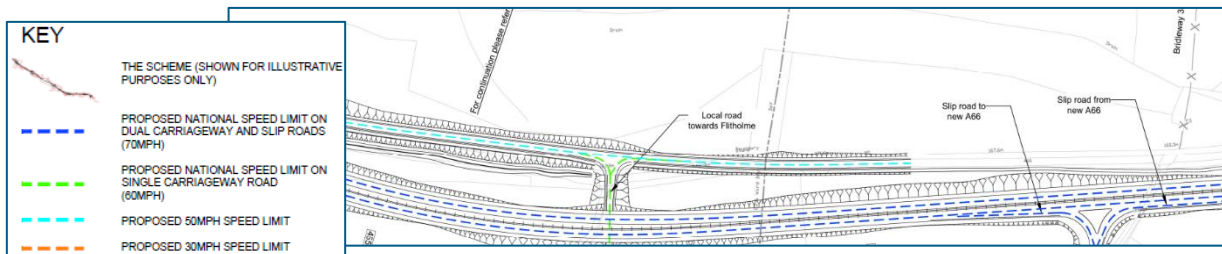


Figure DC-24(a) Extract from TRM Speed Limits (Before)

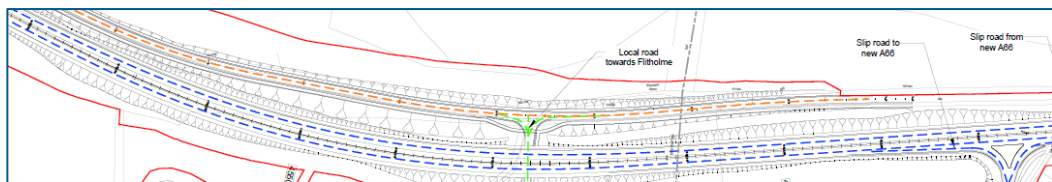


Figure DC-24(b) Extract from TRM Speed Limits (After)

- 3.24.7. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.24.8. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result, there will be no impact on traffic modelling outputs for the scheme.
- 3.24.9. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221).
- 3.24.10. **Geotechnics/ Earthworks/ Pavement:** Based on the preliminary design the change will create a cutting as the de-trunked road moves southwards, closer to Flitholme underpass. The amount of paved area required would be similar.
- 3.24.11. **Structures:** There is no impact to any proposed or existing structures.
- 3.24.12. **Utilities:** There are no new utilities impacted by this change.
- 3.24.13. **Land take/ Land use:** No additional land is required by this change, however there is scope to reduce land take which will be determined through detailed design.

3.24.14. **LODs:** There are a number of changes to the Limits of Deviation as a result of this proposed change. To facilitate this change the applicant is seeking to introduce greater flexibility in the LoDs for Work No. 06-4. Changes are outlined in the following paragraphs.

3.24.15. As outlined in Table DC-24(a), Work No 06-4 is to be split in to four parts to facilitate changes for DC-23 and DC-24. Work No 06-4A, Work No. 06-4B and Work No. 06-4C are covered under DC-23 whilst Work No. 06-4D is presented under this proposed change (DC-24), which will require amendments to the LoDs associated with Work No. 06-4D (refer to Figure DC-24(c) and DC-24(d)).

3.24.16. As outlined in Table DC-24(a), Work No. 06-4 is to be split to facilitate the introduction of horizontal LoD changes to a short section of the de-trunked A66 to provide greater flexibility and minimise the gap between this carriageway and the new A66 mainline.

Table DC-24(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
06-4D	Standard	To any extent the undertaker considers to be necessary	Northwards – Standard Southwards - To the extent of the corresponding fine dashed green line shown on the works plans	Flexibility to realign the underpass and utilise more of the de-trunked A66 for local access. This will avoid the removal of a band of mature trees that line the northern side of the existing A66.

3.24.17. This will require amendments to Work No 06-4D to allow lateral movement south to the green dashed line.

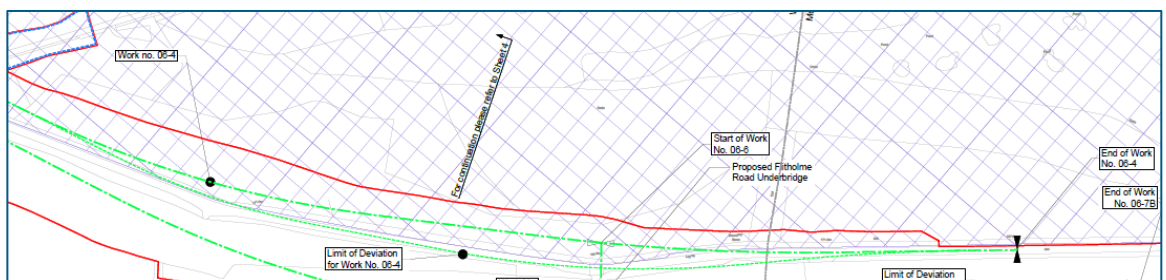


Figure DC-24(c) Extract from Works Plans (Before)

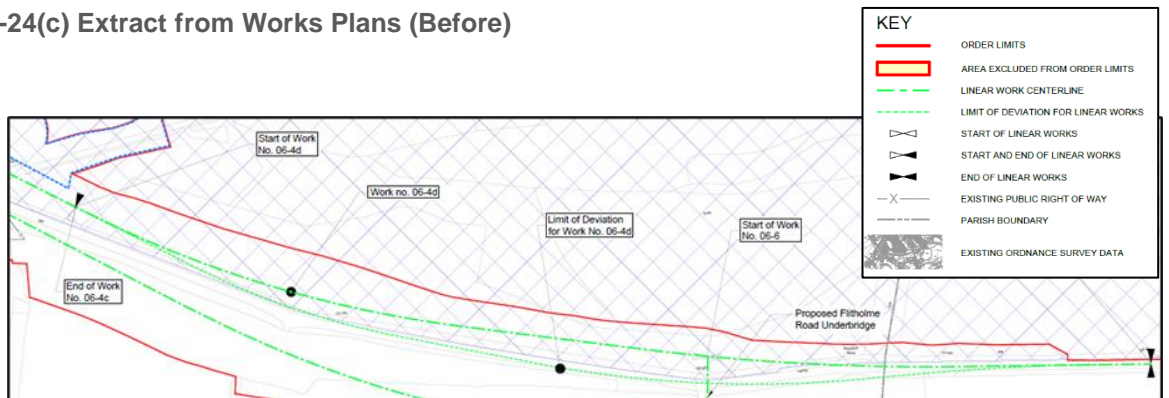


Figure DC-24(d) Extract from Works Plans (After)

- 3.24.18. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:
- It would provide opportunity to reduce tree loss, as an area of dense, mature woodland could be retained to the north of the existing A66.
 - This potential retention of trees could also help to reduce the areas of environmental mitigation land required for replacement woodland.
 - It would also reduce the area of land required from the landowner and would enable more of the existing hedgerows and dry-stone boundary walls to be retained.
 - A reduction in construction duration and associated disruption.
 - The speed limit on the local road is proposed to be reduced to 30mph, making the route safer.
 - Reduction in the earthworks, which would have been required to build the new de-trunked section, would also be minimised.
- 3.24.19. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.
- 3.24.20. **Conclusions and Materiality:** There appears to be some public interest in this change (although not significant) based on the feedback received at consultation (there were 7 feedback responses received, one of which was in favour and one not in favour (see Consultation Report – section 3.2)). Issues relating to road drainage and the water environment were raised which have been considered within Environmental Statement Addendum Volume I and Environmental Statement Addendum Volume II, submitted with these proposed changes.
- 3.24.21. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. In relation to drainage issues raised at consultation the ES Addendum also found that there was no change to significant effects as reported in the ES Chapter 14 (APP-057).
- 3.24.22. The change would not require an extension to the DCO Order limits and no additional effects on new land interests. For these reasons the Applicant considers that this change is likely to be non-material.
- 3.24.23. The main benefit of this likely non-material change is it will provide the same overall design solution for this part of the Scheme, but subject to detailed design and the necessary agreements in regard to design standards, it provides the opportunity to reduce the amount of construction work and the footprint of the scheme. Other benefits are associated with the potential to reduce the loss of trees and other

features of the landscape (such as drystone walls) through construction. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, provide a strong justification for this change.

3.25. DC-25 – Removal of Langrigg westbound junction, revision to Langrigg Lane link, and shortening of Flitholme Road

- 3.25.1. **Background to the change:** At Langrigg, to the east of Warcop, the Applicant's DCO application proposes a junction with Langrigg Lane as a left-in, left-out to provide access to the properties on Langrigg Lane and to maintain the link southwards to Great Musgrave from the A66 mainline. The proposals also include a link road from Langrigg Lane westerly towards Flitholme Road. This link road would provide access, via Flitholme Road, northwards under the new A66 to link to the old A66 for east and west movements.

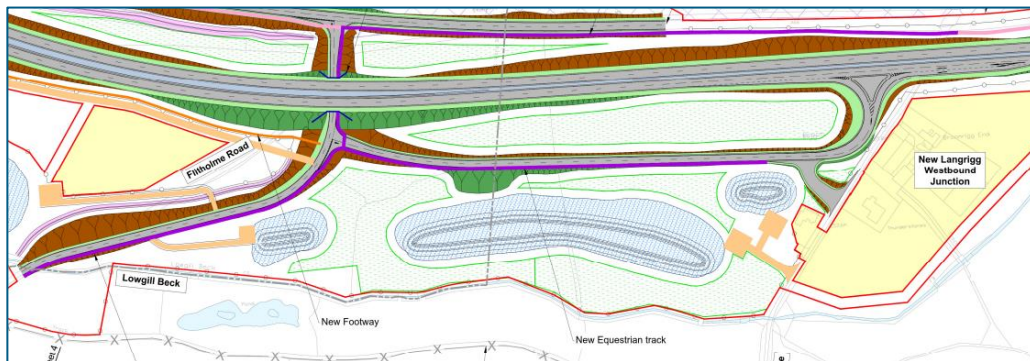


Figure DC-25(a) Extract from General Arrangement Drawing (Before)

- 3.25.2. The current proposals involve a concentration of works in this location in proximity to local residents with the potential for adverse impacts on the environment and the amenity of residents. For instance, current proposals require a number of balancing ponds in and around Langrigg Lane, including within the fen area, to manage water run-off from this new road configuration. As reported in the Environmental Statement the fen area is designated as a priority habitat and introduction of this change would help mitigate the impact of Scheme 06 on this habitat.
- 3.25.3. **Description of the change:** National Highways proposes to remove the direct left-in, left-out to the new A66 at Langrigg Lane. This would enable the east-west link road between Langrigg Lane and Flitholme Road to be moved further north to sit adjacent, where possible, to the new A66 mainline. The tie-in to Flitholme Road at the western end of the link would also be reduced and moved northwards to minimise the amount of new construction required and tie-in north of Lowgill Beck. The connection to the de-trunked A66 via an underpass from the link road would remain, albeit with the priorities changed to favour the east-west link.
- 3.25.4. As a result of the proposed change, access to and from Langrigg Lane would be via the de-trunked A66 (on the north side of the new A66) and

through the underpass to enable access to the communities of Warcop to the west and Brough to the east. Access to the new A66 would be maintained via the proposed junction at Warcop and at the existing junction in Brough.

- 3.25.5. **Alignment/ Design Speed/ Speed Limit:** The removal of the direct left-in, left-out to the new A66 at Langrigg Lane would enable the link road between Langrigg Lane and Flitholme Road to be moved further north next to new A66 mainline.

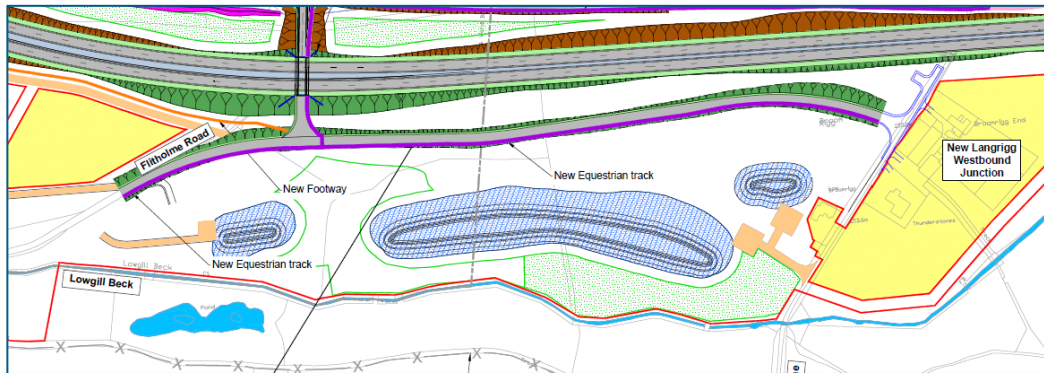


Figure DC-25(b) Extract from General Arrangement Drawing (After)

- 3.25.6. This change would require amendment to the extent of the classification of the U1066-01 as shown on the Classification of Road Plans. Refer to Figure DC-25(d).

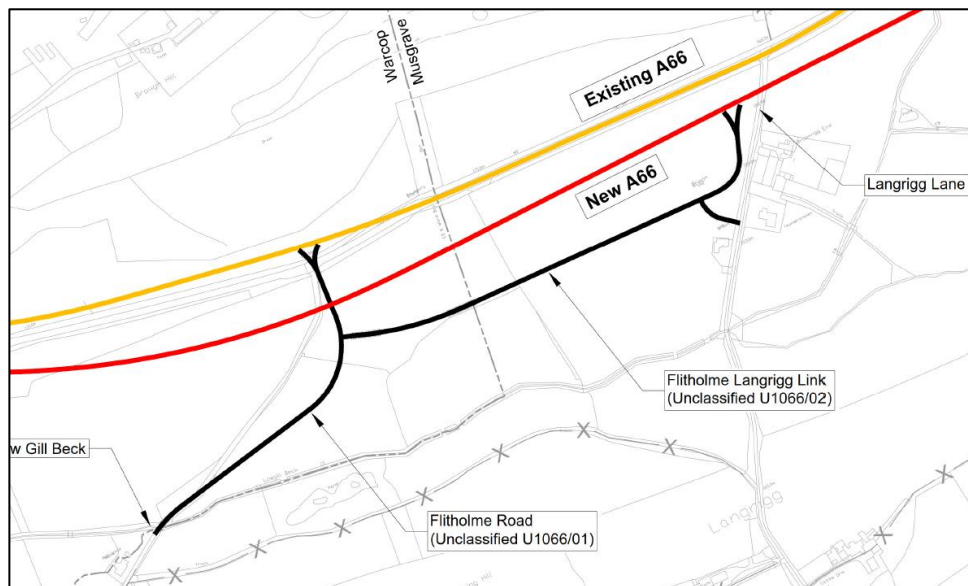


Figure DC-25(c) Extract from Classification of Roads Plans (Before)

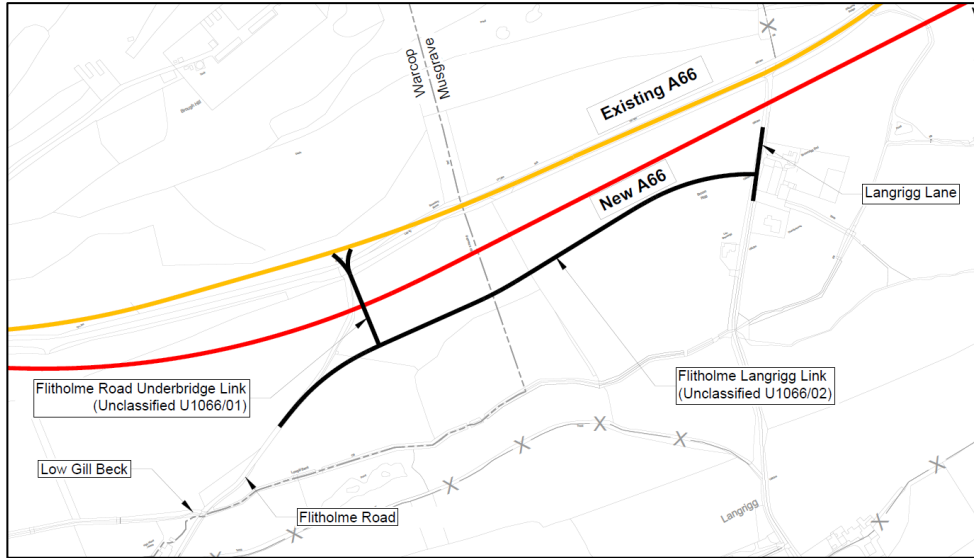


Figure DC-25(d) Extract from Classification of Roads Plans (After)

- 3.25.7. The change would also require updates to the extents of the speed limits proposed.
- 3.25.8. Any change in speed limit, is subject to further technical work including a formal independent Road Safety Audit. In addition, National Highways intends to engage with the emergency service providers, police enforcement teams and Local Authorities.
- 3.25.9. **Public Rights of Way/Access Tracks:** The change would require amendments to the proposed equestrian track to reflect the new alignment of the link road. There are no other amendments to any other Public Rights of Way or access tracks as a result of this change.

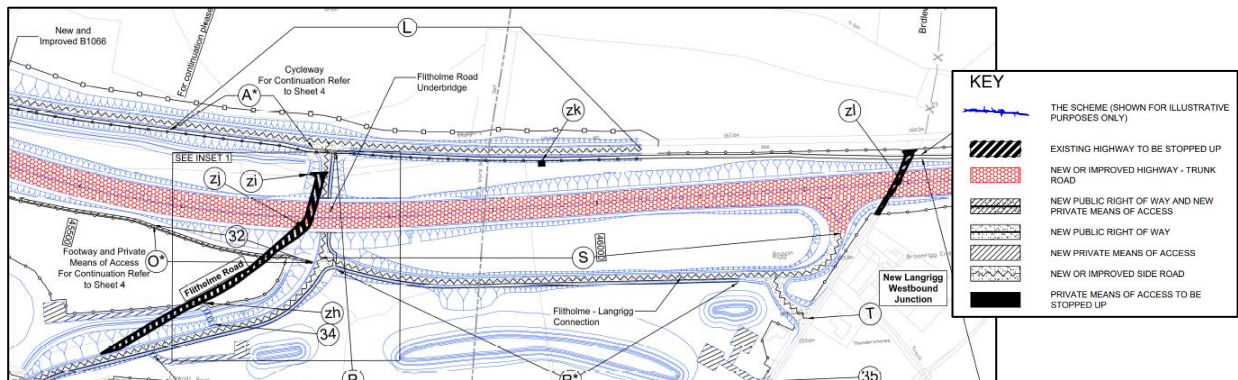


Figure DC-25(e) Extract from Rights of Way and Access Plans (Before)

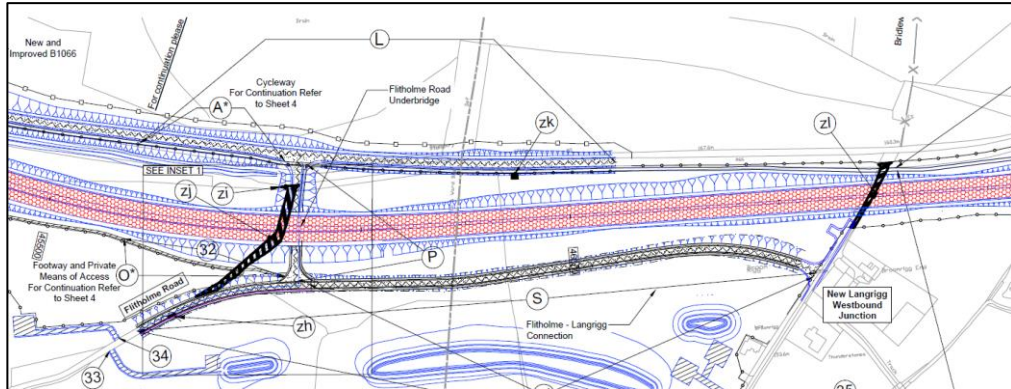


Figure DC-25(f) Extract from Rights of Way and Access Plans (After)

- 3.25.10. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result, there will be no impact on traffic modelling outputs for the scheme.
- 3.25.11. **Drainage:** The proposed drainage networks, catchments, ponds and outfalls described in ES Appendix 14.2: Flood Risk Assessment and Outline Drainage Strategy (APP-221) are affected by the change, due to the geometrical alignment changes and reduction in the paved area. It is likely that this will reduce the volume of attenuation required, minimising the land required for ponds.
- 3.25.12. In line with the wider project drainage design approach, updates to these will be subject to provisions D-RDWE-02 and D-RDWE-03 of the EMP (REP3-004). The drainage strategy principles, water quality mitigation and conclusion of the Flood Risk Assessment are unaffected.
- 3.25.13. **Geotechnics/ Earthworks/ Pavement:** The change will allow the amount of earthworks to be marginally reduced. The amount of paved area would be marginally less as a result of this change.
- 3.25.14. **Structures:** The change enables the span of the Filtholme Underpass to be reduced.
- 3.25.15. **Utilities:** There are no new utilities impacted by this change.
- 3.25.16. **Land take/ Land use:** A small area of additional land was proposed at consultation to facilitate the outfall from a relocated pond. As stated above this aspect of the change will be developed at detailed design stage but it is not the intention of the Applicant to seek any additional land. As a result of the reduction in road areas it is possible that less land will be required for the scheme in this location.
- 3.25.17. **LODs:** This change will require amendments to the LODs. This is outlined in Table DC-25(a) below. As a consequence of removing the left-in/left-out access junction the work numbers require to be amended, to reflect the design changes and allow flexibility to minimise land take.
- 3.25.18. Work No. 06-7A is retained in principle but is truncated at its western end to tie-in to Filtholme Road sooner. At its eastern end it is extended to connect directly into Langrigg Lane. Flexible horizontal LODs northwards

are retained with greater flexibility in the upwards vertical to allow for the rising ground in this area. Additional LoDs downwards have been included so as to enable greater flexibility in the level of underpass that connects to the de-trunked A66 (Work No. 06-4).

3.25.19. Work No. 06-7B will be retained in order to provide a turning head at the northern end of the stopped up Langrigg Lane. Standard LoDs will be applied to the link.

3.25.20. Work No. 06-7C is no longer required.

Table DC-25(a) Proposed changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
06-7A	To the extent the undertaker considers to be necessary as a consequence of any horizontal movement northwards	2 metres	Northwards - to the outer extent of the earthworks on the south side of Work No. 06-1D (A66 mainline) Southwards - Standard	The principles of the original LoD are retained to enable the horizontal LoD for Work No 06-7A to allow this link to move northwards as close as possible to the new A66 and therefore minimise the impact on land Flexibility in the vertical limits have been increased to enable any horizontal change to occur. Whilst downward limits have been increased to enable greater flexibility to connect to the de-trunked A66, Work No. 06-4

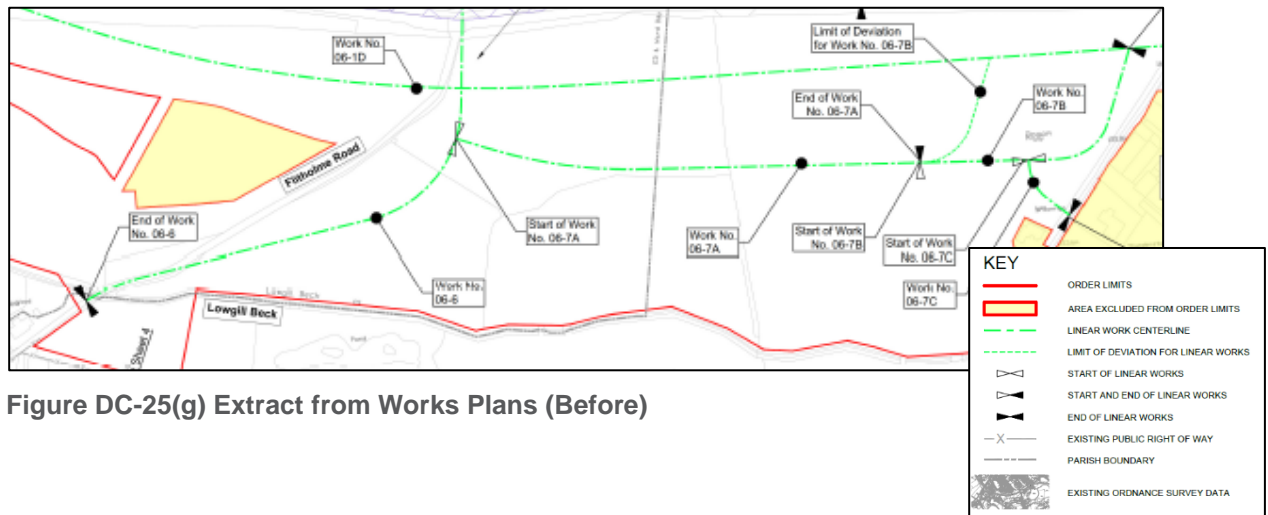


Figure DC-25(g) Extract from Works Plans (Before)

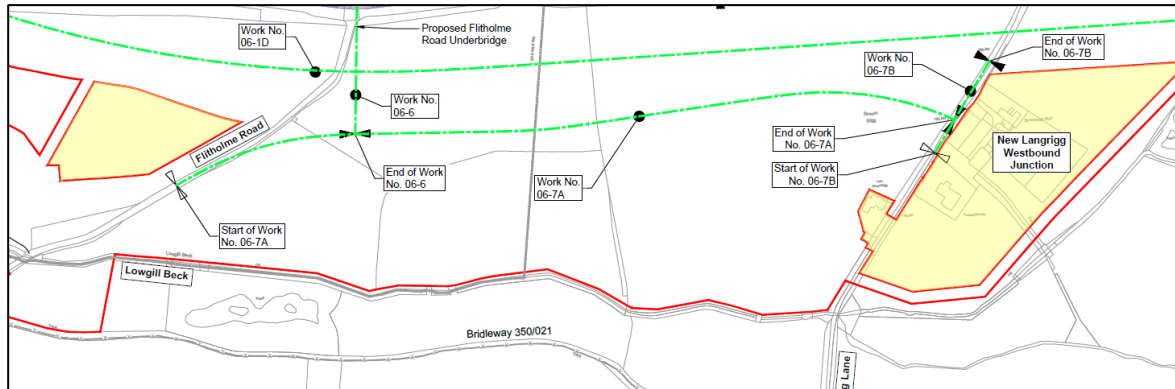


Figure DC-25(h) Extract from Works Plans (After)

3.25.21. Rationale for making the change: The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- This change is being proposed in response to feedback from both local residents and Warcop Parish Council, who suggested the removal of the Langrigg Lane junction, and was a matter discussed at the DCO Issue Specific Hearing on Alternatives in November 2022.
- This change would enable us to minimise the impacts of the junction, link road access and balancing ponds on the residents at Langrigg Lane.
- The new configuration would be at least 50m away from the residential properties rather than 11m in the current proposals.
- By tying in the Flitholme Road junction 100m to the north of the bridge over Lowgill Beck, the impacts on residents in that area can be reduced.
- With less road needing to be constructed, there is the potential that balancing ponds could be made smaller and potentially combined.
- The removal of the Langrigg junction allows the link road and associated infrastructure to move north.
- The reduction in the scale of infrastructure at this location means that less material will need to move via the road network which helps to minimise the impacts of construction traffic on local communities and reduce the build time.
- By removing this direct link from the A66, the new configuration, which is more in keeping with the existing local roads, is less likely to attract high speed vehicles.
- Removing the left-in, left-out also manages the concerns raised by local residents around HGV use of the area and the potential for overnight parking.
- Walking, cycling and horse riding provision will be maintained and will match the current arrangements on these roads.

- 3.25.22. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.
- 3.25.23. **Conclusions and Materiality:** There is public interest in this change (with a total of 15 feedback responses to this change of which eleven were in favour and two were not in favour (see Consultation Report 3.2)). Several of the consultation responses were recommending a more northerly route involving greater encroachment into the AONB and MOD land. These alternative routes have already been the subject of the Examination, such as at ISH1, and as the comments are not directly related to the change being promoted they have not therefore influenced the outcome of National Highways' assessment of this change. Many of the other issues raised at consultation, such as those relating to drainage and land, will be addressed through further engagement and through provisions of the EMP. For example, National Highways proposed to rationalise the pond designs and associated access for maintenance which may involve amendments to pond locations and/or shape to better fit the existing landscape/ field patterns. This will be undertaken in consultation with the drainage authorities and the land interests affected.
- 3.25.24. No new or different likely significant effects have been reported in the ES Addendum Volume II.
- 3.25.25. Given the level of response to consultation and the nature of the change (given the implications for local access arrangements) it is considered that the change is of wider public interest and therefore could be considered to be material.
- 3.25.26. The principal benefit of the change is that the amenity of the residents at Langrigg would be improved (compared with the current DCO application proposals) through the removal of the junction, relocation and rationalisation of the balancing ponds and reduction in the quantum of engineering works required. With the change accessibility to local services for local residents would still be retained via the underpass (from the Langrigg Lane Link to the de-trunked A66) providing access to Brough and Appleby (and the junctions to the new A66) via the old (de-trunked) A66. These benefits, combined with the support expressed through feedback to consultation, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, provide a strong justification for this change.

3.26. **DC-26 – Revision to West View Farm accommodation bridge and removal of West View Farm underpass**

- 3.26.1. **Background to the change:** The current DCO application design includes a private access track on a bridge over the A66 for the use of West View Farm and adjoining properties at the eastern end of the Appleby to Brough section of the route. To the west of West View Farm, an associated underpass is provided for connectivity to severed lands.

- The new overbridge would also provide access for walkers, cyclists and horse riders (WCH).
- 3.26.2. To the north, the overbridge provides access to the realigned local road (Main Street) into Brough and to local lanes to the north. To the south the access track connects to West View Farm and other properties as well to a left-in, left-out junction on to the westbound carriageway.
- 3.26.3. The underpass, to the west of West View Farm, would provide for movements of livestock and access to the fields and a silage tank to the north.
- 3.26.4. **Description of change:** The proposed change to the DCO would move the overbridge structure to the south east by approximately 80m, locating it further away from the farm buildings and adjacent properties. It would also reduce the span of the bridge, resulting in a more compact design for the connecting accesses. To facilitate this, the westbound left-in, left-out access from the A66 would be removed. To the north, the overbridge and connecting roads would remain in the North Pennines Area of Outstanding Natural Beauty (AONB) but to a lesser extent.
- 3.26.5. The change also involves the removal of the underpass. Alternative provision would be made via an extended private access track proposed to connect the severed lands to the north from the West View Farm overbridge. Access to the balancing ponds to the south are proposed from the shared track connecting to the West View overbridge on the southern side.

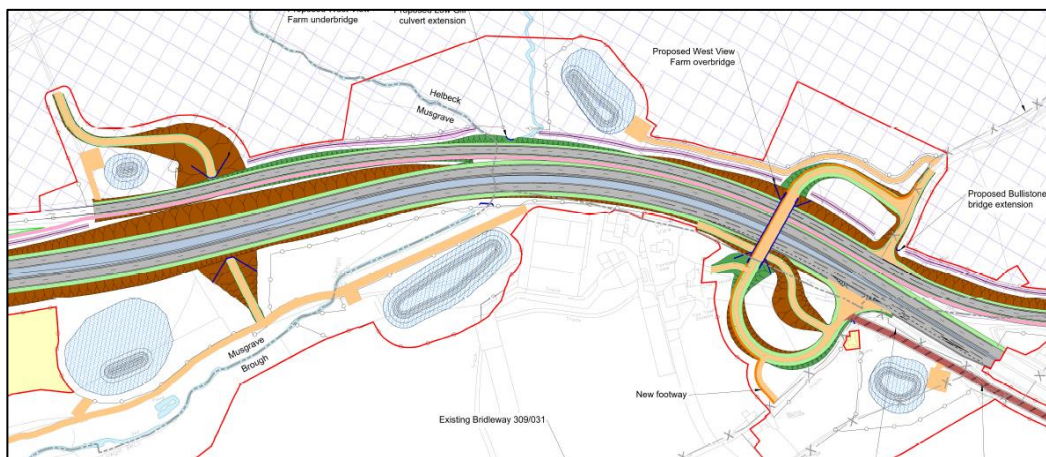


Figure DC-26(a) Extract from General Arrangement Drawing (Before)

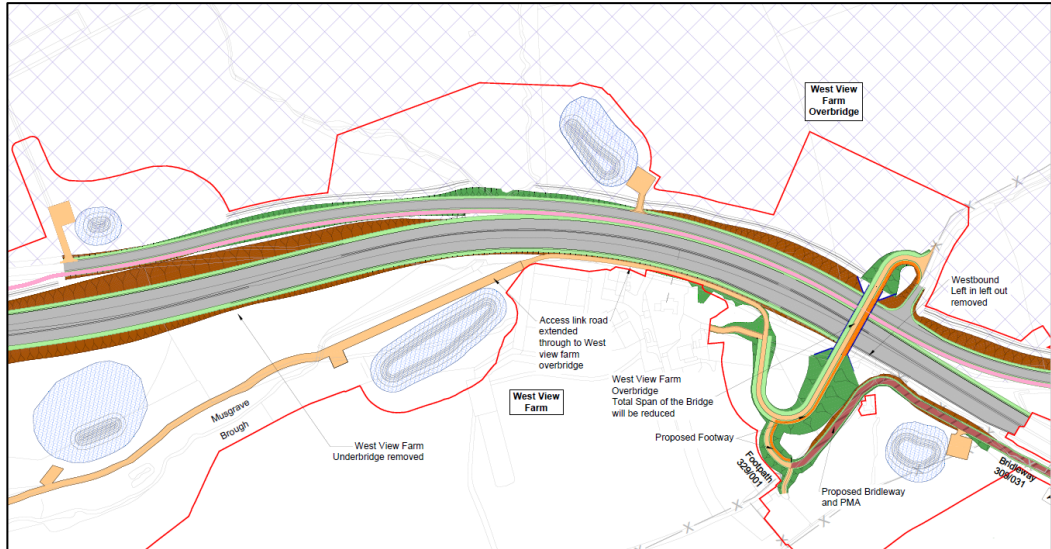


Figure DC-26(b) Extract from General Arrangement Drawing (After)

- 3.26.6. **Alignment/ Design Speed/ Speed Limit:** There is no impact to the proposed alignment, road classification, design speed or speed limit as result of this change.
- 3.26.7. **Public Rights of Way/Access Tracks:** The PMA servicing West View Farm (Reference 42 on the ROW & Access Plan) will be facilitated by a new access track adjacent to the northern side of the A66 mainline (Refer to Figure DC-26(d)) within the DCO Order limits. There are no other amendments to any other Public Rights of Way or access tracks as a result of this change.

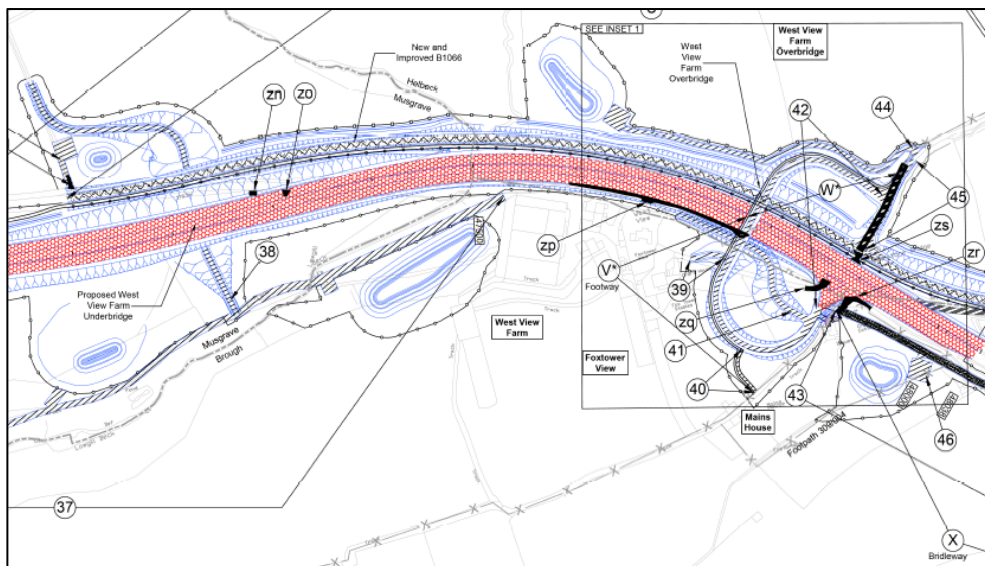


Figure DC-26(c) Extract from RoW & Access Plans (Before)

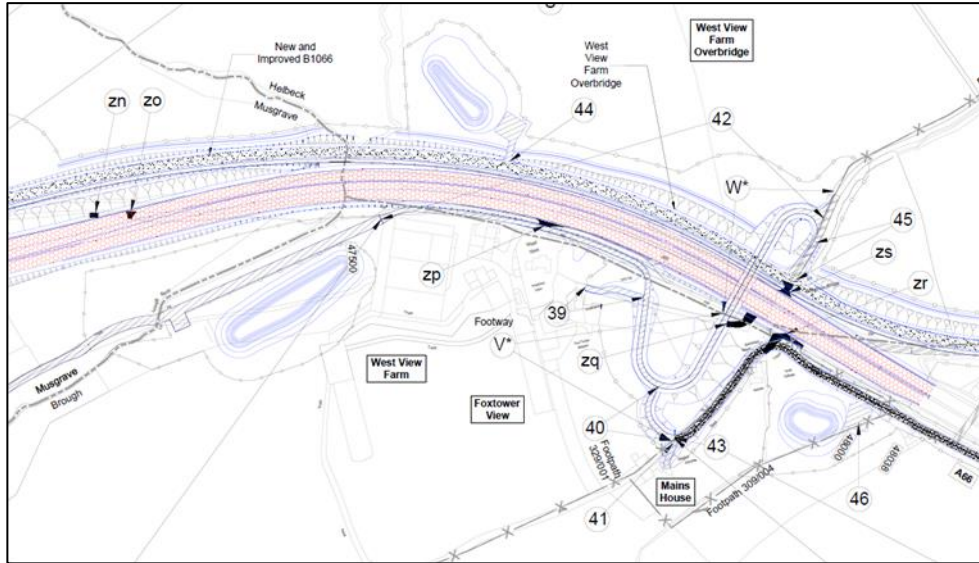


Figure DC-26(d) Extract from RoW & Access Plans (After)

- 3.26.8. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the strategic network. As a result, there will be no impact on traffic modelling outputs for the scheme. It is however noted that there will be a small increase in traffic travelling via Brough as result of the removal of the left-in left-out junction.
- 3.26.9. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221).
- 3.26.10. **Geotechnics/ Earthworks/ Pavement:** The change will marginally reduce the earthworks required due to the more compact nature of the junction. The amount of paved area required will also marginally reduce as a result of this change.
- 3.26.11. **Structures:** The span or the proposed bridge required for the new junction will be reduced. West View Farm underpass will not be constructed as a result of the proposed change.
- 3.26.12. **Utilities:** There are no new utilities impacted by this change.
- 3.26.13. **Land take/ Land use:** No additional land is required by this change.
- 3.26.14. **LODs:** There are no LoDs associated with the works shown, hence there are no changes to note.
- 3.26.15. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:
- This change responds directly to requests by a landowner and residents that live locally to the proposed access arrangements who have raised concerns about the proximity of the structure and

unauthorised access to the farm and properties from people who are seeking access to Brough from the A66.

- It would address a landowner's concerns about security, the amount of land required and the proximity of the bridge to residential buildings.
- It would provide safer access to West View Farm by ensuring the bridge, as intended, is a private access track for the farm, adjoining properties and walkers only. The likelihood of members of the public and unauthorised (potentially higher speed) vehicles using the bridge will be significantly reduced.
- Without this change the overbridge was open to all traffic to and from the westbound A66 dual carriageway and could easily become a rat run for traffic to enter the west side of Brough.
- Another landowner expressed concern in respect to the reduced provision for access to and from the A66. This may lead to increased distances and journey times for some movements associated with the operation of West View Farm.
- It would result in the removal of an underpass which would not be required if the overbridge is solely a private access track and walkers' route. An additional track would be built parallel to the northern edge of the A66 mainline to provide replacement access.
- National Highways acknowledges comments made by other landowners in respect to the impact that the removal of the underpass will create to the operation of the farm. Further, more detailed engagement is required with the affected landowner as part of accommodation works discussions to develop the access track network required for the farm to operate.
- Reducing the overbridge span and removing the left-in, left-out access, the underpass and associated earthworks results in less land-take within the AoNB, reductions in the requirements for materials and a shorter construction duration. This will also minimise disruption and construction impacts (including traffic impacts) for the landowner and road users.

3.26.16. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.

3.26.17. **Conclusions and Materiality:** The change appears to be of some public interest based on the feedback received at consultation (there were 15 feedback responses received of which eight were in favour of the change and six not in favour – See Consultation Report section 3.2). There were concerns raised about the loss of a left in and left out for westbound traffic and increases in traffic as a consequence through Brough. National Highways acknowledge the loss of a left in and left out access, although

the number of vehicles utilising the turning is not significant. The principal benefit of the removal of the left in left out access is that the bridge becomes a Private Means of Access and footway only. Without this change the overbridge was open to all traffic to and from the westbound A66 dual carriageway and could easily become a rat run for traffic to enter the west side of Brough. Whilst this will lead to a small increase in traffic through Brough it is offset by the removal of a potential rat run which the Applicant considers would be worse for Brough than this new proposal.

- 3.26.18. With respect to issues raised on footpath and bridleways National Highways can confirm that there will be no change to the provision of WCH routes as a result of the change.
- 3.26.19. With respect to concerns about increase in lorry movement from Helbeck Quarry, National Highways can confirm that the change would result in more journeys needing to be completed by using the Warcop junctions to avoid Brough than proposed in the current DCO application.
- 3.26.20. Many of the other issues raised, such as the suitability of the road network for the proposed change in traffic and drainage, can be addressed through further engagement with statutory bodies and affected land interests. The design is subject to further technical work during the detailed design stage of the Project that will include the specification of the road network, including but not limited to design standards, road widths, and how shared road space will be delineated.
- 3.26.21. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The change would not require an extension to the DCO Order limits, and additional land interests (beyond those affected by the current draft DCO) would not be affected. Furthermore, the change responds to a request from some of the land and property interests affected by the proposals and seeks to address their concerns. Nevertheless, given the public interest in the design (and the level of response and interest shown at Consultation) the applicant considers that this change is likely to be material.
- 3.26.22. The benefits of this change, arise from the movement of the overbridge eastwards will mean that it is further from residential properties and less disruption to residents during construction. In addition there are potential benefits from removing conflict between farming and users of WCH routes. It also benefits land interests through reducing the amount of land required and providing a more secure and safer route for farm traffic. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, provide a strong justification for this change.

3.27. DC-27 – Construction of noise barrier south of Brough

- 3.27.1. **Background to the change:** The environmental impact assessment of the DCO application identified that there might be additional noise impacts on the residents of the housing development off Castle View in

Brough. To mitigate the noise impact it is currently proposed that acoustic fencing is provided to help reduce noise levels in this location. This fencing was planned to be erected on land owned by National Highways at the edge of the A66.

- 3.27.2. **Description of the change:** Following further investigation, as part of early detailed design work, the Applicant has found that the acoustic fence cannot be built and maintained wholly within land owned by National Highways. This means that additional land will need to be acquired, outside the ownership of National Highways. The change proposes an amendment to the DCO Order limits to include the land required to erect and maintain the acoustic fencing.
- 3.27.3. The noise fence will be located on the alignment assessed in the Environmental Statement Chapter 12 (APP-055). The front face of the barrier is therefore not proposed to move, meaning that noise levels and the mitigation afforded by the barrier remains the same.
- 3.27.4. **Alignment/ Design Speed/ Speed Limit:** There is no impact to the proposed alignment, road classification, design speed or speed limits as result of this change.
- 3.27.5. **Public Rights of Way/Access Tracks:** There are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.27.6. **Traffic:** The proposed change does not affect the modelled network therefore it has no impact on traffic modelling.
- 3.27.7. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221).
- 3.27.8. **Geotechnics/ Earthworks/ Pavement:** The change will have minimal impact on the earthworks required.
- 3.27.9. **Structures:** There is no impact to any proposed or existing structures.
- 3.27.10. **Utilities:** There are no new utilities impacted by this change.
- 3.27.11. **Land take/ Land use:** The amount of permanent land take has been increased as a result of this change (Refer to Figure DC-27(a)).

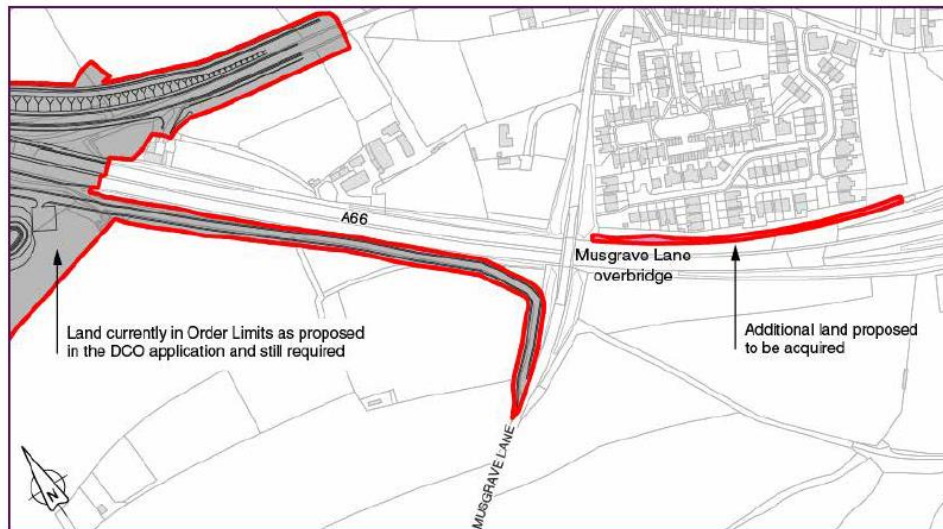


Figure DC-27(a) Image showing additional land required for acoustic fencing

- 3.27.12. **LODs:** This change will not affect the LODs proposed in the original DCO submission.
- 3.27.13. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:
- To allow for the provision of acoustic fencing, as proposed in our DCO submission, to mitigate noise impacts
 - The change ensures that it can be built within land secured by the DCO.
- 3.27.14. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change. This includes the conclusions of ES Chapter 12 Noise and Vibration (APP-055) as the noise barriers this change is intended to facilitate were already proposed, there will be no change to the noise mitigation itself.
- 3.27.15. **Conclusions and Materiality** There appears to be little public interest in this change based on the feedback received at consultation (there were 2 feedback responses received, one of which was in favour (see Consultation Report – section 3.2)). The issues raised at Consultation principally relate to the effectiveness of the acoustic fence and seeking further details on the noise reductions that can be achieved. It is confirmed that the noise fence will be located on the alignment assessed in the Environmental Statement, submitted with the DCO application. The front face of the barrier is therefore not proposed to move meaning that noise levels and the mitigation afforded by the barrier remains the same as reported in the submitted ES.

- 3.27.16. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II and the change would deliver the noise mitigation identified as being required in this location.
- 3.27.17. The change would require a small area of additional land (outside the current DCO Order limits) to enable the construction of the acoustic fence. The landowner, and all persons known to have an interest in this area of additional land have confirmed their consent to the inclusion of this additional land in the DCO Application for the purposes of progressing this proposed change (please see Appendix C for details), and as such the CA Regulations are not engaged. Given the minor nature of the change to the DCO Order limits it is considered that the change is likely to be non-material.
- 3.27.18. The benefit of this likely non-material change is the ability to deliver a noise barrier that will lead to a reduction in noise at properties to the south of Brough within land secured by the DCO. This benefit, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, provides a strong justification for this change.

3.28. DC-28 – Realignment of local access road to be closer to new dual carriageway east of Bowes

- 3.28.1. **Background to the change:** The current design for the East of Bowes provides a Private Means of Access north of the A66, accessed via a new link from The Street. A track runs parallel to the A66 mainline and passes under the back span of East Bowes Accommodation Overbridge as shown in Figure DC-28(a).

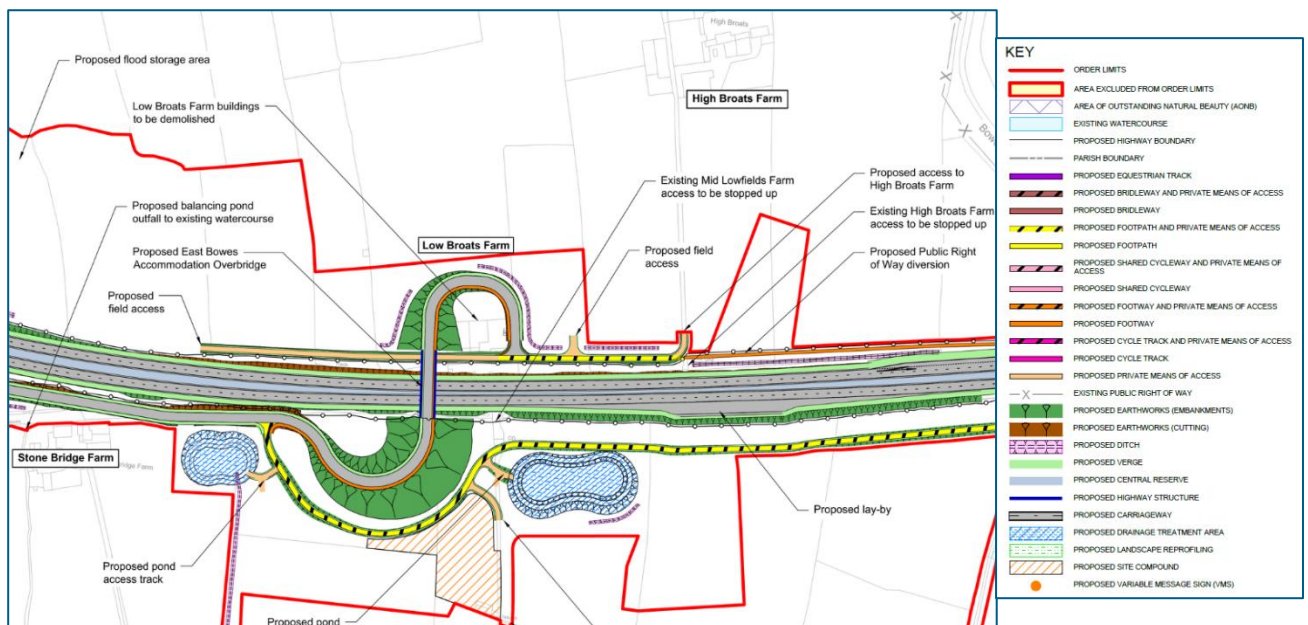


Figure DC-28(a) Extract from General Arrangement Plans (Before)

- 3.28.2. **Description of the change:** The early detailed design work being undertaken has identified an opportunity to amend the vertical Limits of

Deviation to reduce the span of the new overbridge by approximately 20m and realign the PMA as shown in Figure DC-28(b).

- 3.28.3. **Alignment/ Design Speed/ Speed Limit:** There is no impact to proposed A66 carriageway alignment. The proposed change removes a T-junction at the end of the extension of The Street. The Street now terminates at a Private Means of Access to Low Broats and High Broats Farms. The private means of access to fields to the west (on the north side of the A66) is relocated to the northside of the accommodation bridge.
- 3.28.4. There is no impact to the proposed road classification, design speeds or speed limits for the proposed A66 or extension of The Street.
- 3.28.5. **Public Rights of Way/Access Tracks:** There are no amendments to any Public Rights of Way or access tracks as a result of this change. The diverted PROW (Bowes Footpath 12) will continue to be routed over the accommodation bridge.
- 3.28.6. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result there will be no impact on traffic modelling outputs for the scheme.
- 3.28.7. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221).
- 3.28.8. **Geotechnics/ Earthworks/ Pavement:** There is a slight increase in earthworks due to the shorter structure, but the amount of paved area remains similar.
- 3.28.9. **Structures:** As described above, there is the potential to reduce the span of the accommodation overbridge.
- 3.28.10. **Utilities:** There are no new utilities impacted by this change.
- 3.28.11. **Land take/ Land use:** No additional land is required by this change, and any reduction in land take will be determined during the detailed design stage. However, the relocation of the private means of access for field access to the west will change the land use on part of the plot to be acquired (Plot 07-03-22) that was previously shown as grassland.

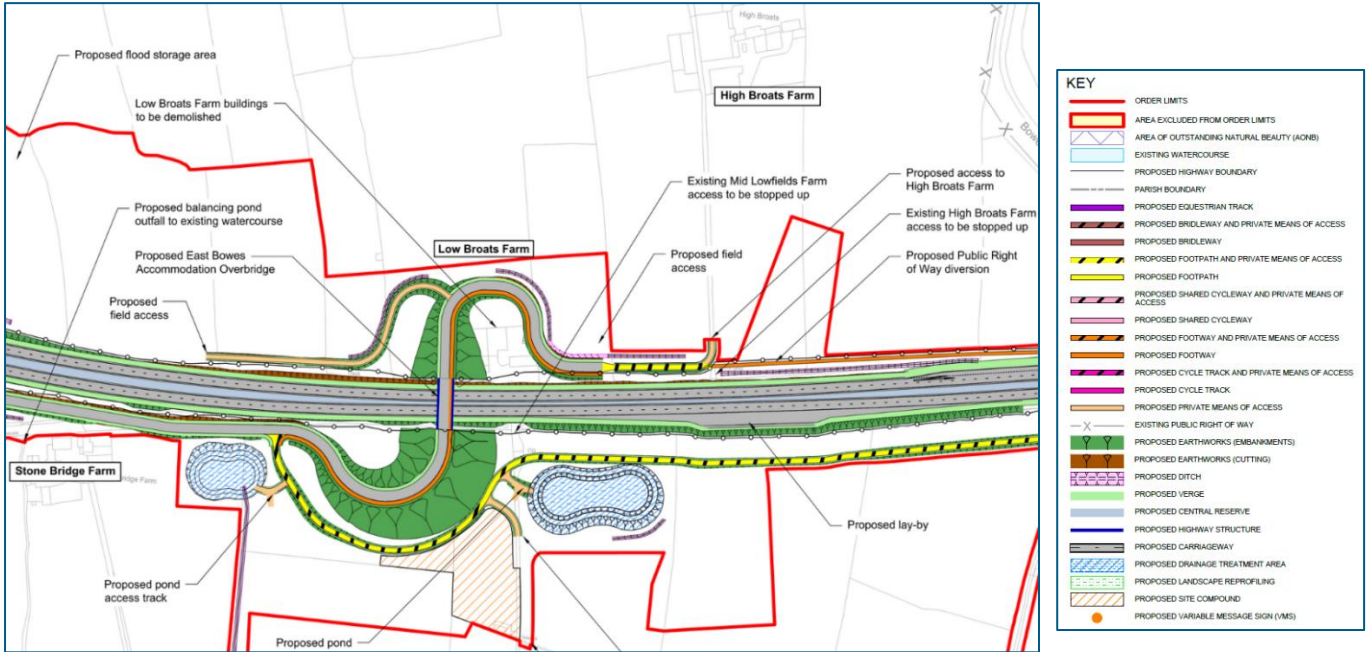


Figure DC-28(b) Extract from General Arrangement Plans (After)

3.28.12. **LODs:** There are a number of changes to the Limits of Deviation as a result of this proposed change. To facilitate this change, the applicant is seeking to introduce greater flexibility in the LoDs for Work No. 07-7. Changes are outlined in the following paragraphs.

3.28.13. As outlined in Table DC-28(a), it is proposed that Work No. 07-7 is split into Work No. 07-7A and Work No. 07-7B (at Ch0+300m) and that new LoDs apply from Ch0+300m to the end of the alignment. The horizontal LoDs would not change (3m variance on the centreline) but the vertical LoDs would change to 2m upward and 2m downward, for the new numbered work – 07-7B. Refer to Table DC-28(a) and Figures DC-28(c) and (d).

Table DC-28(a) Proposed Changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
07-7A	Standard	Standard	Standard	Work No 07-7 to be split to allow introduction of new Numbered Work extension of The Street. Standard LoDs to be applied.
07-7B	2 metres	2 metres	Standard	Work No 07-7 to be split to allow introduction of new Numbered Work extension of The Street. Increase in vertical LoDs to allow flexibility amend gradients and shorten bridge length

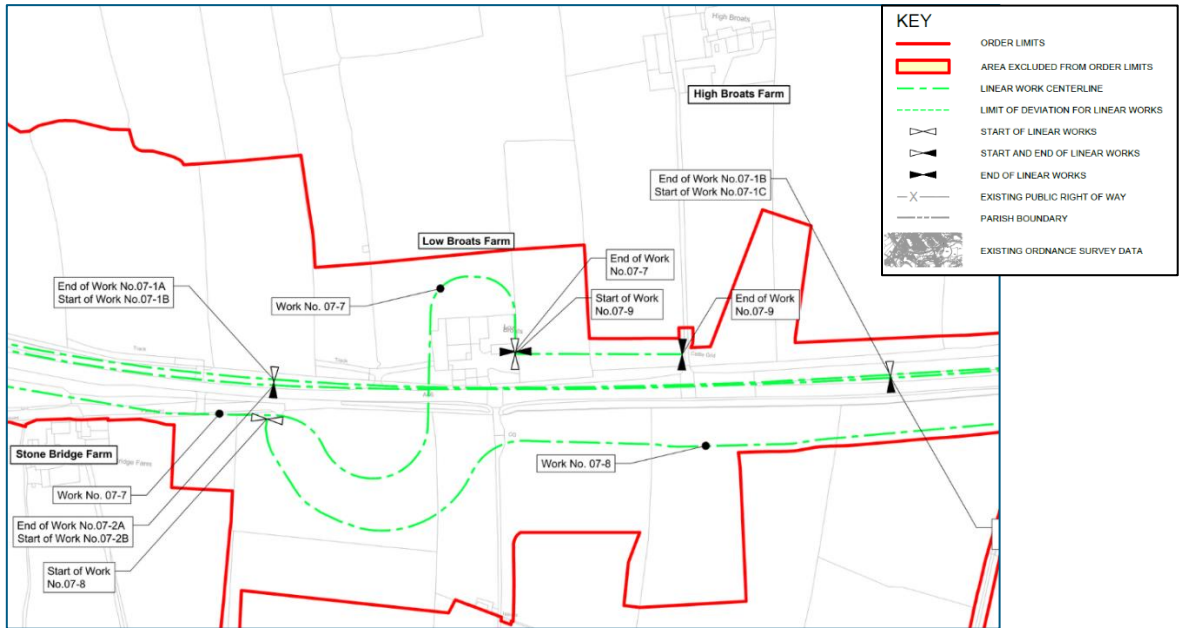


Figure DC-28(c) Extract from Works Plans (Before)

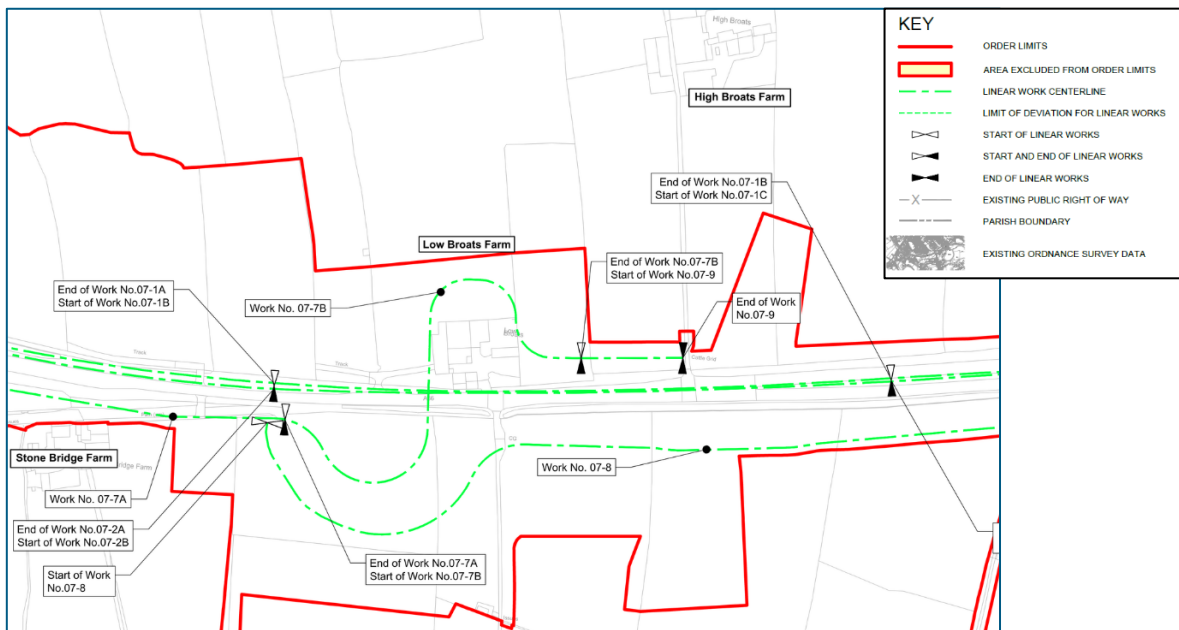


Figure DC-28(d) Extract from Works Plans (After)

3.28.14. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- By reducing the size of the structure, the construction duration can be reduced and would also result in less construction related impacts for local people and road users.

3.28.15. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant

effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.

- 3.28.16. **Conclusions and Materiality:** The change appears to be of some (although not significant) public interest based on the feedback received at consultation (there were 5 feedback responses received, four of which were in favour (see Consultation Report – section 3.2)). Some of the issues raised at consultation questioned the need for the bridge and others sought specific re-assurances around the detailed design. National Highways can confirm that the proposed accommodation bridge will provide access to the A67 for landowners north and south of the A66 and will provide a safe crossing of the A66 for users of the diverted public right of way from Bowes Cross Farm. Furthermore, the proposed design for the bridge will be subject to the same design standards as the DCO design which has been designed for HGV access, and will include further vehicle swept path analysis in consultation with landowners on vehicle types to be accommodated.
- 3.28.17. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The change would not involve an extension to the DCO Order limits and there are no new land interests affected. For the reasons set out above it is considered that the change is non-material.
- 3.28.18. The benefits of the change arise from a reduced length and simplification of the structure for this part of the scheme. This may potentially lead to a reduction in the construction programme and fewer construction related impacts. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum alongside the support for the change at consultation, provide a strong justification for this change.

3.29. DC-29 – Realignment of A66 mainline and Collier Lane

- 3.29.1. This change is not being progressed (see section 2.4)

3.30. DC-30 – Realignment of maintenance/footpath adjacent to Waitlands Lane

- 3.30.1. **Background to the change:** The current design for the DCO application included a balancing pond close to Waitlands Lane on the south side of the A66, north of Ravensworth. This balancing pond has a maintenance access track running west to join the de-trunked section of the A66 which is parallel to the south of the new A66 alignment in this location.
- 3.30.2. Footpath number 20.55/1/1 is diverted around the access track to meet with the de-trunked A66. Refer to Figure DC-30(a).

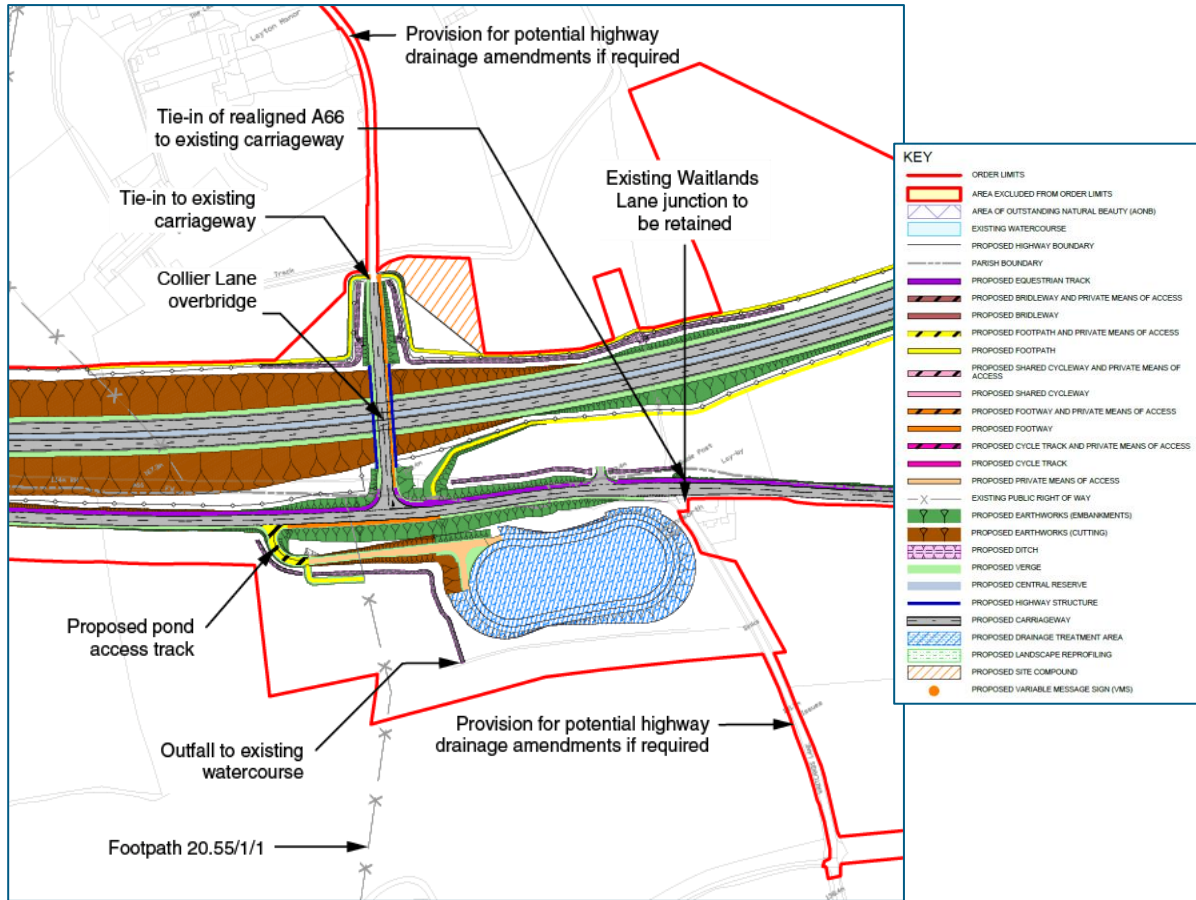


Figure DC-30(a) Extract from General Arrangement Plans (Before)

3.30.3. **Description of the change:** The change relates to moving the maintenance access to the balancing pond from the west to the east to connect to Waitlands Lane. This would reduce the extent of realignment of the existing footpath, which can stay on its existing alignment up to the proposed highway boundary. Once inside the highway boundary, a small ramp and / or short realignment along the de-trunked A66 embankment will be required to bring it up to the new level of the de-trunked A66 in compliance with relevant DDA and LTN/120 standards. Refer to Figure DC-30(b) and (c).

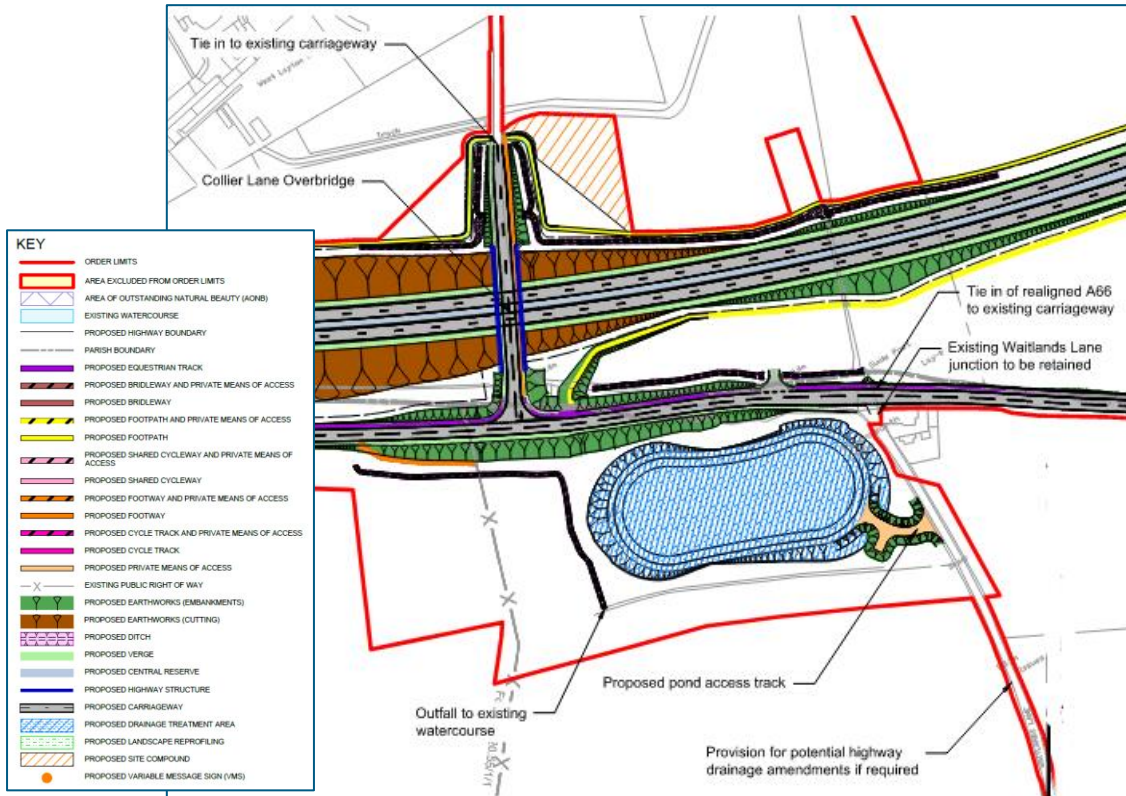


Figure DC-30(b) Extract from General Arrangement Plans (After)

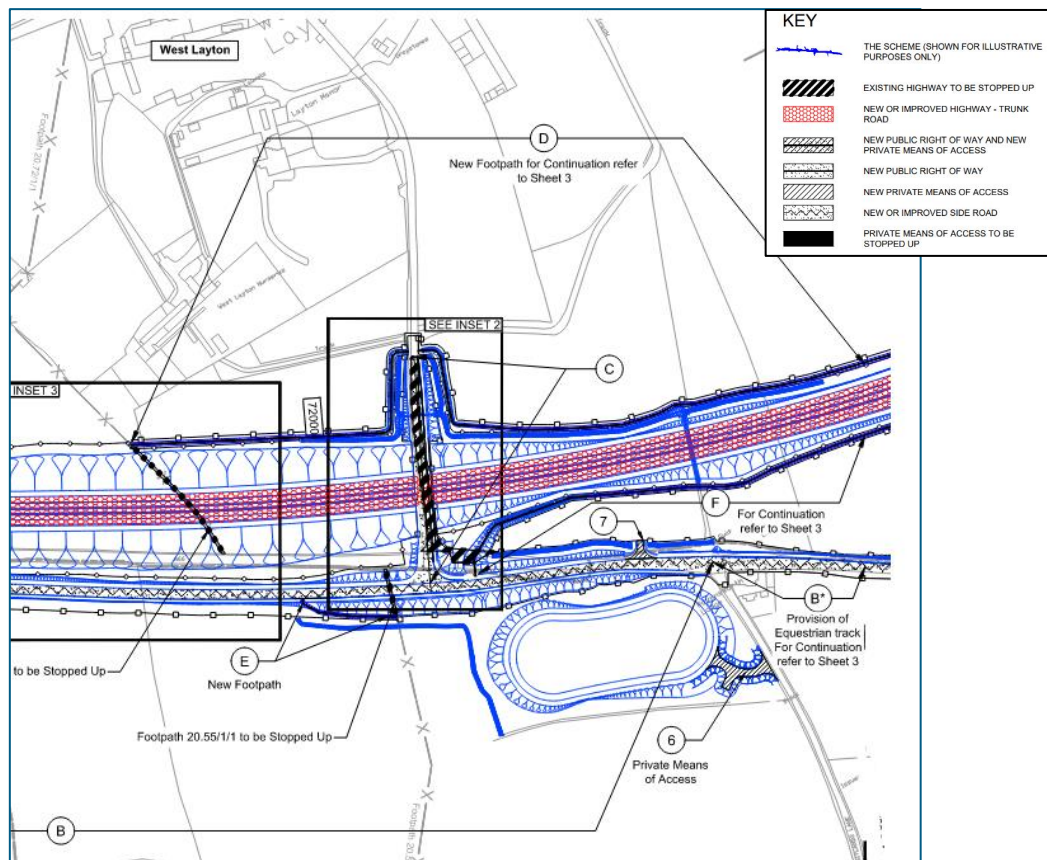


Figure DC-30(c) Extract from Public Rights of Way Plan (After)

- 3.30.4. **Alignment/ Design Speed/ Speed Limit:** There is no impact to proposed A66 carriageway, Collier Lane or de-trunked A66 alignments with this proposed change. There is no impact to the proposed road classification, design speed or speed limits.
- 3.30.5. **Public Rights of Way/Access Tracks:** Other than the minor amendments to existing footway 20.55/1/1, there are no amendments to any other Public Rights of Way or access tracks as a result of this change.
- 3.30.6. **Traffic:** The proposed change does not affect the modelled network therefore it has no impact on traffic modelling.
- 3.30.7. **Drainage:** No impact to proposed catchments, outfall locations or pond size or location. Cut off drainage, previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221) would remain but there is opportunity for this to be realigned closer to the de-trunked A66, potentially reducing the footprint of the works.
- 3.30.8. **Geotechnics/ Earthworks/ Pavement:** There is a slight reduction in earthworks and paved area due to shorter access track to the attenuation pond.
- 3.30.9. **Structures:** There is no impact to any proposed or existing structures.
- 3.30.10. **Utilities:** There are no new utilities impacted by this change. Relocating the access track removes a proposed crossing of a water main.
- 3.30.11. **Land take/ Land use:** No additional land is required by this change, however there is the potential to reduce land take in the detailed design stage due to the proposed relocation of the pond access. The relocated access onto Waitlands Lane is situated on land which is proposed to be acquired irrespective of the change being implemented.
- 3.30.12. **LODs:** There are no new non-standard Limits of Deviation associated with the change or changes to the current Limits of Deviation.
- 3.30.13. Work No. 09-7, as shown in Figure DC-30(d), would no longer be required as a result of this change, as shown in Figure DC-30(e).

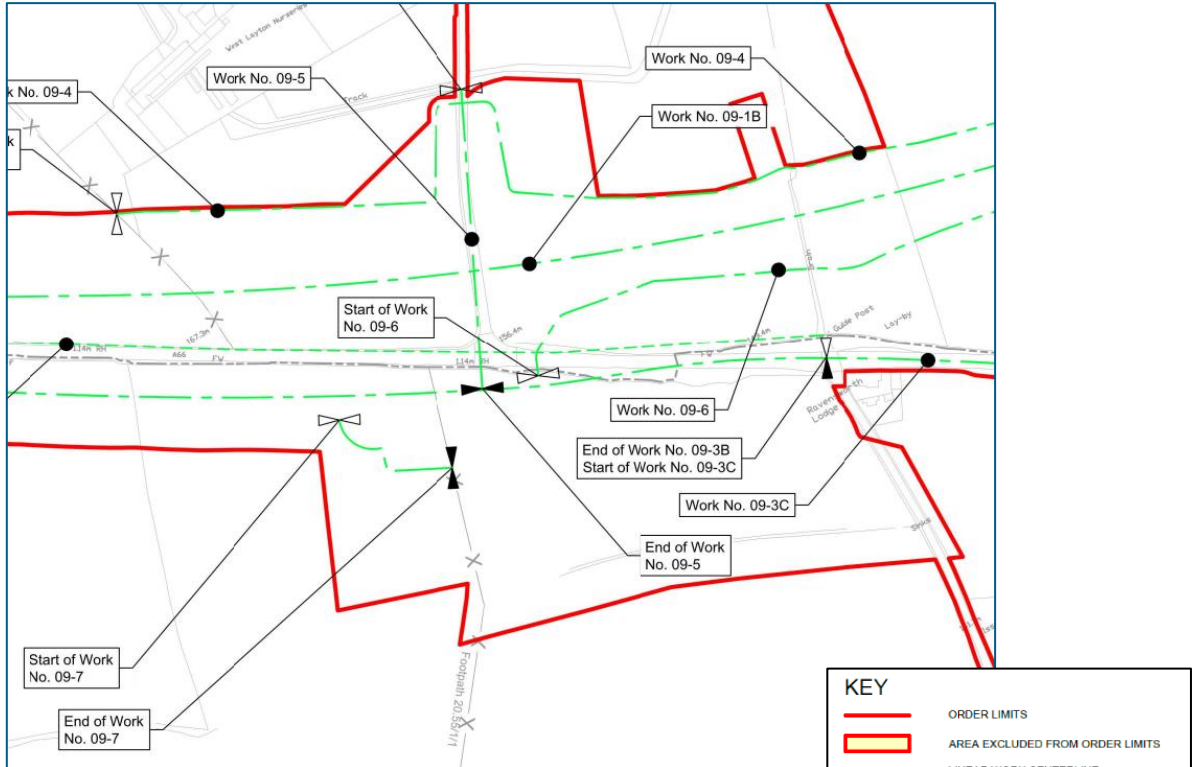


Figure DC-30(d) Extract from Works Plan (Before)

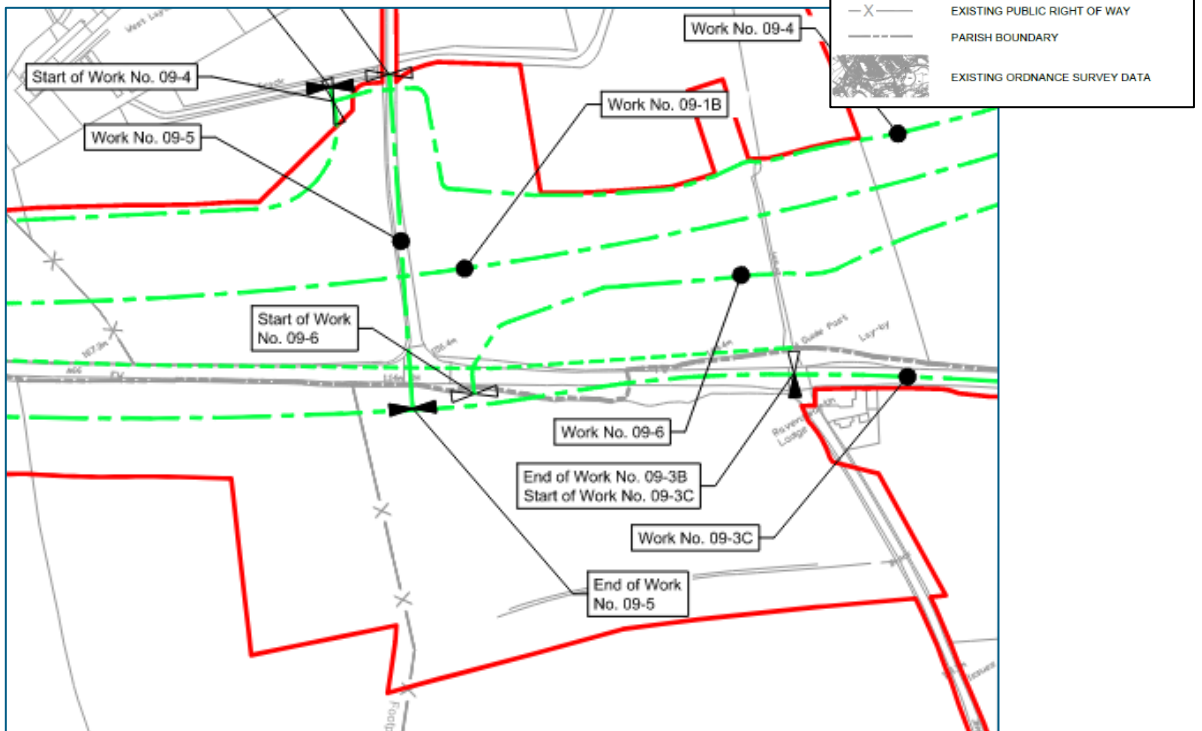


Figure DC-30(e) Extract from Works Plan (After)

- 3.30.14. **Rationale for making the change:** The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:
- This change reduces the length of footpath diversion required.
 - It also reduces the length of the maintenance access track and associated earthworks, reducing the build programme and material usage.
 - It removes the need for construction above a watermain.
 - It allows for the potential reduction of the footprint of the works.
- 3.30.15. **Environment:** No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.
- 3.30.16. **Conclusions and Materiality:** There appear to be some (but not significant) public interest in this change based on the feedback received at consultation (there were 4 feedback responses received, one of which was in favour and one which was not in favour (see Consultation Report – section 3.2). Issues raised related to assurances of addressing impacts on scheduled monuments and in relation to assurances that the proposed path will be suitable for all users and comply with standards. The Environmental Statement Addendum has concluded that the proposed change will not affect the Roman Fort Scheduled Monument at Carkin Moor. The existing footpath (20.55/1/1) will stay on its original alignment with a small ramp and / or short realignment along the de-trunked A66 embankment to bring it up to the new level of the de-trunked A66 to comply with relevant DDA and LTN/120 standards.
- 3.30.17. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The change would not require an extension to the DCO Order limits and there would be no additional effects on new land interests. The applicant considers that this change is likely to be non-material.
- 3.30.18. The benefits of this likely non-material change, arise from avoiding the need to realign a footpath, which would lead to a reduction in the disruption to users of the footpath and reduction in the duration of construction in this location. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, provide a strong justification for this change.

3.31. DC-31 – Realignment of Warrener Lane

- 3.31.1. **Background to the change:** For the current design for the DCO application Warrener Lane connects with the de-trunked section of the A66, west of the all-movement junction close to Mainsjill Farm shop.

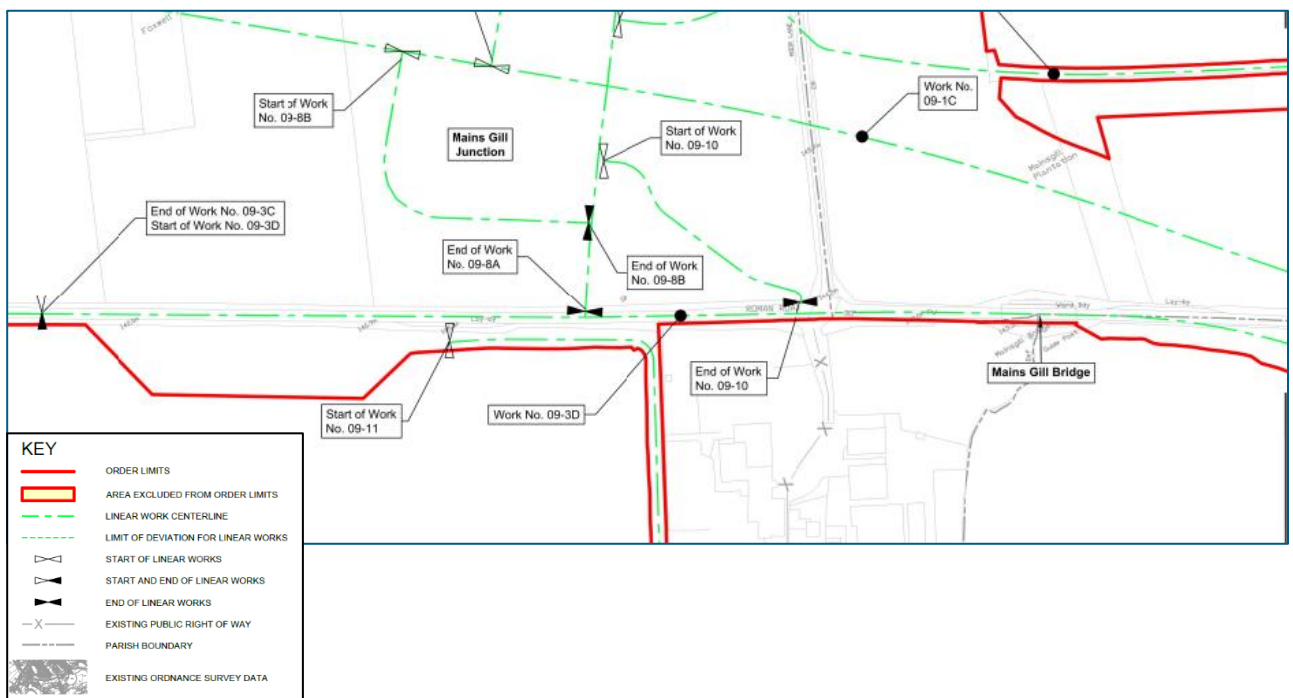
- 3.31.2. **Description of the change:** A change to the horizontal Limit of Deviation to Work No. 09-3D of up to 12m in a northward direction provides an opportunity to move Warrener Lane northwards closer to the A66. This could be done without encroaching on the Scheduled Monument in the vicinity of this part of the Scheme.
- 3.31.3. **Alignment/ Design Speed/ Speed Limit:** There is no impact to proposed A66 carriageway. This change focuses on the section of Warrener Lane carriageway between the tie in to the existing A66 east of Mainsgill Farm Shop and west of the Carkin Moor Scheduled Monument. There is no impact to the proposed road classification, design speed or speed limit for Warrener Lane.
- 3.31.4. **Public Rights of Way/Access Tracks:** There are no amendments to any Public Rights of Way or access tracks as a result of this change.
- 3.31.5. **Traffic:** The proposed change is of such a scale that it has no bearing on the traffic model or how vehicles will use the network. As a result there will be no impact on traffic modelling outputs for the scheme.
- 3.31.6. **Drainage:** No impact to proposed catchments, outfall locations or pond size or locations previously proposed within the Drainage Strategy (Environmental Statement Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy APP-221).
- 3.31.7. **Geotechnics/ Earthworks/ Pavement:** There is a marginal reduction in earthworks and paved area.
- 3.31.8. **Structures:** There is no impact to any proposed or existing structures.
- 3.31.9. **Utilities:** There are no new utilities impacted by this change.
- 3.31.10. **Land take/ Land use:** No additional land is required by this change, however there is the potential to reduce the construction footprint on the south side of Warrener Lane in the detailed design stage, over the extents of this change. The land between Warrener Lane and the A66 is being acquired irrespective of the change being implemented.
- 3.31.11. **LODs:** There are a number of changes to the Limits of Deviation as a result of this proposed change.
- 3.31.12. This change will require amendments to the following Work Numbers to provide greater flexibility whilst recognising the limitations that the Schedule Monument creates:
- Work No. 09-3D would terminate east of Mainsgill Bridge with all LoDs being standard.
 - Work No. 09-3E would begin east of Mainsgill Bridge and terminate to the southwest of the Scheduled Monument. This numbered work would therefore incorporate the maximum 12m northward LoD as per this change.
 - Work No. 09-3F would begin southwest of the Scheduled Monument and terminate southeast of the Scheduled Monument (previously 09-

3E). This numbered work has a 0m northward horizontal LoD and 5m southward horizontal LoD as per the current DCO.

- Work No. 09-3G would begin southeast of the Scheduled Monument and terminate at the eastern extent of the scheme (previously Work No. 09-3F).

Table DC-31(a) Proposed Changes to Limits of Deviation

Work No.	Upwards vertical LoD	Downwards vertical LoD	Lateral/horizontal LoDs	Reason
09-3D	Standard	Standard	Standard	Length of Numbered Works section reduced
09-3E	Standard	Standard	Northwards - to the extent of the corresponding fine dashed green line shown on the works plans Southwards - standard	Renumbered Works Section incorporated as part of this change. It allows flexibility for this section of Warrener Lane to move closer to A66
09-3F	Standard	Standard	0m northwards 5m southwards	Renumbered Works Section (previously 09-3E in principle). 0m northward movement to minimise impact on the Carkin Moor Scheduled Monument
09-3G	Standard	Standard	Standard	New Work number created as a consequence of defining the extents of the proposed change. This section was previously 09-3F in principle



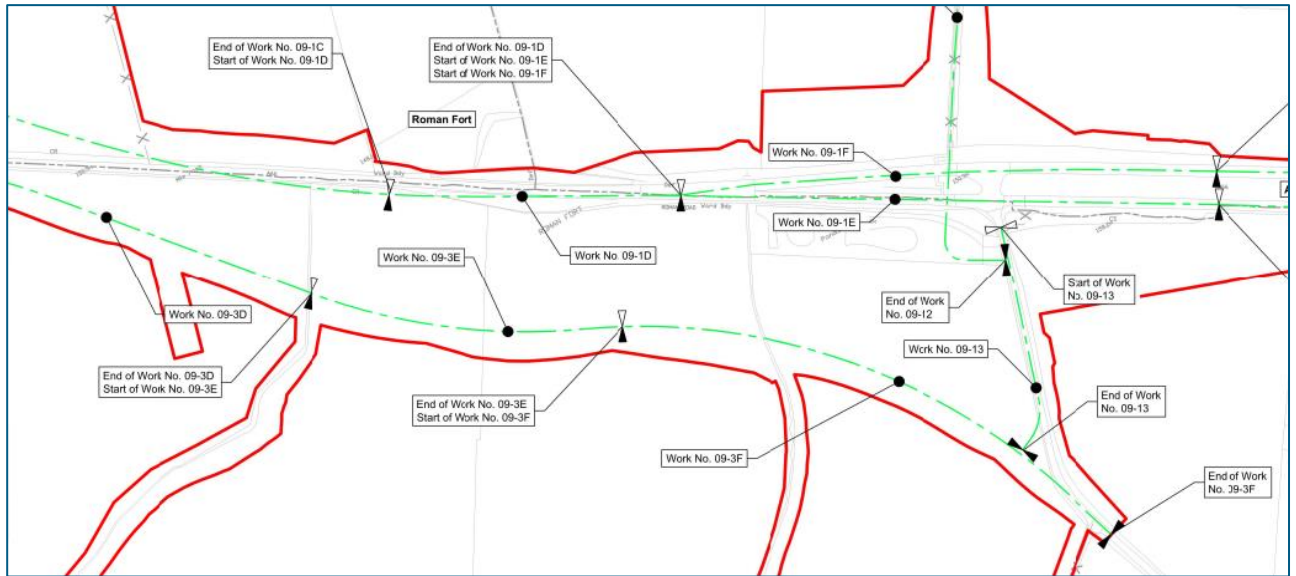


Figure DC-31(a) Extract from Works Plan (Before)

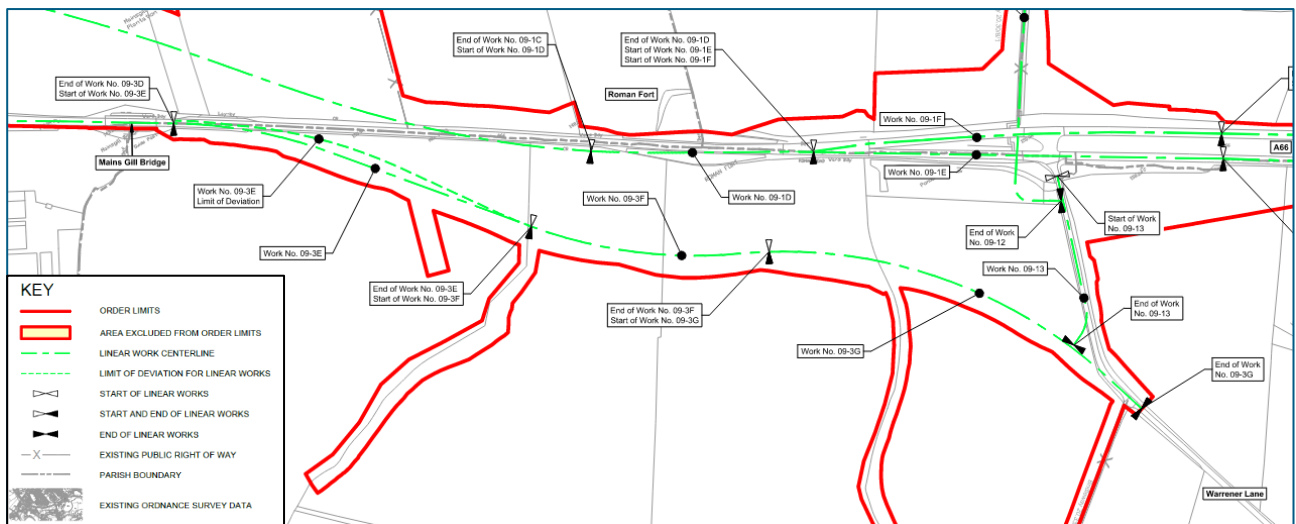


Figure DC-31(b) Extract from Works Plan (After)

3.31.13. Rationale for making the change: The Applicant is of the view that there is a pressing need for making this proposed change. The benefits and impacts of this change are outlined below:

- It would allow for a reduction in the construction footprint
- It allows for a reduction in the construction period and therefore less disruption during the works.

3.31.14. Environment: No topic assessed in the ES submitted in the DCO design has been assessed as having any new or different likely significant effects reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as a result of the change.

3.31.15. Conclusions and Materiality: There appears to be some public interest in this change based on the feedback received at consultation (there

were 6 feedback responses received, three of which were in favour and one of which was not in favour (see Consultation Report – section 3.2)). There were issues raised by the representatives of Mainsgill Farm and Farm Shop, issues raised regarding impact on bridleway connectivity and in relation to the impact on a scheduled ancient monument. The timing and phasing of the proposed works is currently being developed by the delivery partner for this scheme. It is acknowledged that without mitigation and suitable design the timing and duration of the works could have an impact on Mainsgill Farm Shop. The delivery partner will continue to engage with Mainsgill Farm Shop as the detail of the programme is developed. National Highways can confirm that the change would not impact on the drainage arrangements for Mainsgill Farm. Furthermore, at Warrener Lane the change would not affect the proposed connectivity to the surrounding bridleways.

- 3.31.16. There are no new or different likely significant effects associated with this change, reported in the ES Addendum Volume II. The ES Addendum found that the change would not lead to any additional encroachment on the scheduled ancient monument area.
- 3.31.17. The change would not require an extension to the DCO Order limits and there would be no additional effects on new land interests. Given the above applicant considers that this change is likely to be non-material.
- 3.31.18. The benefits of this likely non-material change arise from a reduction in the overall footprint of the construction works without impinging on the scheduled ancient monument to the north. These benefits, in the absence of additional adverse environmental impacts, as confirmed in the ES Addendum, alongside the support for the change at consultation, provide a strong justification for this change.

3.32. DC32 – Lower the A66 mainline levels east of Carkin Moor and change an underpass to an overbridge

- 3.32.1. This change is not being progressed (see section 2.4)

4. A full schedule of all Application documents and plans listing required consequential revisions – paragraph (3) of Figure 2b

4.1. Overview of Amendments to Application Documents

- 4.1.1. The Applicant notes the requirement, as referenced in point (3) of Figure 2b in AN16, for the Proposed Change Application to be accompanied by a full schedule of all Application documents and plans, listing consequential (in the event that each proposed change was accepted) revisions to each document and plan, or a 'no change' annotation.
- 4.1.2. Accordingly, a Schedule of Consequential Amendments to Application documents is appended to this report, at Appendix A.
- 4.1.3. In accordance with the recommendation in AN16, the Applicant's Schedule of Consequential Amendments to Application Documents reflects the most recent version of the Applicant's Application Document Tracker (Version 5) submitted at Deadline 5 [REP5-002]. Its preparation has also included consideration of whether there would be any change to the consents or licences required, or any impediment to securing those consents or licences if the proposed changes were accepted into the Examination; and the Applicant has concluded that there would not.

5. A tracked change version of the draft DCO and Explanatory Memorandum – paragraph (4) of Figure 2b of Advice Note 16

5.1. Overview of the Changes to the Draft DCO

- 5.1.1. The Applicant notes the requirement, as reflected in AN16 (point (4) of Figure 2b), for the Change Application to be accompanied by a clean and tracked change version of the draft development consent order (“dDCO”) showing each proposed change, and a tracked change revised draft Explanatory Memorandum (“dEM”).
- 5.1.2. A tracked change version of the dDCO (based on Revision 3, submitted at Deadline 5 [REP5-012]), updated to include the drafting amendments which would be required if the proposed changes were accepted, is appended to this Change Application at Appendix B(i). In this mark-up of the dDCO, each amendment is identified by reference to the relevant proposed change reference number (i.e. DC-XX). A clean version of the revised draft DCO also accompanies this Change Application, included at Appendix B(ii).
- 5.1.3. The Applicant has reviewed the draft Explanatory Memorandum (Revision 2, submitted at Deadline 2, [REP2-007]) and does not consider that any consequential amendments would be required to be made to it in the event that all or any of the proposed changes were accepted by the Examining Authority. Accordingly, a tracked change version of the dEM is not included as part of this Change Application.

6. Position in relation to additional land

6.1. Additional Land Required

6.1.1. The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (“CA Regulations”) define “additional land” as “*land which it is proposed shall be subject to compulsory acquisition and which was not identified in the book of reference submitted with the application as land*”. In the context of the Applicant’s proposed changes, this definition of additional land is applicable to:

- land outside the DCO Order limits in the original DCO Application (“the current DCO Order limits”), but which is now proposed to be acquired for the Project (referred to below as “new pink land”); and
- land which is within the current DCO Order limits and which was originally proposed to be subject only to powers of temporary possession, but which is now proposed to be acquired for the Project (referred to below as “upgraded pink land”).

6.1.2. Collectively, in relation to the Applicant’s proposed changes, the new pink land and the upgraded pink land are referred to as “additional land”.

6.1.3. Of the 24 proposed changes presented in this Change Application, 4 proposed changes would require additional land. These are as follows:

- DC-03 requires additional land which comprises upgraded pink land; and
- DC-19, DC-21 and D-27 require additional land which comprises new pink land.

6.2. Confirmation that the Compulsory Acquisition Regulations are not engaged

6.2.1. The Applicant is aware that where additional land (as defined above) is required in connection with a proposed change, this would engage the procedures set out in the CA Regulations, unless all of the persons with an interest in the additional land consent to the inclusion, in the DCO application, of provisions seeking the authorisation of compulsory acquisition powers over the additional land.

6.2.2. With the exception of the proposed changes mentioned above (i.e. DC-03, DC-17, DC-19, DC-21 and DC-27), none of the Applicant’s proposed changes would have any impact on, or require any changes to, the way in which powers of compulsory acquisition and temporary possession are currently sought in the DCO Application.

6.2.3. The Applicant does not wish to engage the CA Regulations in connection with the Project, and has therefore, in bringing forward those proposed changes, sought to secure the inclusion of the additional land required in connection with the above-mentioned proposed changes by agreement, by seeking the consent of those persons with an interest in the additional land. Please refer to Appendix C to this Change Application for details

(including copies of correspondence) confirming that such consent has been granted.

- 6.2.4. Details of the additional land required in connection with each of the above-mentioned proposed changes is set out below, in the form of:
- ‘plot plans’ which show the additional land shaded pink, together with, for context, land shaded grey, being land which is already shown on the Land Plans and identified in the Book of Reference for the Project; and
 - ‘land interest tables’ identifying Affected Persons with an interest in the additional land.
- 6.2.5. Given the Applicant’s intention not to engage the Compulsory Acquisition Regulations, this Change Application does not include information prescribed by Regulation 5 of the CA Regulations, nor does it seek to present a timetable demonstrating that the procedural requirements of the Compulsory Acquisition Regulations can be met within the remaining time in the six-month examination of the Applicant’s DCO Application.
- 6.2.6. Information is, however, provided below, to explain where additional land is required and how this relates to the compulsory acquisition request which currently forms part of the DCO Application for the Project.

6.3. Additional land required for DC-03

- 6.3.1. As explained in section 3.3 above, the proposal to re-orientate the Kemplay Bank roundabout within Scheme 0102 would require additional land. Land which was previously proposed to be subject to powers of temporary possession (within plot 0102-02-21 and part of plot 0102-02-35) is now required to be acquired and used permanently to accommodate the re-orientated roundabout. The new plots of pink land, identified as plots 0102-02-118 and 0102-02-119, are shown in the plot plan excerpt below (Figure DC-03(f)):

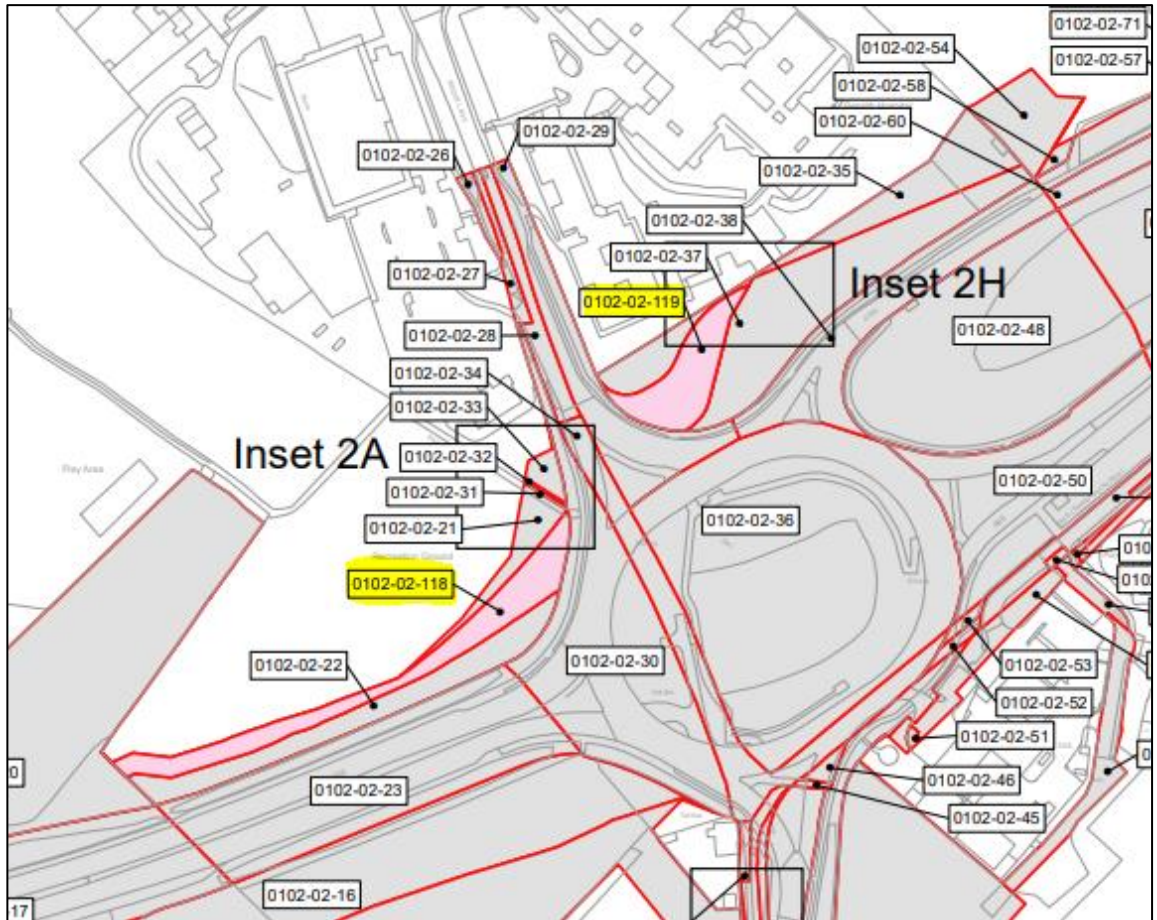


Figure DC-03(f) – plan showing the additional land (shaded pink) required for DC-03

6.3.2. For comparison purposes, the corresponding excerpt from the current Land Plans [AS-013] is shown below:

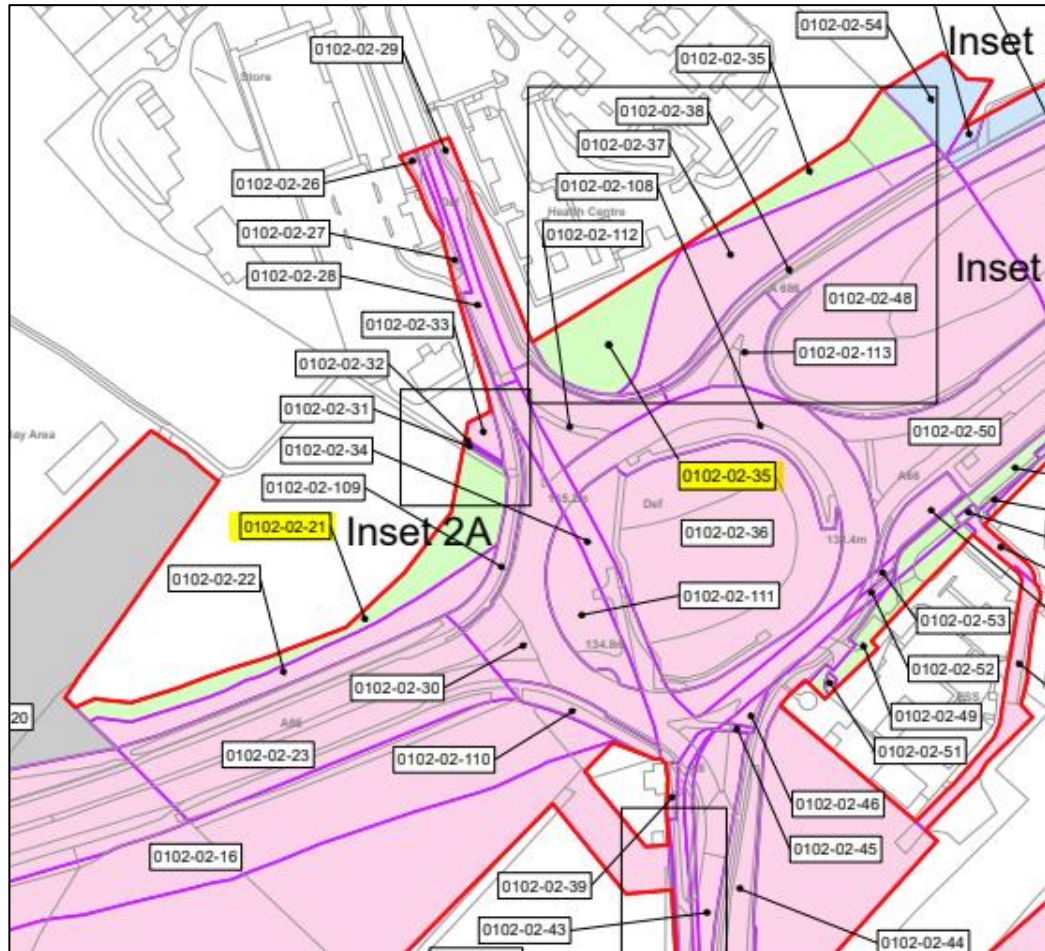


Figure DC-03(g) – Land Plan excerpt showing the land (shaded green) originally proposed to be required temporarily

- 6.3.3. The land interest tables in Figure DC-03(h) below are excerpts from a revised tracked change Book of Reference (Part 1) for Scheme 0102. They show the changed area measurements (in square metres) for plots 0102-02-21 and 0102-02-35, as well as new entries for the new pink plots 0102-02-118 and 0102-02-119, which comprise the additional land.

Land Plans Sheet No.	Plot Number on Land Plans	Extent, description and situation of land	Category 1			Category 2
			A person is within Category 1 if the applicant, after making diligent inquiry, knows that the person - (a) is interested in the land, or			A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person - (a) is interested in the land, or
			Freehold or Reputed Freehold Owners	Lessees or Tenants or Reputed Lessees or Tenants	Occupiers or Reputed Occupiers	(b) has power - (i) to sell and convey the land, or (ii) to release the land, see section 37 (2) of the Planning Act 2008.
2	0102-02-21	Temporary possession of 2667-607 square metres of grassland, trees and public right of way (358008), forming part of Ullswater Community College, Wetheriggs Lane, Penrith CA11 8NG (CU186752 - Absolute Freehold)	The Governing Body of Ullswater Community College Ullswater Community College Wetheriggs Lane Penrith CA11 8NG Unregistered/Unknown (in respect of mines and minerals)	-	The Governing Body of Ullswater Community College Ullswater Community College Wetheriggs Lane Penrith CA11 8NG Cumbria County Council Cumbria House 117 Botchergate Carlisle CA1 1RD (in respect of public right of way)	United Utilities Group plc Haweswater House Lingley Mere Business Park Lingley Green Avenue Great Sankey Warrington WAS 3LP (Org No. - 06559020) (in respect of water mains)
2	0102-02-35	Temporary possession of 2272-2092 square metres of agricultural land, east of Bridge Lane, Penrith (CU280313 - Absolute Freehold)	North Cumbria Integrated Care NHS Foundation Trust Pillars Building Cumberland Infirmary Newtown Road Carlisle CA2 7HY Unregistered/Unknown (in respect of mines and minerals)	North Cumbria Integrated Care NHS Foundation Trust Carlisle Hall Farm Carlisle Avenue Penrith CA11 8RQ	North Cumbria Integrated Care NHS Foundation Trust Carlisle Hall Farm Carlisle Avenue Penrith CA11 8RQ North Cumbria Integrated Care NHS Foundation Trust Pillars Building Cumberland Infirmary Newtown Road Carlisle CA2 7HY	Electricity North West Limited Borron Street Stockport SK1 2JD (Org No. - 02366949) (in respect of underground cables) Openreach Limited Kelvin House 123 Judd Street London WC1H 9NP (Org No. - 10690039) (in respect of underground cables) Cumbria County Council Cumbria House 117 Botchergate Carlisle CA1 1RD (in respect of a restriction against the disposition of the registered estate on title CU280313)
2	0102-02-118	Permanent acquisition of 1960 square metres of grassland and trees, forming part of Ullswater Community College, Wetheriggs Lane, Penrith CA11 8NG (CU186752 - Absolute Freehold)	The Governing Body of Ullswater Community College Ullswater Community College Wetheriggs Lane Penrith CA11 8NG Unregistered/Unknown (in respect of mines and minerals)	1	The Governing Body of Ullswater Community College Ullswater Community College Wetheriggs Lane Penrith CA11 8NG	United Utilities Group plc Haweswater House Lingley Mere Business Park Lingley Green Avenue Great Sankey Warrington WAS 3LP (Org No. - 06559020) (in respect of water mains)
2	0102-02-119	Permanent acquisition of 1180 square metres of grassland, east of Bridge Lane, Penrith (CU280313 - Absolute Freehold)	North Cumbria Integrated Care NHS Foundation Trust Pillars Building Cumberland Infirmary Newtown Road Carlisle CA2 7HY Unregistered/Unknown (in respect of mines and minerals)		North Cumbria Integrated Care NHS Foundation Trust Pillars Building Cumberland Infirmary Newtown Road Carlisle CA2 7HY	Cumbria County Council Cumbria House 117 Botchergate Carlisle CA1 1RD (in respect of a restriction against the disposition of the registered estate on title CU280313)

Figure DC-03(h) – excerpts from tracked change Book of Reference showing revisions relating to the additional land required for DC-03

6.3.4. Consent to the inclusion of the additional land in the Change Application was granted by all persons with an interest in the additional land required for DC-03: please see items 1, 3 and 4 in Appendix C to this Change

Application. Accordingly, the Compulsory Acquisition Regulations are not engaged.

- 6.3.5. Item 2 in Appendix C confirms that the land in plot 0102-02-35, which was previously understood to have been subject to a tenancy, is not in fact tenanted (see the corresponding tracked change amendment in Figure DC-03(h) above).
- 6.3.6. Consent was not sought from Cumbria County Council because a restriction on a disposition is not, in itself, an interest in land.

6.4. Additional land required for DC-19

- 6.4.1. As explained in section 3.19 above, the proposal to realign the proposed new cycle track (cycleway) further to the north, onto a length of the de-trunked A66 within Scheme 06, would require additional land. Land which was previously outside the DCO Order limits (as shown on the current Land Plans for Scheme 06 [APP-307]) is now required to be acquired and used permanently to accommodate the realigned length of cycleway. The new plots of pink land, identified as plots 06-03-58 and 06-03-59, are shown in the plot plan excerpt below (Figure DC-19(m)):



Figure DC-19(m) – plan showing the additional land (shaded pink) required for DC-19, as comprised in new plots 06-03-58 and 06-03-59

- 6.4.2. For comparison purposes, the corresponding excerpt from the current Land Plans [APP-307] is shown below in Figure DC-19(n):

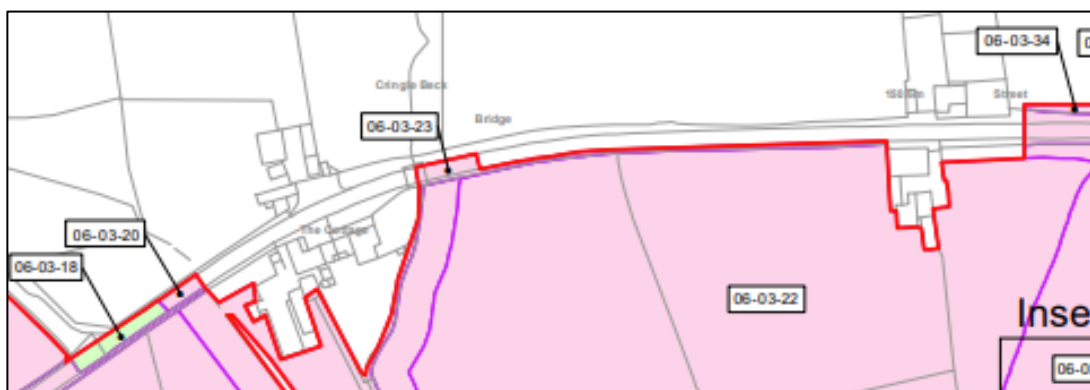


Figure DC-19(n) – Land Plan excerpt showing how the additional land required for DC-19 was originally outside the DCO Order limits

- 6.4.3. The land interest tables in Figure DC-19(o) below are excerpts from a revised tracked change Book of Reference (Part 1) for Scheme 06. They show the entries for new plots 06-03-58 and 06-03-59, which comprise the additional land required for DC-19 (being land owned by National Highways (the Applicant)).
- 6.4.4. As explained in section 3.19 above, the original DC-19 proposal on which the Applicant consulted included more additional land than the current DC-19 proposal being put forward in this Change Application.
- 6.4.5. At the consultation stage, proposed change DC-19 included additional land in which Sheila Strong, Wilf Buckle and Openreach Limited were understood to have an interest. However, in response to consultation feedback, proposed change DC-19 was modified to exclude the land in which these persons have an interest.
- 6.4.6. The current DC-19 proposals therefore do not include any additional land in which persons other than the Applicant has an interest.
- 6.4.7. Consent to the inclusion of the modified proposal for DC-19 in the Change Application was granted by Sheila Strong and Wilf Buckle: please refer to items 6 and 7 in Appendix C to this Proposed Change Application. The consent of Openreach (Item 5 in Appendix C) was granted before DC-19 was modified to exclude land in which it has an interest.
- 6.4.8. Figure DC-19(o) below provides details of the ownership of the additional land required for DC-19. All of the additional land required for DC-19 is owned by the Applicant and, accordingly, the CA Regulations are not engaged.

Land Plans Sheet No.	Plot Number on Land Plans	Extent, description and situation of land	Category 1		
			<i>A person is within Category 1 if the applicant, after making diligent inquiry knows that the person is an owner, lessee, tenant (whichever the tenancy period) or occupier of the land; see section 57 (1) of the Planning Act 2008.</i>		
			Freehold or Reputed Freehold Owners	Lessees or Tenants or Reputed Lessees or Tenants	Occupiers or Reputed Occupiers
3	06-03-58	Permanent acquisition of 721 square metres of public highway (A66) and verge, Sandford, Appleby-in-Westmorland <i>(Unregistered Land – Absolute Freehold)</i>	National Highways Limited Bridge House 1 Walnut Tree Close Guildford GU1 4LZ (Org No. - 09346363) (as reputed freeholder)	-	National Highways Limited Bridge House 1 Walnut Tree Close Guildford GU1 4LZ (Org No. - 09346363) (as reputed freeholder)
3	06-03-59	Permanent acquisition of 1656 square metres of public highway (A66) and verge, Sandford, Appleby-in-Westmorland <i>(Unregistered Land – Absolute Freehold)</i>	National Highways Limited Bridge House 1 Walnut Tree Close Guildford GU1 4LZ (Org No. - 09346363) (as reputed freeholder)	-	National Highways Limited Bridge House 1 Walnut Tree Close Guildford GU1 4LZ (Org No. - 09346363) (as reputed freeholder)

Figure DC-19(o) - excerpts from tracked change Book of Reference showing revisions relating to the additional land required for DC-19, comprised in new plots 06-03-58 and 06-03-59

6.5. Additional land required for DC-21

- 6.5.1. As explained in section 3.21 above, the purpose of proposed change DC-21 is to facilitate the MoD's request to change the areas of MoD land which are proposed to be used and acquired for the Project.
- 6.5.2. As these revised arrangements would require the use and acquisition of land which is outside the current DCO Order limits for Scheme 06 [APP-307], additional land is required to facilitate proposed change DC-21.
- 6.5.3. A consent confirmation slip is included as Item 8 in Appendix C to this Change Application; it confirms the MoD's consent to the inclusion of this additional land in the DCO Application in connection with this Change Application.
- 6.5.4. The five geographical areas affected by proposed change DC-21 are shown above in section 3.21 at Figures DC-21(a) to (f).
- 6.5.5. The new and amended plots of pink land are shown in the series of plot plan excerpts below, together with their corresponding land interest tables extracted from the revised tracked change Book of Reference for Scheme 06.
- 6.5.6. As the additional land required for DC-21 is owned by the MoD and is, in consequence, Crown land, the Applicant proposes to acquire the additional land by agreement and does not seek powers of compulsory acquisition in respect of the additional land. The Compulsory Acquisition Regulations are therefore not engaged.
- 6.5.7. **AREA 1:** Figure DC-21(g) below shows that existing plot 06-02-10 would be extended (increasing in area) to include its westernmost extent, whilst plot 06-02-13 would be reduced in area due to the removal of its northernmost extents:

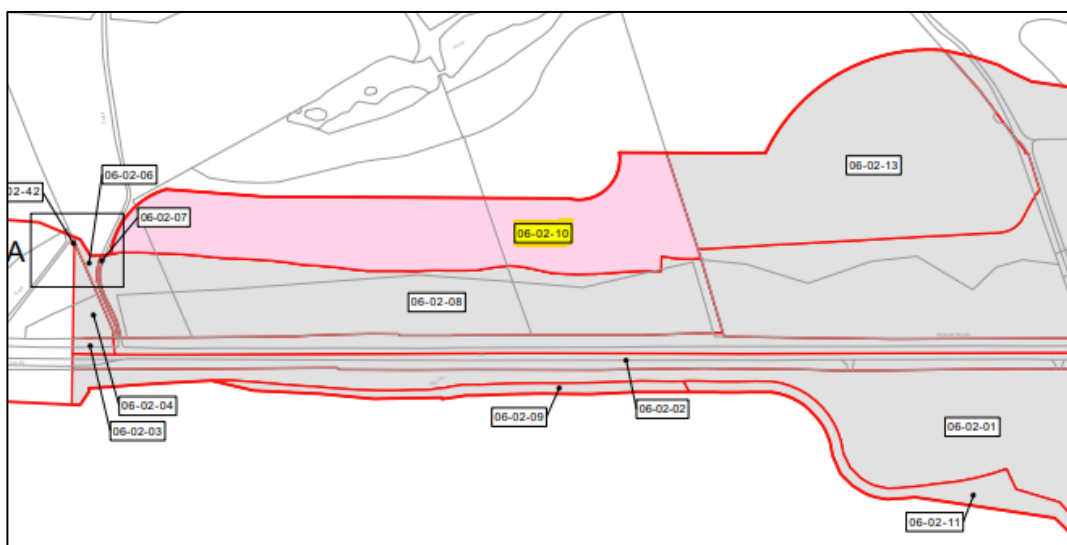


Figure DC-21(g) – showing the extended area of plot 06-02-10 (the westernmost end is additional land) and the reduced area of plot 06-02-13

6.5.8. For comparison purposes, the corresponding excerpt from the current Land Plans [APP-307] is shown below in Figure DC-21(g):

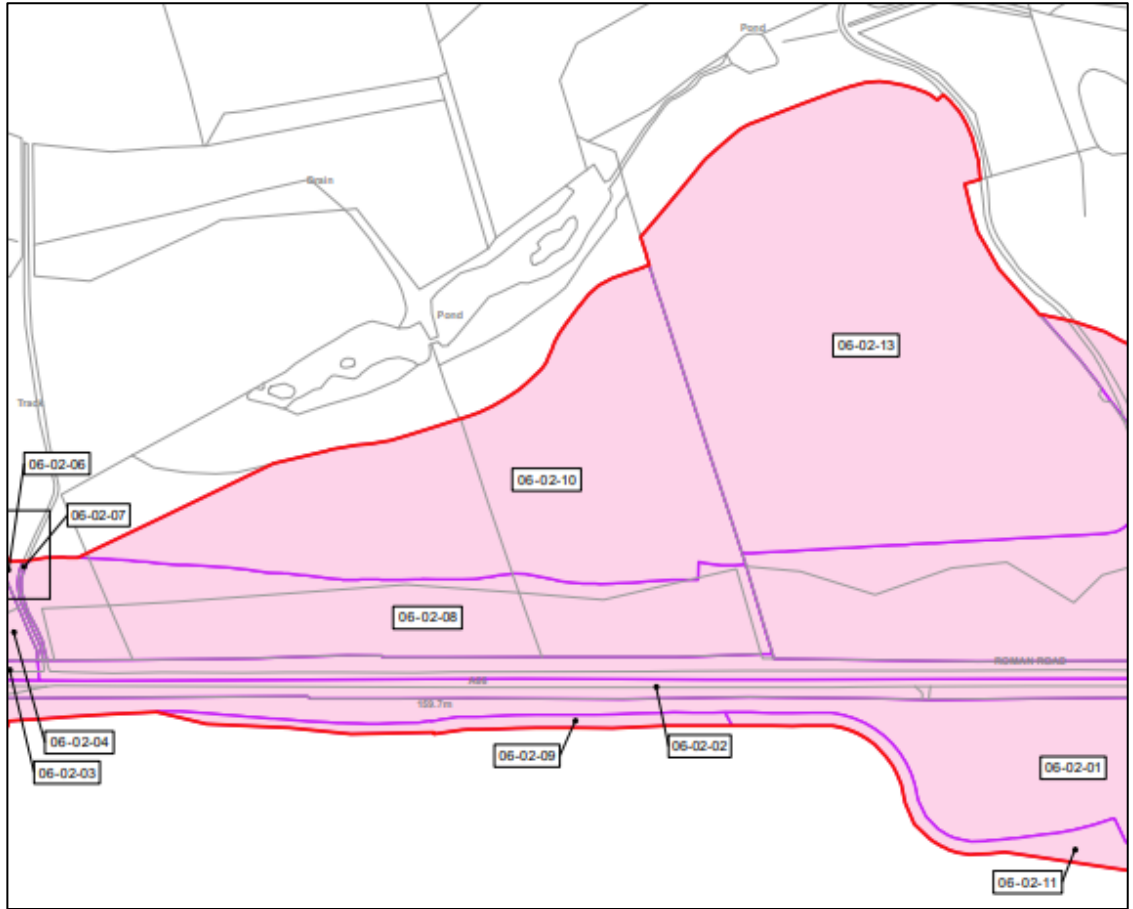


Figure DC-21(g) – showing the original extents of plots 06-02-10 and 06-02-13

Land Plans Sheet No.	Plot Number on Land Plans	Extent, description and situation of land	Category 1			Category 2	
			A person is within Category 1 if the applicant, after making diligent inquiry knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land; see section 57 (1) of the Planning Act 2008.				A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person – (a) is interested in the land, or
			Freehold or Reputed Freehold Owners	Lessees or Tenants or Reputed Lessees or Tenants	Occupiers or Reputed Occupiers	(b) has power – (i) to sell and convey the land, or (ii) to release the land; see section 57 (2) of the Planning Act 2008.	
2	06-02-10	Permanent acquisition of <u>1563024698</u> square metres of agricultural land, trees and hedgerow, north of A66, Sandford, Appleby-in-Westmorland (CU60846 - Absolute Freehold)	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH	-	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH	William Patterson Coupland Beck Farm Coupland Beck Appleby-in-Westmorland CA16 6LN (in respect of underground water pipe)	
2	06-02-13	Permanent acquisition of <u>1814841129</u> square metres of agricultural land, grassland, woodland, hedgerow, shrubbery, unnamed track, watercourse and public right of way (372027), north of Dyke Nook Cottage, Sandford, Appleby-in-Westmorland (Unregistered Land - Absolute Freehold)	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH	-	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH Cumbria County Council Cumbria House 117 Botchergate Carlisle CA1 1RD (in respect of public right of way)	-	

Figure DC-21(h) – showing the extended area of plot 06-02-10 and the corresponding reduction in area of plot 06-02-13

AREA 2:

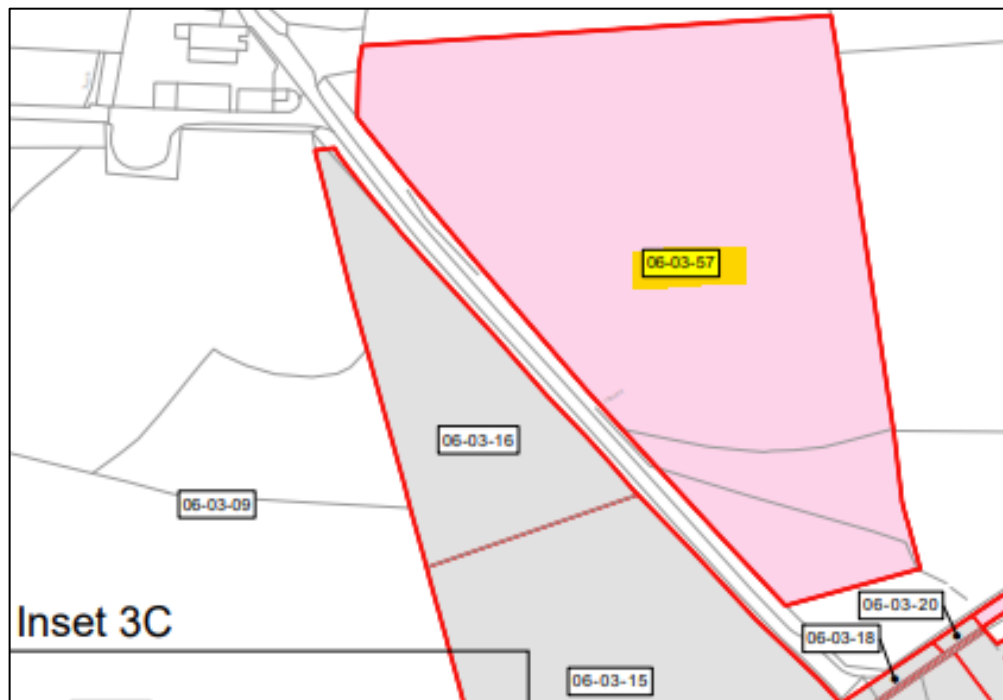


Figure DC-21(i) – showing new pink plot 06-03-57 comprising part of the additional land for DC-21

Land Plans Sheet No.	Plot Number on Land Plans	Extent, description and situation of land	Category 1			Category 2	
			A person is within Category 1 if the applicant, after making diligent inquiry knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land; see section 57 (1) of the Planning Act 2008.				
			Freehold or Reputed Freehold Owners	Lessees or Tenants or Reputed Lessees or Tenants	Occupiers or Reputed Occupiers	A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person – (a) is interested in the land, or (b) has power – (i) to sell and convey the land, or (ii) to release the land; see section 57 (2) of the Planning Act 2008.	
3	06-03-57	Permanent acquisition of 33942 square metres of	Secretary of State for Defence Property Legal Team Ministry of Defence	-	Secretary of State for Defence Property Legal Team Ministry of Defence	-	
		agricultural land, trees and shrubbery north of A66, Warcop, Appleby-in-Westmorland (CU107169 – Absolute Freehold)	Abbey Wood Bristol BS34 8JH		Abbey Wood Bristol BS34 8JH		

Figure DC-21(j) – showing the Book of Reference entry for new plot 06-03-57 comprising part of the additional land for DC-21

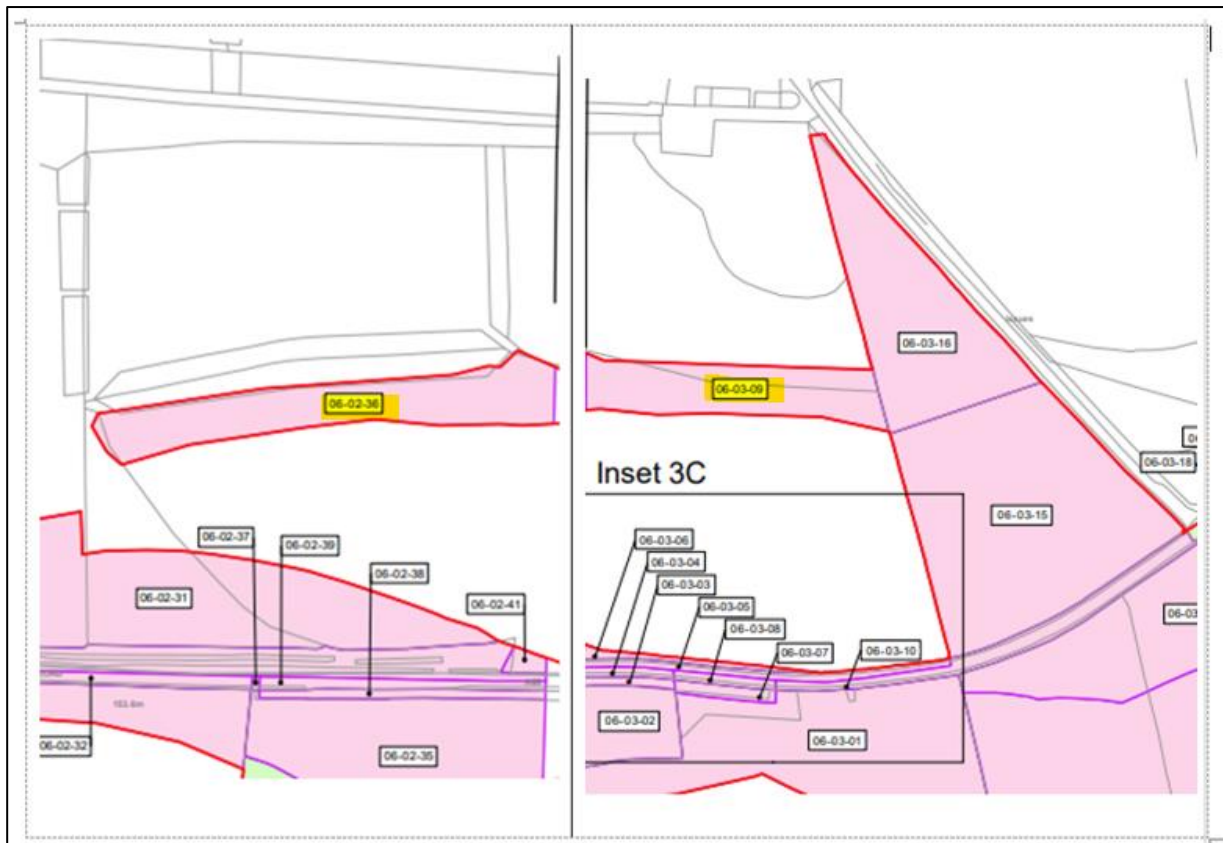


Figure DC-21(k) – showing plots 06-02-36 and 06-03-09 which would be removed from the DCO Order limits as part of DC-21

Land Plans Sheet No.	Plot Number on Land Plans	Extent, description and situation of land	Category 1			Category 2		
			A person is within Category 1 if the applicant, after making diligent inquiry knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land; see section 57 (1) of the Planning Act 2008.					
			Freehold or Reputed Freehold Owners	Lessees or Tenants or Reputed Lessees or Tenants	Occupiers or Reputed Occupiers	(B) has power - (i) to sell and convey the land, or (ii) to release the land; see section 57 (2) of the Planning Act 2008.		
2	06-02-36	Permanent acquisition of 7551 square metres of agricultural land and woodland, Moor House, Warcop, Appleby-in-Westmorland (CU107169 - Absolute Freehold) Number Not Used	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH	-	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH	-		
3	06-03-09	Permanent acquisition of 5131 square metres of agricultural land, trees and shrubbery, Warcop, Appleby-in-Westmorland (CU107169 - Absolute Freehold) Number Not Used	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH	-	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH	-		

Figure DC-21(l) – showing the corresponding deletion of plots 06-02-36 and 06-03-09 which would be removed from the DCO Order limits as part of DC-21

AREA 3:

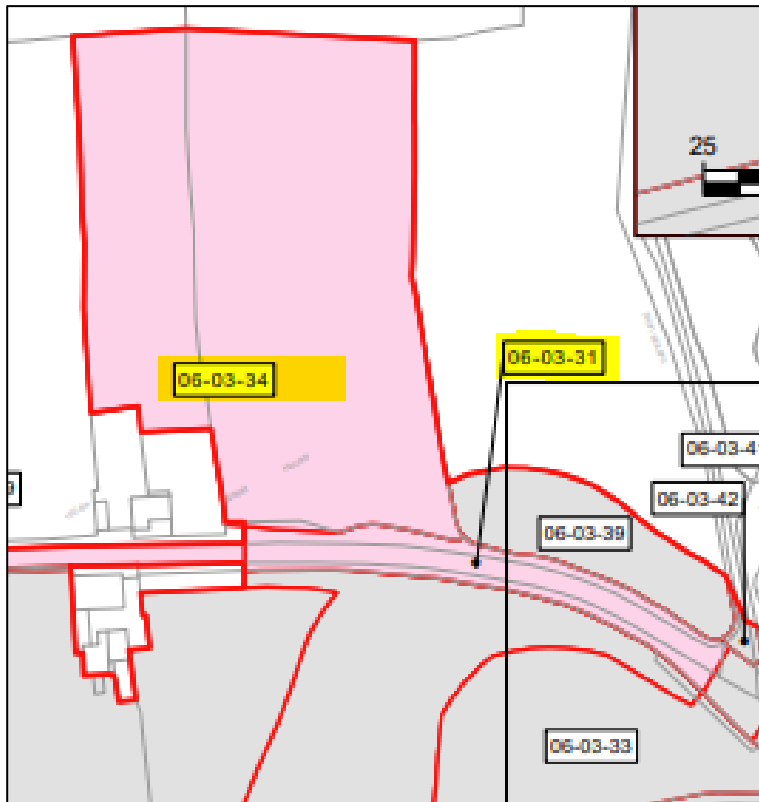


Figure DC-21(m) – extended plots 06-03-34 and 06-03-39 comprising part of the additional land for DC-21

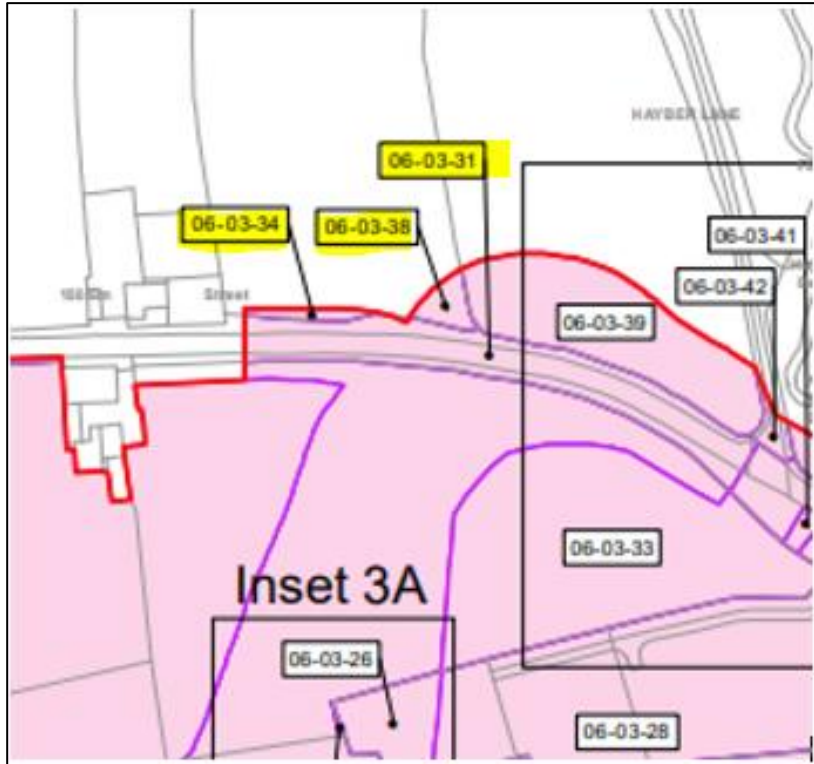


Figure DC-21(n) – showing the original position of the DCO Order limits on the north side of plot 06-03-34 and the original areas and locations of plots 06-03-31, 06-03-34 and 06-03-38

Land Plans Sheet No.	Plot Number on Land Plans	Extent, description and situation of land	Category 1			Category 2	
			A person is within Category 1 if the applicant, after making diligent inquiry knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land: see section 57 (1) of the Planning Act 2008.				A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person - (a) is interested in the land, or
			Freehold or Reputed Freehold Owners	Lessees or Tenants or Reputed Lessees or Tenants	Occupiers or Reputed Occupiers	(b) has power - (i) to sell and convey the land, or (ii) to release the land; see section 57 (2) of the Planning Act 2008.	
3	06-03-31	Permanent acquisition of 25009 square metres of public highway (A66) and bridge structure over beck (Cringle Beck), verge and trees, Coupland Hall, Appleby-in-Westmorland and overhead cables	National Highways Limited Bridge House 1 Walnut Tree Close Guildford GU1 4LZ (Org No. - 09346363) (as reputed freeholder)	-	National Highways Limited Bridge House 1 Walnut Tree Close Guildford GU1 4LZ (Org No. - 09346363) (as reputed freeholder)	Electricity North West Limited Borron Street Stockport SK1 2JD (Org No. - 02366949) (in respect of overhead cables) Openreach Limited Kelvin House 123 Judd Street	
3	06-03-34	Permanent acquisition of 18944 square metres of agricultural land, trees and hedgerow, north of A66, Warcop, Appleby-in-Westmorland (CU125464 - Absolute Freehold)	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol B534 8JH	David-Ian-Heron Hylton-Holme Warcop Appleby-in-Westmorland CA16-6PR Kevin Bousfield Fieldham House Main Street Brough Kirkby Stephen CA17 4BL (in respect of grazing rights)	David-Ian-Heron Hylton-Holme Warcop Appleby-in-Westmorland CA16-6PR Kevin Bousfield Fieldham House Main Street Brough Kirkby Stephen CA17 4BL (in respect of grazing rights)	-	
3	06-03-38	Permanent acquisition of 233 square metres of agricultural land, trees and hedgerow, west of Hayber Lane, Warcop, Appleby-in-Westmorland and overhead cables and pylon (CU125464 - Absolute Freehold) Number Not Used	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol B534 8JH	David-Ian-Heron Hylton-Holme Warcop Appleby-in-Westmorland CA16-6PR	David-Ian-Heron Hylton-Holme Warcop Appleby-in-Westmorland CA16-6PR	Electricity North West Limited Borron Street Stockport SK1 2JD (Org No. - 02366949) (in respect of overhead cables and pylon)	

Figure DC-21(o) – showing the increased areas of plots 06-03-31 and 06-03-34 and the corresponding deletion of plot 06-02-38 which would be incorporated into plot 06-03-34 to facilitate the provision of additional land for DC-21

- 6.5.9. Figure DC-21(o) includes references to Mr Heron and Mr Bousfield in the ‘reputed tenants’ or ‘reputed occupiers’ columns of Part 1 of the Book of Reference. In consequence of its diligent inquiry, the Applicant had understood that the land was occupied by Mr Heron pursuant to a grazing licence; however, information received very recently confirms that in fact Mr Bousfield occupies the land in plot 06-03-34 pursuant to a grazing licence.
- 6.5.10. The Applicant is not seeking powers of compulsory acquisition over the land in plot 06-03-34 because it comprises Crown land which cannot be acquired compulsorily; and, to the extent that any licence or tenancy remains extant when the land is required by the Applicant, the termination provisions in the licence would be deployed if vacant possession was necessary.

AREA 4:

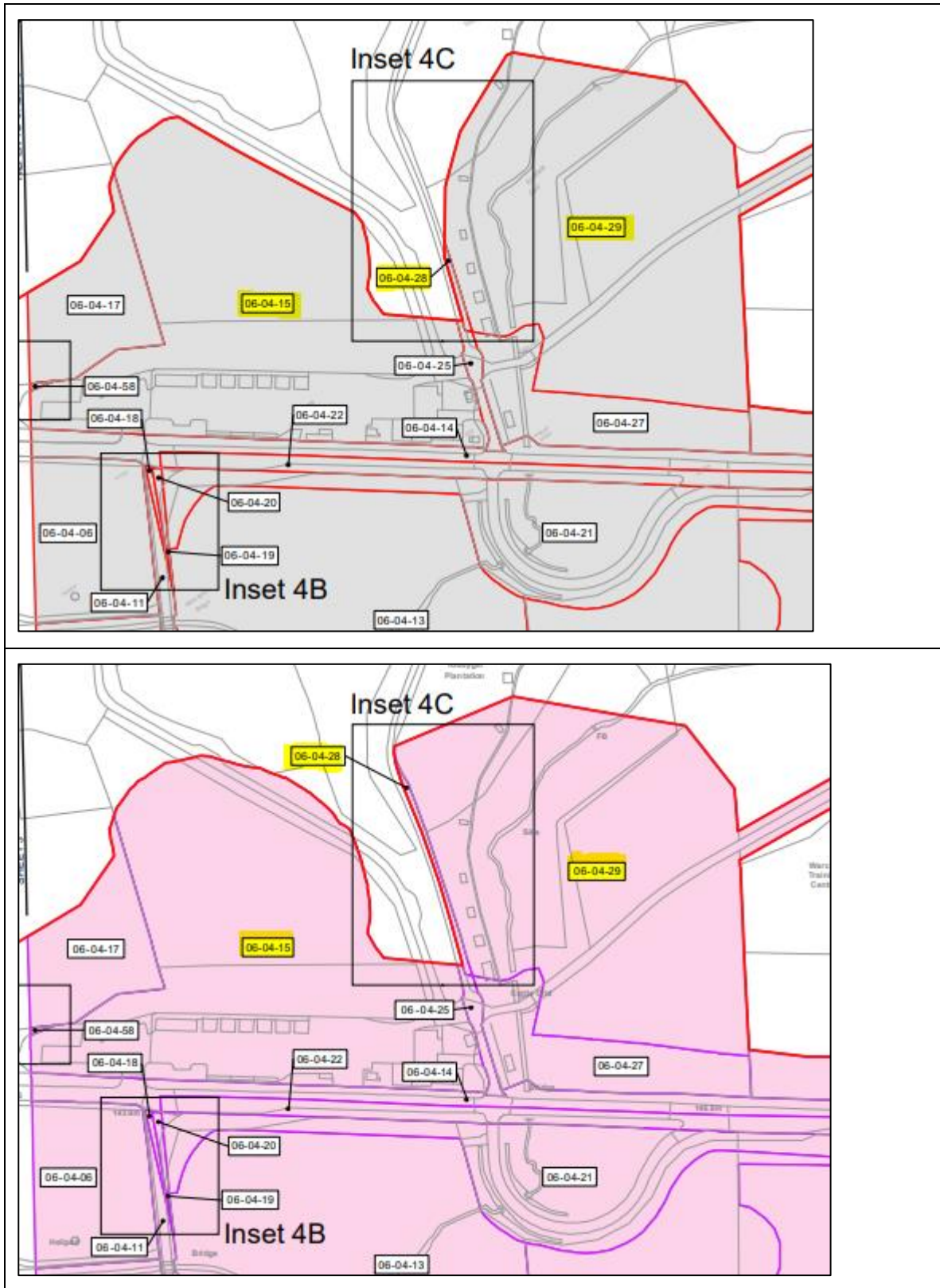


Figure DC-21(p) – showing the proposed reduction in the DCO Order limits around the northernmost extents of plots 06-04-15, 06-04-28 and 06-04-29 (proposed DCO Order limits above; current DCO Order limits below).

Land Plans Sheet No.	Plot Number on Land Plans	Extent, description and situation of land	Category 1			Category 2
			A person is within Category 1 if the applicant, after making diligent inquiry knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land, see section 57 (1) of the Planning Act 2008.			A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person - (a) is interested in the land, or
			Freehold or Reputed Freehold Owners	Lessees or Tenants or Reputed Lessees or Tenants	Occupiers or Reputed Occupiers	(b) has power - (i) to sell and convey the land, or (ii) to release the land, see section 57 (2) of the Planning Act 2008.
4	06-04-15	Permanent acquisition of <u>3263634719</u> square metres of agricultural land, hardstanding, buildings, grassland, trees, unnamed road and electricity substation, east of Fell Lane, Warcop, Appleby-in-Westmorland <i>(Unregistered Land - Absolute Freehold)</i>	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH (as reputed freeholder)	-	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH (as reputed freeholder)	United Utilities Group plc Haweswater House Lingley Mere Business Park Lingley Green Avenue Great Sankey Warrington WA5 3LP (Org No. - 06559020) (in respect of water mains) Electricity North West Limited Borron Street Stockport SK1 2JD (Org No. - 02366949) (in respect of underground cables and substation) John Burrow Hayhurst 48 Sand Croft Penrith CA11 8BB (in respect of right of way)
4	06-04-28	Permanent acquisition of <u>186434</u> square metres of verge adjoining private road (Fell Lane), north of A66, Warcop, Appleby-in-Westmorland <i>(Unregistered Land - Absolute Freehold)</i>	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH (as reputed freeholder)	-	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH (as reputed freeholder)	John Burrow Hayhurst 48 Sand Croft Penrith CA11 8BB (in respect of right of way)
4	06-04-29	Permanent acquisition of <u>3995842550</u> square metres of grassland, unnamed private road, verges, beck (Eastfield Sike), outbuildings, hedgerow and trees, north of A66, Warcop, Appleby-in-Westmoorland <i>(Unregistered Land - Absolute Freehold)</i>	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH (as reputed freeholder)	-	Secretary of State for Defence Property Legal Team Ministry of Defence Abbey Wood Bristol BS34 8JH (as reputed freeholder)	-

Figure DC-21(q) – showing the reduction in area of plots 06-04-15, 06-04-28 and 06-04-28

AREA 5:

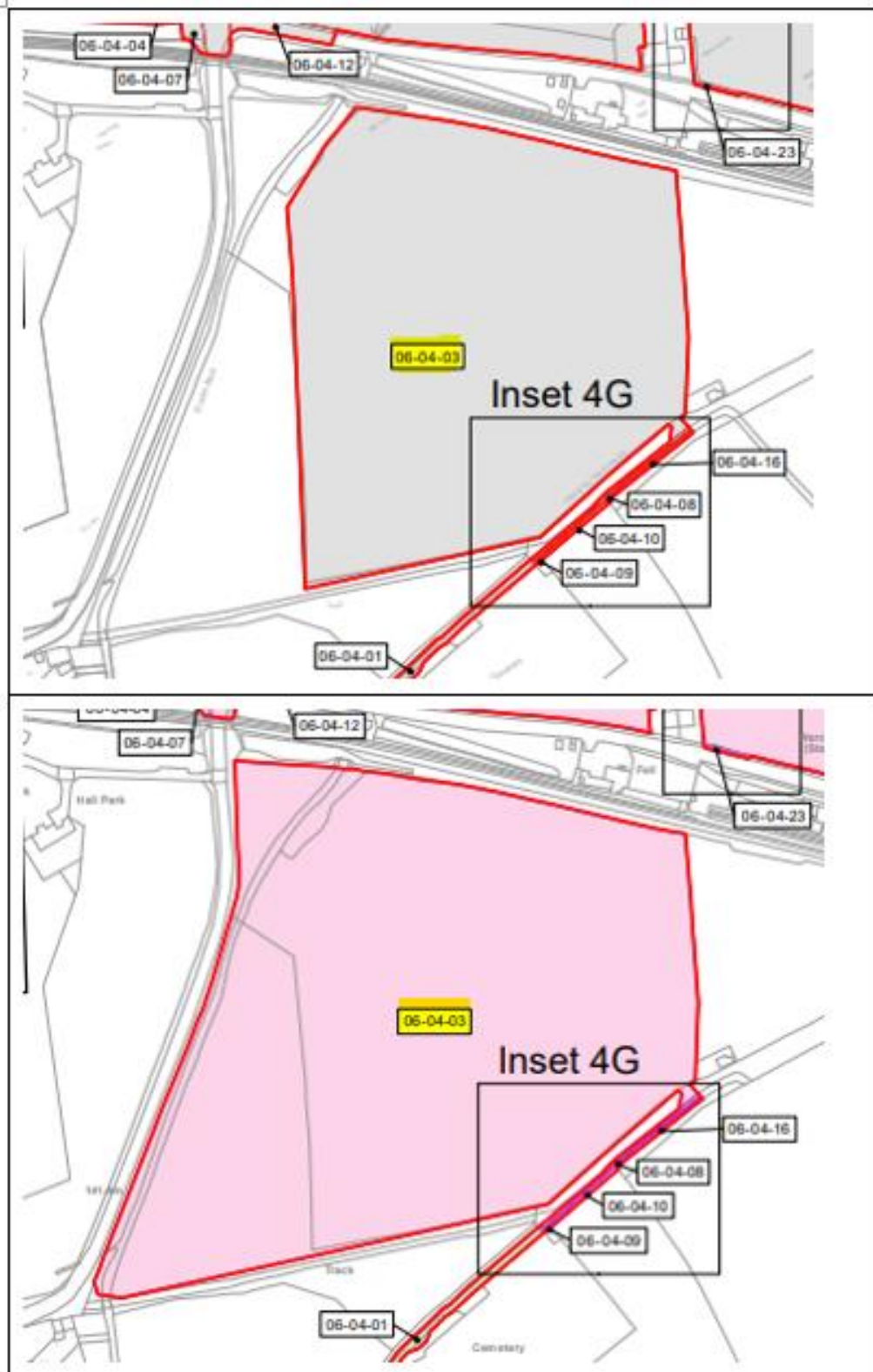


Figure DC-21(r) – showing the proposed reduction in the DCO Order limits around the southwestern extent of plot 06-04-03 (proposed DCO Order limits above; current DCO Order limits below)

Land Plans Sheet No.	Plot Number on Land Plans	Extent, description and situation of land	Category 1			Category 2	
			A person is within Category 1 if the applicant, after making diligent inquiry knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land; see section 57 (1) of the Planning Act 2008.				
			Freehold or Reputed Freehold Owners	Lessees or Tenants or Reputed Lessees or Tenants	Occupiers or Reputed Occupiers	A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person – (a) is interested in the land, or (b) has power – (i) to sell and convey the land, or (ii) to release the land; see section 57 (2) of the Planning Act 2008.	
4	06-04-03	Permanent acquisition of 45956.32764 square metres of agricultural land, trees, beck (Crooks Beck), track and hedgerow, north of Castlehill Road (B6253), Warcop, Appleby-in-Westmorland <i>(Unregistered Land - Absolute Freehold)</i>	Secretary of State for Defence Property Legal Team Ministry of Defence	-	Secretary of State for Defence Property Legal Team Ministry of Defence	Electricity North West Limited Borron Street Stockport	
			Abbey Wood Bristol BS34 8JH (as reputed freeholder)		Abbey Wood Bristol BS34 8JH (as reputed freeholder) Environment Agency Horizon House Deanery Road Bristol BS1 5AH (in respect of Crooks Beck)	SK1 2JD (Org No. - 02366949) (in respect of underground cables)	

Figure DC-21(s) – showing the reduction in area of plot 06-04-03

6.6. Additional land required for DC-27

6.6.1. As explained in section 3.27 above, acoustic fencing is proposed to be provided to help reduce noise levels at the eastern extent of Scheme 06, at Brough. This fencing was planned to be erected on land owned by National Highways at the edge of the A66; however, it has come to light, through part of the detailed design work for the Project, that additional land is needed to enable the delivery of the acoustic fence at the location where it is needed.

6.6.2. Additional land is therefore required, as shown in Figure DC-27(b) below:

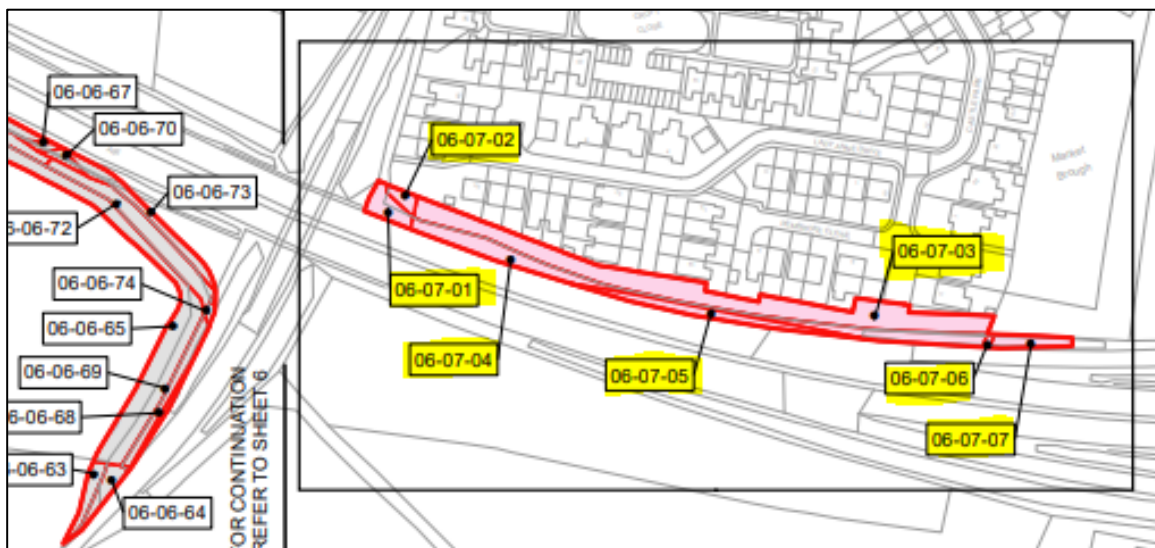


Figure DC-27(b) – showing additional land required for DC-27

6.6.3. The land interest tables in Figure DC-03(h) below are excerpts from a revised tracked change Book of Reference (Part 1) for Scheme 06. They show the new plots numbered 06-07-01 to 06-07-07, which comprise the additional land required for DC-27.

Land Flare Sheet No.	Plot Number on Land Flare	Extent, description and situation of land	Category 1			Category 2
			A person is within Category 1 if the applicant, after making diligent inquiry knows that the person is an owner, lessee, tenant (including the tenancy period) or occupier of the land (see section 57 (1) of the Planning Act 2008)			A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person – (a) is interested in the land; or
			Freehold or Reputed Freehold Owners	Lessees or Tenants or Reputed Lessees or Tenants	Occupiers or Reputed Occupiers	(b) has power – (i) to sell and convey the land; or (ii) to lease the land (see section 57 (2) of the Planning Act 2008)
2	06-07-01	Permanent acquisition of 247 square metres of verge adjoining public highway (A66), Brough, Kirkby Stephen	National Highways Limited Bridge House 1 Walnut Tree Close Guldford	-	National Highways Limited Bridge House 1 Walnut Tree Close Guldford	-
		(OU236756 – Absolute Freehold)	GU1 4LZ (Org. No. – 09346363)		GU1 4LZ (Org. No. – 09346363)	
2	06-07-02	Permanent acquisition of 58 square metres of trees and verge adjoining public highway (A66), Brough, Kirkby Stephen	A. J. Jackson Properties Limited Beckside House Soulby Kirkby Stephen CA17 4P1 (Org. No – 06035580)	-	A. J. Jackson Properties Limited Beckside House Soulby Kirkby Stephen CA17 4P1 (Org. No – 06035580)	-
2	06-07-03	Permanent acquisition of 1491 square metres of trees and verge adjoining public highway (A66), Brough, Kirkby Stephen	A. J. Jackson Properties Limited Beckside House Soulby Kirkby Stephen CA17 4P1 (Org. No – 06035580)		A. J. Jackson Properties Limited Beckside House Soulby Kirkby Stephen CA17 4P1 (Org. No – 06035580)	Electricity North West Limited Barnes Street Stockport SK1 2JD (Org. No. – 02186940) (in respect of apparatus)
		(OU237254 – Absolute Freehold) (OU287985 – Cautious)	The Right Honourable Hugh Clayton Eighth Earl of Lonsdale c/o: The Estate Office Lonsdale Settled Estate Limited Globe House Lowther Fenrith CA10 2HT (in respect of a caution against first registration)			Cumbria County Council Cumbria House 117, Bunsbergate Carlisle CA1 1BD (in respect of apparatus)
2	06-07-04	Permanent acquisition of 671 square metres of trees and verge adjoining public highway (A66), Brough, Kirkby Stephen	National Highways Limited Bridge House 1 Walnut Tree Close Guldford GU1 4LZ (Org. No. – 09346363)	-	National Highways Limited Bridge House 1 Walnut Tree Close Guldford GU1 4LZ (Org. No. – 09346363)	-
		(OU236756 – Absolute Freehold) (OU287985 – Cautious)	The Right Honourable Hugh Clayton Eighth Earl of Lonsdale c/o: The Estate Office Lonsdale Settled Estate Limited Globe House Lowther Fenrith CA10 2HT (in respect of a caution against first registration)			
2	06-07-05	Permanent acquisition of 237 square metres of trees and verge adjoining public highway (A66), Brough, Kirkby Stephen	National Highways Limited Bridge House 1 Walnut Tree Close Guldford GU1 4LZ (Org. No. – 09346363) (as reputed freeholder)	-	National Highways Limited Bridge House 1 Walnut Tree Close Guldford GU1 4LZ (Org. No. – 09346363) (as reputed freeholder)	-

		(CU297985 – Caution)	The Right Honourable Hugh Clayton Eighth Earl of Lonsdale c/o: The Estate Office Lonsdale Settled Estate Limited Glebe House Lowther Penrith CA10 2HH (in respect of a caution against first registration)			
Z	06-07-06	Permanent acquisition of 12 square metres of trees and verge adjoining public highway (A66), Brough, Kirkby Stephen (CU240601 – Absolute Freehold) (CU297985 – Caution)	National Highways Limited Bridge House 1 Walnut Tree Close Guildford GU1 4LZ (Org No. - 09346363) The Right Honourable Hugh Clayton Eighth Earl of Lonsdale c/o: The Estate Office Lonsdale Settled Estate Limited Glebe House Lowther Penrith CA10 2HH	-	National Highways Limited Bridge House 1 Walnut Tree Close Guildford GU1 4LZ (Org No. - 09346363)	-

6.6.4. Consent to the inclusion of the additional land in the Change Application was granted by all persons with an interest in the additional land required for DC-27: please see items 4, 9, 10, 11 and 12 in Appendix C to this Change Application. Accordingly, the Compulsory Acquisition Regulations are not engaged.

6.6.5. Item 10 in Appendix C notes that in relation to DC-27, Cumbria County Council’s “consent is given on the understanding that there are no plans by National Highways to change the drainage system that is referred to in the Deed of Grant that the Council is party to”. The Applicant confirms it does not intend to make any changes to this drainage system.

6.7. Change to land requirements arising in connection with DC-17 (Café Sixty Six – revised Land Plan)

6.7.1. The Land Plans for Scheme 06 [APP-307], which were submitted with the DCO Application, inadvertently indicate that the Applicant proposes to acquire more land from Café Sixty Six than it actually requires for the Project. In seeking to bring forward proposed change DC-17, the Applicant aims to correct this error. Proposed change DC-17 is described and explained in detail in section 3.17 above, but in summary, the original DCO plans show an access loop road incorrectly impacting on the Café Sixty Six buildings. Through the development of a detailed design for Scheme 06, the Applicant seeks to redesign the scheme proposals for access to the Café area, in agreement with the relevant Affected Persons. Proposed change DC-17 would revise the current DCO Land Plans to make it clear that the Applicant does not intend to acquire any of the buildings comprising Café Sixty Six.

6.7.2. Proposed change DC-17 would require both an amendment to the current DCO Order limits (to exclude the Café Sixty Six buildings in their entirety from the Order land) and a change to the extent of the

compulsory acquisition powers currently sought in the draft DCO, i.e. it would be the Applicant's intention to reduce the area of proposed compulsory acquisition (shown pink on the DCO Land Plans) by changing some of it to proposed temporary possession instead (shown green on the DCO Land Plans).

- 6.7.3. This would mean that where the colour was changed from pink to green, the Applicant would be proposing to use the land on a temporary basis only (pursuant to proposed change DC-17), instead of proposing to acquire it permanently (as per the original DCO application).
- 6.7.4. Proposed change DC-17 does not require any additional land (as defined above and in the Compulsory Acquisition Regulations). Accordingly, the Compulsory Acquisition Regulations are not engaged in respect of DC-17.
- 6.7.5. The plan excerpt in Figure DC-17(c) below shows (shaded green) the area which the Applicant is proposing to change from pink to green (thereby 'ratcheting down' from compulsory acquisition to temporary possession), together with the proposed amendment to the current DCO Order limits (shown by a red line boundary).
- 6.7.6. The image in Figure DC-17(d) is an excerpt from the existing Land Plans for Scheme 06 [APP-3070] showing the current (erroneous) proposals.

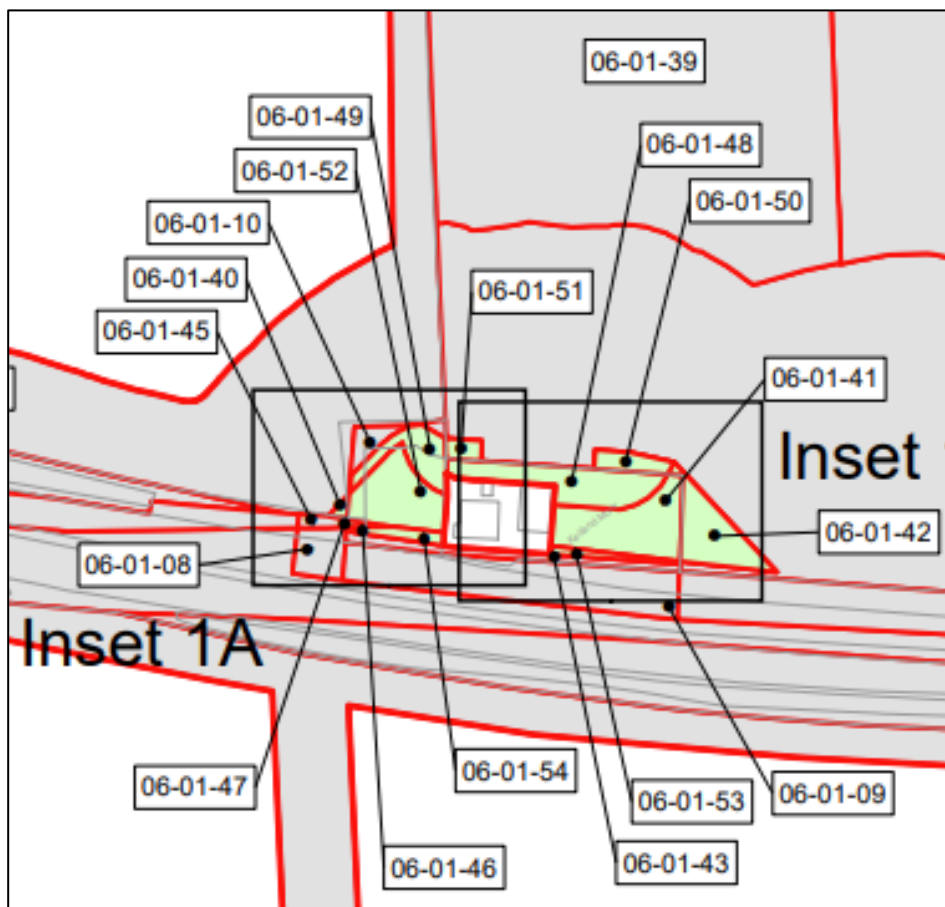


Figure DC-17(c) – showing the Applicant's revised intentions for land use in the vicinity of Café Sixty Six

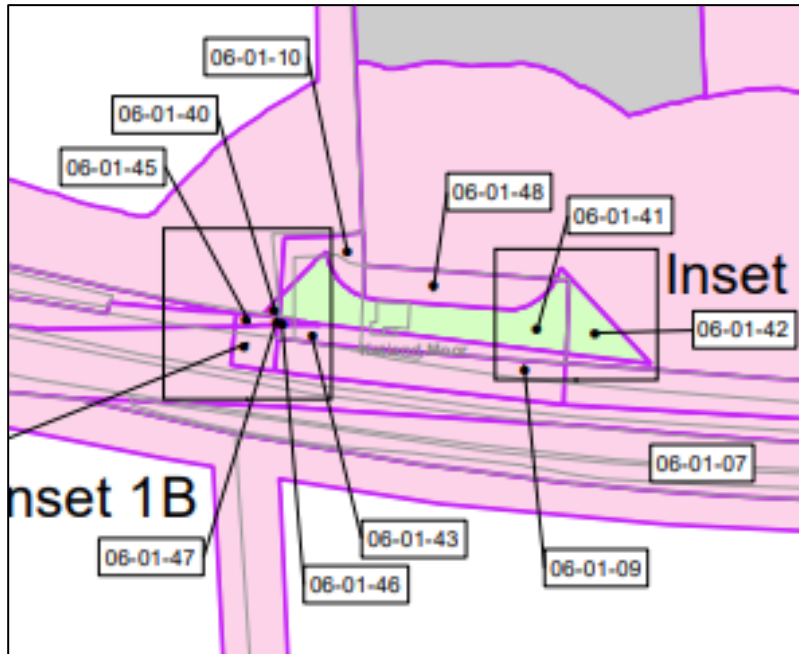


Figure DC-17(d) is an excerpt from the existing Land Plans for Scheme 06 [APP-3070] showing the current proposals

6.7.7. The Applicant has written to all Affected Persons with an interest in the land affected by DC-17 to explain the nature and effect of this proposed change.

6.8. Context for consents and confirmations relating to changed land proposals

- 6.8.1. In seeking the consents and confirmations from Affected Parties, as noted above and detailed in Appendix C to this Change Application, the Applicant has explained that whilst the granting of such consents and the giving of such confirmations is an important factor, it will not necessarily result in the related proposed changes being accepted by the Examining Authority – there will be other factors for the Examining Authority to consider when deciding whether to accept all, any or none of the Applicant's proposed changes to the DCO application.
- 6.8.2. In this context, the Applicant has also explained to the relevant Affected Persons that in the event that any of the proposed changes presented in the Applicant's Change Application are accepted by the Examining Authority, they would be included in the DCO application currently being examined. However, as the Applicant has also explained to the relevant Affected Persons, before being granted any powers that would enable the Applicant to use or acquire any additional land compulsorily, the Applicant would still need to demonstrate that there was a compelling case in the public interest for the additional land to be compulsorily acquired by the Applicant for the Project. Compulsory acquisition powers would only be available to the Applicant in the event that they were granted by the Secretary of State in the event that the DCO was made by him.

7. Environmental assessment of the proposed changes

7.1. Summary & conclusions

- 7.1.1. As is explained in the Applicant's Environmental Statement Addendum Volume I each proposed change has been reviewed and assessed to identify any likely significant effects on the environment that would be new or different from those reported in the A66 Northern Trans-Pennine project Environmental Statement ('ES') (APP-044 to APP-059) as individual changes or cumulatively.
- 7.1.2. In assessing the proposed changes, the Applicant has considered whether, or to what extent, a proposed change might alter the description of the relevant element of the development within the ES, to ensure compliance with Schedule 4 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('the 2017 EIA Regulations') and has reflected this in the Environmental Statement Addendum where appropriate.
- 7.1.3. Having considered the proposed changes in light of Schedule 4 to the 2017 EIA Regulations, the Applicant has identified whether each of the proposed changes would result in a new or different likely significant effect or 'no change' to the assessment for each relevant topic within the A66 Northern Trans-Pennine project Environmental Statement.
- 7.1.4. The environmental assessment for each of the proposed changes concludes that there are no new or different significant effects for any proposed change with the exception of DC-01 and DC-03. These are summarised below:
- DC-01 – This change has been assessed as resulting in one less significant effect in the topic of Noise and Vibration when compared to the DCO design. The receptor referred to as Skirsgill Lodge within the ES Chapter 12 (APP-055) was assessed as resulting in a significant effect in operation which would have required mitigation in the form of a noise fence, subject to further engagement. With the implementation of the proposed change it is anticipated that this significant effect will reduce in operation. The Skirsgill Lodge receptor is predicted to experience a non-significant minor adverse impact in Noise and Vibration in the operational phase with the design change and the proposed noise barrier would be unnecessary. This is an improvement on the DCO design as assessed and reported in the ES Chapter 12 (APP-55) resulted in a significant adverse effect on the named receptor.
 - DC-03 – This change has been assessed as having a new likely significant effects in the topic of Landscape and Visual, compared to what is reported in the A66 Northern Trans-Pennine project

Environmental Statement ('ES') (APP-044 to APP-059). From VP 2.5 as described in ES Chapter 10 (APP-053), Penrith Hospital Footpath, looking south-east, the proposed change would alter the operational assessment in 3.4 Environmental Statement Appendix 10.6 Schedule of Visual Effects (APP-202). The extent of the works removes existing planting and limits the scope for replacement. The road level also rises, making it more visible and therefore is predicted to have a major magnitude of impact. Combined with the low sensitivity of the receptor this gives a moderate and therefore significant adverse effect at in operation.

- DC-21 - For changes 2 and 3 of this change, there is a change in the effect on the AONB during construction from slight adverse to moderate adverse, which is significant. This is because both changes consist of new areas of woodland planting within the AONB. Which would require construction activities in an otherwise pastoral landscape. These would not continue to be significant into operation.

- 7.1.5. The Applicant's environmental assessment of the proposed changes has been subject to publicity and consultation, as is evidenced by its annexure to the Proposed Changes Consultation Brochure, which has been publicised and disseminated through the means explained in Chapter 5 of this Change Application. See ES Addendum Volume I Section 1.3 for further information on the process by which this assessment has developed following the close of the consultation.
- 7.1.6. The Applicant confirms, in satisfaction of the requirement in point (6) of Figure 2b in AN16, that all relevant environmental consultation bodies have been consulted on the proposed changes. Chapter 5 of this Change Application explains the scope of the consultation carried out; however, in short Appendix A includes a table (Table 1) identifying which prescribed consultees (including environmental consultees) were consulted on the proposed changes.
- 7.1.7. The Applicant also confirms, having regard to the requirement in point (6)(B) of Figure 2b in AN16, that there are no environmental consultation bodies who were consulted on the proposed changes, who were not consulted on the original Application.