

**A66 Northern Trans-Pennine Project
TR010062**

**7.41 Assessment of Conformity with
Consultation Draft National Networks
National Policy Statement**

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Deadline 7

09 May 2023

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure)
Rules 2010**

**A66 Northern Trans-Pennine Project
Development Consent Order 202x**

**7.41 ASSESSMENT OF CONFORMITY WITH
CONSULTATION DRAFT NATIONAL NETWORKS
NATIONAL POLICY STATEMENT**

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CONTENTS

1	Introduction	1
1.1	Purpose of this document.....	1
1.2	Further context	1
1.3	Structure of this document.....	2
2	Revised draft NNNPS conformity tables	3

1. Introduction

1. Purpose of this document

1. This document sets out the requirements of the draft revised National Networks National Policy Statement (NNNPS) and how the A66 NTP Project aligns with these requirements. The draft revised NNNPS was published by the Department of Transport on 14 March 2023, for consultation, with the close of consultation on 6 June 2023.
2. Paragraphs 1.16 and 1.17 of the draft revised NNNPS set out the transitional provisions. Paragraph 1.16 states that *“the Secretary of State has decided that for any application accepted for examination before designation of the 2023 amendments the 2015 NPS should have effect in accordance with the terms of that NPS.”* This is the case with the A66 NTP DCO application, which was accepted in July 2022. Paragraph 1.17 of the draft revised NNNPS goes on to state that *“...any emerging draft NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each DCO application.”*
3. Whilst the A66 NTP DCO application will be decided upon in accordance with the 2015 NNNPS, this document provides a consideration of the draft revised NNNPS and the compliance of the Project with it.

2. Further context

1. The current NNNPS was designated in 2015. The NN NPS sets out the need for development of road, rail and strategic rail freight interchange projects on the national networks and the policy against which decisions on major road and rail projects will be made. It provides planning guidance for promoters of NSIPs on the road and rail networks and is the basis for the examination by the appointed ExA and decisions by the SoS.
2. The Applicant’s Legislation and Policy Compliance Statement (LPCS), submitted with the A66 NTP DCO application provides an assessment of the Project against relevant legislation and policy in line with the requirements of the Planning Act 2008 (as amended). The PA 2008 requires that an application for a DCO is determined in accordance with the relevant National Policy Statement (NPS) except where the Secretary of State for Transport (the SoS) is satisfied that one or more of the points set out within section 104 (4) – (8) applies. In this case the NNNPS is the relevant NPS and therefore the primary basis for decision making. Appendix A of the LPCS sets out the requirements of the current NNNPS and how the Project conforms with these requirements in a series of tables. The compliance of the Project against the current NNNPS as set out in Appendix A of the LPCS remains the current position of the Project against the NNNPS requirements. This document should be read in conjunction with the LPCS including Appendix A.

3. Structure of this document

1. The tables below set out the policies within the revised draft NNNPS alongside a response from National Highways ('the Applicant') that considers how the Project conforms with these requirements. The revised draft NNNPS policies, set out in the tables of this document, are marked with 'track changes.' These tracks show new text (in blue font) and deleted text that no longer exists in the revised draft NNNPS, in comparison to the current NNNPS, is shown in red font with a strikethrough (~~in red font~~). Text that remains the same as the current NNNPS, including where the text has moved to a revised paragraph or section, is shown in standard font.
2. The tables provide a review of the paragraphs within the revised draft NNNPS that are relevant to the consideration of the A66 NTP DCO application only.
3. The third column in the tables below provide an update to the compliance of the A66 NTP DCO application to reflect the revised draft NNNPS. In doing so it comments on the extent of change to the policies and refers to the compliance statements set out in Appendix A NNNPS Policy Conformity Table of the LPCS (APP-242).

2. Revised draft NNNPS conformity tables

1. The table below sets out the policies within the revised draft NNNPS, which was published for consultation on 14 March 2023. The table provides a response from the Applicant on the extent to which the Project conforms with these requirements. Each paragraph of the revised NNNPS has been reviewed, with those of relevance to the Project outlined and assessed for compliance within this table. Where paragraphs are not considered to be relevant to the Project, they have been excluded from this table.

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
<u>2. National Networks</u>		
2.1	<p>National networks provide critical long-distance links between places, offering fast and reliable journey times and in doing so enable connectivity between people and communities, which in turn supports and stimulates economic growth. As recognised through the government's economic growth and levelling up agenda, improved connectivity and accessibility, both locally and inter-regionally, facilitates deeper labour markets giving individuals better access to jobs and education, and businesses better access to skills. Improved connectivity can increase the economic density of an area, leading to increased productivity. National networks can also create opportunities for growth and the development of new communities. They facilitate passenger, business and leisure journeys across the country, and support tourism. They connect vital infrastructure such as ports and airports to people and markets. They enable the effective movement of goods and freight into, out of, and across the country, which is vital to UK prosperity, health, wellbeing, and security. Well-functioning networks allow people and goods to flow more freely and reduce direct costs to individuals and businesses.</p>	<p>In substance, this policy is similar to the current NNNPS paragraph 2.1 and therefore the Applicant's compliance statement set out in response to the original paragraph 2.1 provides a response to the revised paragraph (see pages 49 – 51 of Appendix A NNNPS Conformity Table (APP-242)).</p>
2.2	<p>There is a need to recognise the important role that all modes play in the transportation of freight across our transport networks, which is vital in achieving our economic goals domestically and internationally through facilitating effective and efficient movement of freight. 95% of UK imports and exports by tonnage are transported by sea. This trade is a vital enabler of the UK economy and a driver of a significant amount of primary and secondary freight transport. Cost effective and efficient freight transport to and from such international hubs with seamless modal interchanges offers productivity benefits and boosts competitiveness for the domestic economy and international trade.</p>	<p>National Highways notes that paragraphs 2.2 and 2.3 are new additions to the draft revised NNNPS and has responded accordingly below.</p> <p>The existing A66 is a key national and regional strategic transport corridor. It carries high levels of freight traffic and is an important route for tourism and connectivity for nearby communities. There are no direct rail alternatives for passenger or freight movements along the corridor.</p> <p>The A66 is an important route for freight traffic, with HGVs comprising between 18 and 28% of total vehicles. The typical proportion of HGVs expected (as a proportion of AADT) is 12% on trunk roads and 8% on principal roads.</p> <p>Error! Reference source not found. of the Project Development Overview Report - Appendix 5 Northern Trans-Pennine Routes Strategic Study Stage 3 (Application Document 4.1 APP249) compares the modelled origins and destinations of existing freight traffic across the Pennines for the A66 and M62. It can be seen that a significant amount of HGV traffic uses the A66 for strategic connections for north-south trips stretching from the east Midlands and southeast of England to the north west of England and Scotland. The figures show that the A66 serves a different geographical market to the other east west SRN routes in the north of England, i.e., the M62 and A69.</p>
2.3	<p>There is a need for long-term strategic action through government and industry collaboration, to bolster the operation of the freight network as a whole through improvements to infrastructure with multi-modal impacts. Working with industry, government have published a Future of Freight plan which sets out the long-term vision for the freight sector. As part of this, a National Freight Network will be identified across road, rail, maritime, aviation, inland waterway and logistics infrastructure. This will help to understand the needs of the freight industry, identifying the infrastructure needed to support an integrated network that facilitates modal shift, prioritises decarbonisation and improves air quality outcomes, and supports the continuous improvement of the economic efficiency and reliability of end-to-end freight journeys with greater resilience built into the system.</p>	<p>Despite the strategic importance of the A66, the route between the M6 at Penrith and the A1(M) at Scotch Corner is only intermittently dualled and has six separate lengths of single carriageway. The route carries local slow moving agricultural and other traffic making short journeys, which impacts road speeds and capacity. It also includes a high number of private and direct access points along the route. This has a detrimental impact on other users, especially on the single carriageway lengths. The variable road standards, together with the lack of available diversionary routes when incidents occur, affects road safety, reliability, resilience, and attractiveness of the route. If the existing A66 route is not improved, it will constrain national and regional connectivity and may threaten the transformational growth envisaged by the Northern Powerhouse initiative and the achievement of the Government 'Levelling Up' agenda.</p> <p>The Project would improve the A66 to ensure that it can contribute to the efficient transportation of freight and meeting of economic goals, in accordance with paragraph 2.2. Paragraphs 4.2.28 to 4.2.38 of the Case for the Project (APP-008) sets out the importance of the Project to business, freight and port operators.</p>
2.4	<p>The infrastructure that supports our hauliers is essential to the effective and resilient supply chains we need. This includes last mile journeys for Heavy Goods Vehicle, and providing the facilities our Heavy Goods Vehicle drivers need to keep our country moving. Government is committed to addressing the strategic national need for more lorry parking and better services in lorry parks in England, ensuring all delivery partners including planning authorities, roadside facilities operators and National Highways all play their</p>	<p>National Highways notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>National Highways acknowledge the importance of infrastructure in supporting hauliers and to achieving effective and resilient supply chains, including facilities for Heavy Goods Vehicle (HGVs) drivers. The Applicant acknowledges there may be demand for improved HGV facilities along the A66, but we consider this to be outside the current scope of the A66 NTP Project and DCO application. This is because the Project is funded by the RIS (Road Investment Strategy), while the provision of rest areas is typically undertaken in partnership with local authorities</p>

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	<p>part in achieving this objective and that the freight and logistics industry are empowered to continue to innovate within the sector.</p>	<p>and third-party investors (e.g., service area operators). Mixing the funding and procurement of the different elements would lead to unacceptable risks for National Highways.</p> <p>However, National Highways continue to engage with local planning authorities on these matters. Westmorland and Furness Council will be consulted as part of a separate nation-wide freight study running parallel with the A66 DCO Examination. The aim of the study is to identify locations where new freight services and parking might be feasible on the Strategic Road Network. It should be noted that the laybys that are proposed by the A66 Project accord with DMRB standards and that the General Arrangement Drawings (APP-011 to APP-018) show where proposed replacement laybys on existing dualled sections of the A66 out with the Order Limits of this Project.</p>
2.5	<p>Roads are a critical part of the national transport framework in facilitating connectivity. Every year, road users travel more than 485 billion passenger miles by road in Great Britain, with roads accounting for 84% of passenger miles and 77% of freight by volume.</p>	<p>National Highways notes that this paragraph is a new addition to the draft revised NNNPS and notes that the A66 provides an important strategic, regional and local route, providing the most direct connection between the east and west coasts, as well as providing local access.</p>
2.6	<p>Roads facilitate active travel, such as walking, wheeling, and cycling. In 2021, 33% of personal journeys were taken by bike or walking11. It is a government commitment for more than half of personal journeys in our towns and cities to be made by active travel by 2030s. £2bn investment has been committed to help enable half of journeys in towns and cities to be cycled or walked by 2030. Updates to Local Transport Plan Guidance and the 'The Strategic Road Network and the delivery of sustainable development' Circular advocate a vision-led approach to local transport planning that prioritises sustainable transport interventions, alongside pedestrians and other vulnerable road users, in all plans to improve the local transport network.</p>	<p>National Highways notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>The Project proposes improvements to walking, cycling and horse-riding (WCH) across all schemes of the A66 route with some level of betterment compared with the provision of the existing single carriageway lengths. This is evidenced in the Walking, Cycling and Horse-riding Proposals (APP-010) submitted with the DCO application. Furthermore, the Applicant recently submitted a Change Application (see [CR1-002]) to the ExA, which includes proposals for further improvements to WCH provision, which follows from the Applicant's consideration of feedback through the post-submission period including ongoing engagement with local stakeholders.</p> <p>The proposed improvements are aligned with the relevant Local Transport Plans, including Rights of Way Improvement Plans.</p>
2.7	<p>In addition to enabling a broad range of active travel, roads are also crucial for our public transportation. Buses are a key form of public transport that rely on roads. In 2019/20, local bus services travelled 1.13 billion vehicle miles in England and the road network users that collectively undertook 4.07 billion journeys in England in 2019-202012 rely on such networks to continue connecting with other people, communities, and economic opportunities.</p>	<p>National Highways notes that this paragraph is a new addition to the draft revised NNNPS and acknowledges the importance of public transport links and the Project's design has incorporated all reasonable opportunities to support other transport modes in developing its infrastructure. This includes public transport users and WCH users.</p> <p>However, there is a lack of public transport infrastructure on the A66 corridor, with minimal bus service provision and no direct east-west rail connections. Access (in terms of travel time isochrones) to the national rail network from the area served by the A66 is highlighted in Figures 2-45 and 2-46 the Project Development Overview Report - Appendix 4 Northern Trans-Pennine Routes Strategic Study Stage 1 Report (Application Document 4-1, APP-248). Travel times from this area may need to drive for anywhere between 10 and 50 minutes to access the nearest railway station, whilst public transport access to railway stations is not universally available as evidenced by the fact that there are no bus or coach services that operate on the A66 between Penrith and Darlington, apart from some minor services that operate out of Penrith on the western section.</p> <p>The lack of public transport infrastructure within the area emphasises the importance of the Project in terms of its ability to successfully deliver against its objectives in terms of; improving strategic connectivity such that it supports the transformational growth envisaged by the Northern Powerhouse initiative and the achievement of the Government 'Levelling Up' agenda; and improving local connectivity for people living and working nearby and creating better facilities for cyclists and pedestrians and improving connectivity between the key employment areas of Cumbria, Tees Valley, Durham and Tyne and Wear .</p>
2.8	<p>The Strategic Road Network (SRN) consists of motorways and trunk roads and is essential to these connections. In England (in 2021), the SRN was 4,500 miles long. Despite the SRN only comprising 2% of the total roads in England by length13, almost one-third of all motor vehicle miles and over two-thirds of Heavy Goods Vehicle miles are made on the SRN14. Whilst the vast majority of road schemes that require development consent will be on the SRN, this National Policy Statement (NPS) recognises the complementary role the SRN provides to the major road networks and local roads. The strategic and long-distance nature of the SRN provides long distance traffic with a safe and efficient route, freeing up local roads for genuinely local journeys and active travel, and keeping traffic away from principal centres of population. In turn, the better use of the local road network to improve the environment for active travel, increase accessibility by</p>	<p>National Highways notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>The Project seeks to improve the use of local roads including the following:</p> <ul style="list-style-type: none"> • de-trunked lengths of the A66 will enable use for access to the local road network for example at Kirkby Thore and Crakenthorpe. Kirkby Thore is the only remaining settlement along the A66 without a bypass. The A66 passes directly through part of the village, causing issues of noise and severance, especially due to the high proportion of HGV traffic. The detrunked section of the A66 will also provide local access from Kirkby Thore to Crackenthorpe and onwards to Appleby. This provides the opportunity for a new WCH route on this stretch. A shared cycle/footway in the verge of the de-trunked A66 between Kirkby Thore and Appleby is proposed. Additionally, detrunked lengths west of Warcop and a new local road will be provided to the north from Turks Head into Brough. • A number of junction improvements are proposed to enable safer access on and off the A66. • Significant Walking, Cycling and Horse-Riding (WCH) provision is included in the proposed A66 upgrade work, to facilitate and encourage sustainable transport and active travel, therefore providing further capacity for local journeys and active travel, separated from strategic traffic. Full details are provided in the Walking, Cycling and Horse-Riding Proposals (Application Document 2.4)

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	<p>public transport, and the creation of better connections to the places people want to go, can also reduce pressures on the SRN. The SRN is also critical for supporting the movement of freight. In 2020, 77% of domestic freight moved in the UK by road and 68% of Heavy Goods Vehicle miles were run on the SRN16. In 2019, the road freight sector contributed £13.6 billion to the UK economy.</p> <p>Some of the UK leading sectors – logistics, freight, retail, construction, and manufacturing – rely on the SRN to move their products through the country.</p>	<ul style="list-style-type: none"> • New underpasses to facilitate agricultural access and to remove agricultural vehicles from the route, thereby improving the safety and accessibility for local businesses. <p>A key project objective is to 'ensure the improvement and long-term development of the SRN through providing better national connectivity including freight.'</p>
2.9	<p>The SRN also has an important role in facilitating the movement of goods and people between England and other nations of the UK. The UK government is committed to improving connectivity between the nations of the UK and will formally respond to Sir Peter Hendy's independent review as soon as practicable.</p>	<p>National Highways notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>The details of the strategic use of the A66 as a route between the south-east, East Midlands and the north-west of England / Scotland is shown in Plate 2 of the Case for the Project, Application Document 2.2 [APP-008] and illustrates the importance of the A66 as a strategic route which can support UK and international connectivity.</p>
<p>National networks in a greener world</p>		
<p>Conserving and enhancing the natural environment</p>		
2.16	<p>The environment is a complex system of cause and effect that connects the human, built and natural elements of the environment. Rather than a series of unrelated components, changes to one part of the system may affect others. Applicants should look for opportunities to take a holistic approach to avoiding, reducing or mitigating multiple impacts on the natural or built environment, on landscapes and on people by using nature-based solutions</p>	<p>The Applicant notes that the 'National Networks in a Greener World' is a new sub section within the draft revised NN NPS and has responded accordingly below.</p> <p>The Project's approach to mitigation is set out in Section 4.7 Design, Mitigation and Enhancement measures of Chapter 4 EIA Methodology of the Environmental Statement (APP-047). It explains that the Project proposes mitigation using a hierarchical system in line with the requirements of DMRB LA 104, which seeks to avoid, prevent, reduce and remediate impacts. In addition, the Project includes embedded and essential mitigation (built into the design of the Project) and environmental enhancement.</p> <p>Chapter 6 Biodiversity of the Environmental Statement provides evidence of 'nature-based solutions' as part of the proposed enhancement measures. See paragraph 6.9.25 to paragraph 6.9.27 for proposed enhancement measures during construction including measures to enhance aquatic habitats, improve water quality, and improve connectivity for fish and other aquatic species and for additional barn owl nest boxes. In addition, paragraphs 6.9.32 to 6.9.35 of chapter 6 of the ES (APP-049) set out proposed enhancement measures during operation including: improvement of the existing habitats and creation of woodland areas. Chapter 13 Population and Human Health of the ES (APP-056) sets out mitigation and enhancement measures in relation to impacts on people. For example, this includes the incorporation into the design of an east-west active travel connection which utilises the de-trunked sections of the A66 during operation.</p> <p>Holistic approach to mitigation of multiple impacts and the application of nature-based solutions:</p> <p>Throughout the preliminary design and assessment process the environmental specialists have worked collaboratively with the design teams in the development of the mitigation proposals to ensure a holistic approach has been taken to avoid, reduce and mitigate multiple impacts on the natural and built environment by, where applicable and appropriate, using nature-based solutions. For example, biodiversity enhancements have been maximised within the Project footprint by developing mitigation with multi-functional benefits. This includes the balancing ponds which have been designed to maximise opportunities for aquatic wildlife. Additional areas of reedbeds have also been included in designs for both biodiversity and water quality related benefits (Document Reference 2.7, REP3-005; D-BD-06). Existing ditches are to be widened, their slopes slackened with emergent reedbeds introduced to replicate a natural watercourse where possible to maximise biodiversity benefits as part of the essential drainage related works required for the Project (L115, Project Design Principles, Document Reference 5.11, REP6-015) In addition, planting required for landscape integration, visual screening and water attenuation have also been designed to maximise biodiversity value (Document Reference 5.11, REP3-040; BNG03).</p> <p>Holistic, collaborative approach to design and embedded mitigation:</p> <p>With reference to REP6-015 Project Design Principles, a place and context informed, landscape led design response has been pursued to the integration of the new highway and all of its component structures and ancillary elements within its often-high quality, sensitive landscape context. This is set out in the Vision within the PDP which sets the landscape framework to which the collaboratively developed, inter-disciplinary Design Principles in the PDP respond. The Design Principles developed in the PDP have not only been authored with extensive input from numerous other environmental and engineering disciplines across the Project, they (and the component design interventions) have also been developed iteratively with the relevant assessments in the DCO Environmental Statement, most notably the Landscape and Visual Impact Assessment or LVIA. Examples of this approach include:</p>

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		<ul style="list-style-type: none"> • Kirkby Thore false cutting and landscape earthworks: A holistic, integrated design solution to the integration of the proposed bypass in the landscape (cutting and noise attenuation) has been realised by collaboration and co-ordination between landscape, engineering design leads and the Noise and the Acoustics teams – a false cutting and landscape earthworks grading back into the gently undulating landform and small scale co-axial landscape pattern north of the village of Kirkby Thore, whilst providing an appropriate balance between noise attenuation and reducing adverse impacts on the visual amenity of residents in Kirkby Thore – long views to skylines in the North Pennines and associated sense of setting and identity this creates for the village (PDP Design Principles 0405.02 and 0405.05-09). • Trout Beck Viaduct (Scheme 0405), Moor Beck and Cringle Beck Viaducts (Scheme 06): Collaborative working with the bridge design engineers and engineering design leads as well as hydrologists and ecologists has developed an appropriate and sensitive set of aesthetic, scale, proportion and line parameters for these viaducts and for their integration within the landscape (and of flood compensation design interventions), both now and in future, in light of the migratory nature of the river channels in the River Eden SAC (PDP Design Principles 0405.03 and 0405.04, 0405.11 and 06.16).
2.19	Through a series of policies set out in the Transport Decarbonisation Plan, the Government is ensuring the fastest possible transition to a zero-emission vehicle fleet. It is clear on the need to develop a mutually supportive policy framework that actively promotes sustainable forms of travel by offering genuine modal choice to change behaviours and to provide the infrastructure we need to support a shift to alternative fuels and to decarbonise our vehicles.	Chapter 7 Climate of the Environmental Statement (ES) (APP-050), submitted with the DCO application includes an assessment of the end user emissions associated with the Project using the EFT v11 (November 2021) which accounts for fuel efficiency projections and electric vehicle forecasts to 2050. Results of this assessment can be found within Table 2-23 of ES Chapter 7 Climate (APP-050). In addition, during the construction of the Project there will be provision for electrical vehicles onsite with charge points in compounds to facilitate a reduction in fossil fuel powered vehicles, as committed to in the Environmental Management Plan (REP6-003). Document 2.4 Walking, Cycling and Horse-riding Proposals (APP-010) highlights the A66 NTP design proposals for the infrastructure features aimed at improving facilities for walking, cycling and horse-riding on the local network around the A66.
2.20	In June 2021, the Government set the sixth carbon budget covering 2033-37, setting a level representing an approximate 77% reduction in greenhouse gas emissions (including international aviation and shipping) compared to 1990. These carbon budgets are set to ensure the UK keeps to a trajectory consistent with meeting its 2050 net zero emissions target as set out in the Climate Change Act 2008 (as amended).	Aligning with DMRB LA 114, Chapter 7 Climate of the ES (APP-050) reports an assessment of the greenhouse gas emissions associated with the Project contextualised against the UK Carbon Budgets published at the point of submission of the DCO application (June 2022), including against the 6 th Carbon Budget. Results of this assessment can be found within Table 2-24 of ES Chapter 7 Climate (APP-050). In addition, the Applicant's Response to Written Representations made by other Interested Parties at Deadline 1 Appendix 1 (REP2-017) as well as Appendix E to the Applicant's post-hearing submission of ISH3 (REP5-024) and the Applicant's Response to Deadline 3 and 4 Submissions part 3 (REP5-030) provide further information on the assessment of Greenhouse Gas (GHG) emissions as is set out in chapter 7.
Reducing Air pollutant emissions		
2.31	Transport is also a contributor to emissions of air pollutants. The UK has national emission reduction commitments for overall UK emissions of five key air pollutants (particulate matter^{2.5}, nitrogen oxide, sulphur dioxide, ammonia, and non-methane volatile organic compounds) by 2030³¹.	Concentrations of nitrogen dioxide, particulate matter and ammonia are included in ES Chapter 5 Air Quality (APP-048). Emissions of sulphur dioxide and NMVOCs are not considered to be of concern for the A66 Project due to low background concentrations (see Section 5.3.9 of the ES Chapter 5 Air Quality) and are also not included in the DMRB LA 105 Air Quality
3. The need for development of the national networks (Statement of Need)		
Maintaining network performance and meeting customer needs		
3.2	Population growth and economic growth are the most critical influences on travel demand. There has been a steady growth in the population of Great Britain over the last 20 years and the population is projected to increase further by 4% between 2025 and 2060. Continuing growth in the economy and the population will increase the demands placed upon the SRN. Without investment and infrastructure interventions, increasing demand will lead to decreasing network performance for users, for example, poorer journey time reliability, which comes with economic and social costs.	The Case for the Project (APP-008) summarises the findings of the traffic modelling carried out to understand the future network performance of the road. It notes that key conclusions of the 2044 strategic flow forecasts are that the average traffic growth between 2019 and 2044, without the project, is 41% across all locations considered. This growth is due to national changes in population, trip rates, economic growth and demand for goods. The Project is needed to provide for the anticipated demand and to support economic development, in particular supporting the economic growth objectives of the Northern Powerhouse and Government Levelling Up agenda.
3.3	Evidence that development on the network leads to induced demand is limited. A recent literature review suggested that the scale of any induced demand is likely to vary depending on circumstances. Under Department for Transport's Transport Appraisal Guidance, government-funded investments in transport schemes need to	Induced demand has been considered as part of the traffic model as described in chapter 10 of Appendix C of the Application Document 3.8 Combined Modelling and Appraisal Report [APP-239] Chapter 7.4, 8.2 and 8.3 of Appendix D of the Application Document 3.8 Combined Modelling and Appraisal Report [APP-240] contains details of the results of induced demand on the overall travel demand within the Strategic Transport Model and has been considered and fully taken into account in developing and bringing the Project forward.

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	consider the effects of variable demand (and the resultant induced or suppressed traffic) on the justification for intervention.	
3.4	On roads, poor network performance, in the form of congestion or unexpected delays undermining reliability, has many costs. These costs include constraining economic activity by increasing costs to businesses and can constrain job opportunities if they limit access to labour markets. It causes frustration and stress for users.	<p>Existing problems and constraints on the A66 around journey time and journey time reliability are discussed in paragraphs 4.2.16 to 4.2.20 of The Case for the Project, Application Document 2.2 [APP-008]. Paragraphs 4.4.1 to 4.4.10 detail the improvements that the Project will make to journey times and journey time reliability due to the reduction in congestion as well as the economic and other benefits that are associated with these improvements.</p>
3.5	Network performance can impact upon satisfaction levels for users of the Strategic Road Network (SRN). Transport Focus Strategic Road Users Survey showed that journey times were one of the key concerns for users. As of July 2022, 69% of SRN users were very/fairly satisfied with journey times. For freight users, the average level of satisfaction with motorways and major 'A' roads when it came to meeting business needs was 46% in 2021-22.	<p>The conclusions for the findings from the traffic modelling to inform Network performance are set out in section 12.4 of the Transport Assessment (APP-236). Paragraph 12.4.8 states that “The improved linkage which would be provided by the Project benefits communities within the north of England, who, due to the rural nature of the region, often lack access to key local services for example, GP surgeries, primary schools and supermarkets. These people are often required to commute over longer distances than average to access improved employment opportunities. The project is therefore important as it facilitates these longer distance journeys through improved journey”.</p> <p>This and other journey time benefits and improved accessibility for local communities, freight users and business users, as set out in the Transport Assessment and the Case for the Project (APP-008) would suggest that that there would be higher levels of satisfaction for the users of the A66 with the proposed improvements in place.</p>
Supporting economic growth		
3.7	The government's Levelling up the United Kingdom White Paper recognises the role that transport can play in boosting productivity, by connecting people to jobs, and businesses to each other, and sets out an ambition to level up transport connectivity. It recognises the role that specific projects on national networks can play in improving connectivity between towns and cities to boost growth.	<p>The Project supports and delivers against the aspirations and objectives of plans and strategies, including transport and economic strategies at a regional level, such as the TfN Strategic Transport Plan 2019, The Tees Valley Combined Authority's Strategic Economic Plan: The Industrial Strategy for Tees Valley 2016-2026, and the Tees Valley Strategic Transport Plan 2020- 2030 and the Cumbria Strategic Economic Plan 2014-2024. Section 3.7 of the LPCS (APP-242) contains a detailed review of this regional and county policy and an assessment of how the Project accords with this policy.</p> <p>The Project will reduce congestion and improve the reliability of people's journeys between the M6 at Penrith and the A1(M) Scotch Corner and nationwide and freight and transport businesses will benefit from improvements to journey time reliability across the A66. The project will improve connectivity for people living and working nearby and improve connectivity between the key employment areas of Cumbria, Tees Valley, Durham and Tyne and Wear. Chapter 4 of the Case for the Project (APP-008) provides further details on the connectivity benefits of the Project.</p> <p>The details of the strategic use of the A66 as a route between the south-east, East Midlands and the North west of England / Scotland is shown in Plate 2 of the Case for the Project, Application Document 2.2 [APP-008]. The current problems on the A66, including a poor road safety record, poor WCHR provision, unreliable journey times and frequent closures, are discussed in paragraphs 4.2.28 to 4.2.38 of the Case for the Project, Application Document 2.2 [APP-008].</p> <p>One of the key project objectives of National Highways is to support “the economic growth objectives of the Northern Powerhouse and Government Levelling Up agenda”.</p> <p>The Case for the Project (APP-008) at Table 7.1 in Chapter 7 sets out the principal benefits and opportunities in relation to this project objective and concludes that:</p> <p>“The Project improvements represent a significant opportunity to boost east-west connectivity and drive economic growth.” It refers to Chapter 5 of the Case for the Project where full detail on the economic benefits of the Project is provided and then summarises the principal benefits, including:</p> <ul style="list-style-type: none"> - increased capacity of the A66 and improved journey times will stimulate the local economy as people travel to employment centres and to community, hospitality and retail facilities. <p>and</p> <ul style="list-style-type: none"> , businesses will benefit from the improved accessibility of key employment areas across Cumbria, Tees Valley and Tyne and Wear. – an improved A66 will also provide an opportunity to focus investment in areas that are lagging behind national averages amongst a number of economic and social indicators.

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
3.8	<p>Transport infrastructure is a catalyst and key driver of growth, and it is important that the planning and development of infrastructure fully considers the role it can play in delivering sustainable growth, how it can support local and regional development plans and the growth aspirations of local authority areas. This will include exploring options to unlock sites for housing and employment growth made accessible by sustainable transport and the regenerative impact major infrastructure can play in driving urban renewal, increasing density, as well as creating new places and communities.</p>	<p>The Legislation and Policy Compliance Statement (LPCS) (APP-242) considers compliance with local and regional plans. Paragraph 1.1.6 of the LPCS confirms that:</p> <p>“The Project’s conformity with their adopted development and local transport plans have therefore been assessed.” and the findings are set out in the County Policy Conformity table at Appendix C and the Local Policy Conformity Table at Appendix D.</p> <p>Regional Policy Conformity is set out in Appendix B.</p> <p>The conformity tables at Appendix B-C consider the key policies of relevance to the A66 project, including policies associated with the growth aspirations of the local authorities.</p> <p>For example, with respect to one of the policies of the County Durham Plan (adopted 2020) to “ensure that the regeneration needs of County Durham’s communities are met in order to reduce deprivation, improve health and address social, economic and environmental inequalities.” The LPCC (at Appendix C – Page 252) concludes that “The Project will contribute towards ensuring that the regeneration needs of County Durham’s communities are met through the provision of new road infrastructure that will reduce economic, social and environmental inequalities. Communities within the study area will benefit from shorter, more reliable journey times along the A66”.</p> <p>The LPCS, with reference to regional policy (at page 227) concluded that “Upgrading the route is a UK National priority which forms a key part of the ‘levelling-up’ and Northern Powerhouse agendas enabling better connectivity between North and South and increasing economic performance in the North. The expectation is that freight traffic generated in the North of England and Scotland will continue to grow, and that Northern Powerhouse aspirations for the Ports and the economy as a whole will only accelerate this growth. Time savings, shorter distances and more reliable journeys are critical for freight operators and have a direct impact on operating costs and the real economy”.</p>
<p>Ensuring resilience in networks</p>		
3.9	<p>Resilience in the networks is about responding to risks and taking opportunities to enable transport networks to perform as expected. But importantly, resilience is also about ensuring the network remains fit for purpose, meeting the needs of the country for the movement of goods and people by anticipating, responding and being able to quickly adapt to those changing needs, and ensuring the network continues to evolve as technology advances.</p>	<p>One of National Highway’s Project Objectives for the A66 is to “Improve the resilience of the route to the impact of events such as incidents, roadworks and severe weather events.” In relation to this objective the Case for the Project [App-008] found (as reported in table 7.1 – that sets out the principal benefits and opportunities associated with the project) that:</p> <p>“In dualling the remaining lengths of the A66, along with other improvements, additional resilience will be built into the road, which it is anticipated will result in fewer road closures. By dualling the road, full closures will be less likely, with freight hauliers likely to be most positively benefitted by this, as currently there are fewer opportunities for diversion or turning around along this route for large vehicles.”</p> <p>In relation to the project evolving as technology advances the Case for the Project (APP-008), in its consideration of Government strategic objectives for the SRN has concluded:</p> <p>“The project introduces more appropriate applied technology to assist drivers and allow safer and more secure journeys, in the form of VMS, vehicle / incident detection equipment and CCTV installations.” (See point iv of paragraph 7.3.11).</p>
3.11	<p>The UK Climate Change Risk Assessment has identified some of the key risks faced by the transport sector and transport infrastructure networks as a result of climate change, including risks from river, surface water and groundwater flooding, coastal erosion and flooding, slope and embankment failure, risks to bridges, and cascading failures⁴². These have the potential to negatively impact network performance, including road user safety, journey time reliability, and disruption to supply chains.</p>	<p>Chapter 7 Climate of the ES (APP-050) includes a systematic review and appraisal of climate change risks for the Project, including consideration of the resilience of the Project to cope with future extreme weather events associated with UK climate projections.</p> <p>Appendix 7.2 of the ES, the Climate Change Resilience Assessment (APP-177) provides the findings from the detailed climate change resilience (CCR) assessment completed as part of the Environmental Statement. Table 1 of the CCR Appendix reports on the potential impacts to the project as a result of climate change, including risks from river, surface water and groundwater flooding, slope and embankment failure and risks to bridges. Any relevant embedded mitigation considered already in place prior to the assessment of each risk; the assessment of risk itself (of likelihood, consequence and significance); and notes on any scheme specific considerations, e.g., where a risk is considered less relevant to a particular scheme are also reported.</p> <p>Regarding the additional NPS climate change requirements, the assessment has considered a climate change allowance within the drainage design. The drainage and attenuation design uses a 20% climate change uplift value on the 1-in-100 year event, and the flood modelling used to inform and assess the design has used 1-in-100 year plus climate change scenarios ranging from 53%-94% dependent on the location (as outlined in Climate Change Allowances: Peak River Flow in England (Environment Agency 2021)), as described in Chapter 14 of the Environmental Statement (APP-057).</p>
3.12	<p>While the path to net zero forms part of the response to climate change risks on the transport network, resilience measures, including maintenance and adaptation of the network and further development, will be critical to future-proof against these wide-ranging risks. National Highways and Network Rail have published reports under the third round of the Climate Change Adaptation Reporting Power, which asks</p>	<p>Chapter 7 Climate of the ES (APP-050) (paragraphs 7.4.10 – 7.4.20) reports on the main findings from the climate change resilience assessment with respect to the vulnerability of the Project to climate change and identifies the design and mitigation measure to be deployed to address the risks to network performance as set out in this paragraph of the revised draft NNNPS. The principal conclusions on these matters are set out in the following paragraphs of Chapter 7:</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	organisations to report on the effects of climate change on their organisation and their proposals for adapting to climate change.	<p>“7.10.14 The Project will be designed to be resilient to impacts arising from weather events and climatic conditions in accordance with current planning, design and engineering practice, standards and codes. The climate assessment assumes that design and engineering practice standards and codes incorporate conservative assumptions of future climatic conditions, as guided by UKCP18, and that these are being used in the design process, particularly for safety critical assets.”</p> <p>“7.10.15 Most weather and climate-related resilience effects during operation are expected to be mitigated through measures embedded in the design of the Project as a result of meeting current planning, design and engineering practice and codes. It is expected that these practices and codes will provide effective resilience throughout the operational phase of the Project (for the study period of a 60-year project lifetime).”</p>
3.14	As we place more demands on the network through increases in the volume of traffic and greater expectations on its performance in underpinning efficient supply chains, our reliance on the technology that supports its smooth operation has increased. The ability of our network to accommodate and support advances in technology is ever more critical. Delivering the infrastructure needed to support innovation, including facilitating greater digital connectivity and supplying the energy needed to support the evolution of vehicle technologies using the network, is key to ensure our networks remain resilient both now and in the future. The resilience of the technology itself, its maintenance and upgrade, and its continuity of service is essential, particularly as the connected and autonomous vehicles place new demands on real time information.	<p>The Case for the Project (APP-008), in its consideration of Government strategic objectives for the SRN, has concluded:</p> <p>“The project introduces more appropriate applied technology to assist drivers and allow safer and more secure journeys, in the form of VMS, vehicle / incident detection equipment and CCTV installations” (see point iv of paragraph 7.3.11).</p> <p>The project therefore conforms with this component of national policy.</p>
3.15	Resilience in networks, therefore, also includes accommodating changes in technology, including the infrastructure needed to support the use of alternative fuels, and digital connectivity will also require our national networks to evolve and adapt in order to utilise the benefits that technology can bring.	<p>How technology can be incorporated into the Project is to be developed further at the detailed design stage. This includes scoping how Electric Vehicle charging point technology can be strategically placed at destinations across the A66 to allow for new business opportunities.</p>
3.16	Interventions can also help to address the strategic resilience of the network, responding to the changing needs of the economy and the underlying imperative set out in chapter 2 to ensure goods, people and services can traverse the network safely and efficiently through, for example, the provision of a reliable alternative or complementary strategic route. Network resilience also means optimising the outcomes of transport infrastructure delivery at a local, regional and national level, taking opportunities to improve connectivity and capitalising on all of the benefits infrastructure delivery brings.	<p>The Project increases resilience and removes reliance on the limited diversion routes that are currently used in the event of a closure. The Case for the Project found (as reported in table 7.1 – that sets out the principal benefits and opportunities associated with the project) that:</p> <p>“In dualling the remaining lengths of the A66, along with other improvements, additional resilience will be built into the road, which it is anticipated will result in fewer road closures. By dualling the road, full closures will be less likely, with freight hauliers likely to be most positively benefitted by this, as currently there are fewer opportunities for diversion or turning around along this route for large vehicles.”</p>
Supporting the Government’s environment and net zero priorities		
3.17	Any national network Nationally Significant Infrastructure Project (NSIP) should seek to improve and enhance the environment irrespective of the reasons for developing the scheme. However, there may be instances where infrastructure interventions are required to bring about improvements to environmental outcomes. Such outcomes might include contributing to net zero target through, for example, electrification of rail, improvements to air quality through reductions in congestion, or delivering localised environmental improvements to cultural heritage, landscape, or biodiversity.	<p>One of the project objectives is “to minimise adverse impacts on the environment and where possible optimise environmental improvement opportunities.” In relation to this objective the Environmental benefits that will be delivered as a consequence of the project, principally during the operational phase, are summarised in table 7.3 of the Case for the Project (APP-008) on a scheme-by scheme basis. Amongst these benefits are:</p> <ul style="list-style-type: none"> • Significant permanent beneficial population and health effects to community assets, and businesses • beneficial effects to the Lake District tourism sector • significant permanent beneficial noise effects to non-residential receptors, including Kirkby Thore Primary School • Significant permanent beneficial noise effects for residential dwellings, including 280 dwellings with Kirkby Thore • Significant permanent beneficial effects for heritage assets <p>The Population and Human Health Chapter of the ES (APP-056) and the Cultural Heritage Chapter (APP-051) provides further information on these benefits.</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
		In relation to air quality for a number of schemes reduced congestion and fewer vehicles idling will reduce emissions, helping to improve localised air quality (as reported in table 6-1, 6-4 6-14, 6-16, and 6-19 of the Case for the Project (APP-008) with further details on the benefits described in Chapter 5 of the ES (APP-048).
Maintaining and enhancing the safety of national networks		
3.18	Safety is of paramount importance in the development of our transport network and contributes to achieving a resilient network. Incidents on the network lead to increased unreliability, pressure on emergency services and delay for other users.	Paragraph 7.3.11 point iii of the Case for the Project (APP-008) responds to the Government strategic policy objectives for safety, as follows: “A consistent standard of dual carriageway, with the same speed limit throughout (with the exception of a short length of 50mph dualling between M6 Junction 40 and east of Kemplay Bank), will lead to less accidents. Use of the de-trunked sections of the A66 as part of the local road network will provide better, safer routes for cyclists and pedestrians.” The Transport Assessment (Rev 2) (REP2-003) at Table 9-4 shows the number of accidents saved by introducing the A66 improvements. It concludes at paragraph 9.4.9 that “Over the 60-year appraisal period, the project saves 281 personal injury accidents, of which 3% are fatal, 21% are serious, and 76% are slight. Overall, the project saves 6,975 accidents, of which 4% involve personal injury and 96% are damage-only.”
3.20	The second Road Investment Strategy (RIS2) sets out an ambition to create a safer and more reliable network, including a 'Zero Harm' goal of bringing the number of people killed or seriously injured on the network to a level approaching zero by 2040'. Achieving this will take a combination of improvements to the existing network, further development to the safety features of vehicles and a continued focus of driver behaviour.	
The drivers of need for development of the national road network		
Network performance and meeting users' needs		
3.28	Increases in vehicle miles undertaken can lead to worsening performance of the network. The main drivers of traffic growth are population growth, economic growth, and the actual and perceived costs of motoring. The National Road Traffic Projections50 projects road traffic between 2025 and 2060. The National Road Traffic Projections have modelled a range of scenarios, which explore uncertainties in demographic change, economic growth, regional redistribution, behavioural and technological change, and decarbonisation. As a result of these uncertainties, a range of possible outcomes have been identified. However, all scenarios have projected a growth of traffic between 2025 and 2060 for England and Wales51, with forecasts ranging from 12% to 54%. The Core scenario, which represents a world in which deviation from historic trends in the key drivers of demand and current Government policies is minimal, projects a 22% increase in traffic between 2025 and 2060.	The application was made in July 2022 before the publication of the National Road Traffic Projections. The new National Road Traffic Projections (NRTP) have been considered in the context of the appraisal of the Project. Comparison of car trip making forecasts within the updated National Trip End Model (NTEMv8) compared to the previously used NTEM v7.2 (as current in July 2022) show that population forecasts are roughly equivalent in 2029 but are between 3% and 6% lower in the North of England in 2044. In contrast the freight projections within NRTP show that LGV and HGV forecasts have increased by between 3% to 5% between 2029 and 2044 compared to Road Traffic Forecasts 2018 (RTF18), which were current in July 2022. Overall, the impact upon the economic appraisal of the project is therefore expected to be neutral. Chapter 5 of the Combined Modelling and Appraisal Report Application Document [APP-240] contains details of the forecasting methodology, including the source of the anticipated demand, aligned to TAG guidance. The performance of the scheme is detailed in Chapter 5.7 under the 'Core' growth scenario. Chapter 7.2 of the Combined Modelling and Appraisal Report (Application Document 3.8, APP-241) discusses the performance of the Project under two demand sensitivity tests. These consider a range of growth in highway demand from 2019 to 2051 ranging between 10.4% and 38.7% (Table 7-1). This is forecast envelope is similar to the projected traffic growth range discussed within National Road Traffic Projections range of scenarios. The economic performance of the Project within the sensitivity tests considered as part of the Application is summarised within Table 7-9 of the Combined Modelling and Appraisal Report (Application Document 3.8, APP-241). In advance of the next Department for Transport (DfT) approval stages of the business case National Highways is undertaking further development work to prepare the full business case. This includes for example, looking to update our valuation of the BCR (across costs and benefits) to reflect the latest project costs and applying latest data around safety, freight, the impact of the project on levelling-up, environmental impacts etc. As part of this update modelling will be undertaken to consider the performance of the Project under the range of scenarios included within the National Road Traffic Projections. Given the similarities of the projected change in highway demand, consideration of the new scenarios is unlikely to significantly change the conclusions within the Case for the Project.
3.31	These projections are not definitive predictions of what will happen in the future and are not a predictor of the level of expansion required on the national road network. They also do not reflect how transport demands may vary by mode or how road space may need to be	Chapter 4 of The Case for the Project (Application Document 2.2, APP- 008) sets out the overall need and case for the Project and identifies the benefits that it will bring for users. Paragraphs 1.7.1 to 1.7.7 outline strategic need for the Project, in terms of the role of the A66 as part of the Strategic Highway Network, and the current issues that are experienced. These include issues with journey time reliability related to frequent closures, a poor safety record,

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	<p>distributed to better facilitate mass transit options (such as guided buses, trams, light rail and coaches), pressures on our road and give greater modal choice for journeys. They do, however, demonstrate that continued absolute traffic growth is likely under all scenarios, and therefore enhancements on the national road network will be necessary in order to ensure the national road network operates effectively in the face of growing demand. Infrastructure interventions can include measures such as addressing pinch points and improving flow aimed at addressing localised issues to help address reliability, predictability, and capacity issues at specific locations, which can in turn improve overall performance of the wider network of local roads and the SRN in that location. Equally interventions could include measures to reallocate road space to systems for journeys addressing traffic growth via a vision-led approach to that plans for modal shift.</p>	<p>issues with severance and poor WCH (Walking Cycling and Horse riding) provision. Table 1-2 then sets out the objectives of the Project that have been developed considering the issues outlined.</p> <p>Chapter 5.5 contains a review of the performance of the Project against the objectives.</p>
<p>Environment</p>		
<p>3.39</p>	<p>Developments on the SRN need to be sensitive to, respond to, and contribute to their environmental context. Changing legislation through, for example, the Environment Act 2021 has introduced more stringent environmental protection, and opportunities for enhancement of the natural environment.</p>	<p>The Legislation and Policy Compliance Statement (LPCS) (APP-242) has been prepared to provide an assessment of the Project against relevant legislation and policy in line with the requirements of the Planning Act 2008 (as amended) (the 'PA 2008') and has found that the project is in conformity with all the relevant legislative and policy requirements.</p> <p>The LPCS at section 2.8 considers the Environment Act 2021. For example, with respect to those sections of the Environment Act that deal with bio-diversity net gain it states (at paragraph 2.8.7) that:</p> <p>"In considering the Project's accordance with the requirements of the Environment Act, habitats lost to the Project will be replaced on a like for-like or better basis. Whilst biodiversity net gain is not currently a requirement within the policy set out in the NNNPS, the principles of net gain have been applied to the Project mitigation in order to maximise biodiversity within the footprint of the Project. Ratios for habitat replacement have been based on the prevailing national guidance, within the Natural England Biodiversity Metric 3.0 (Natural England, 2021) and aim to achieve a no-net-loss outcome on a habitat replacement basis. Full details can be viewed at Chapter 6 (Biodiversity) of the ES." (APP-049)</p>
<p>3.40</p>	<p>Any scheme needs to address this emerging legislative and policy context appropriately. Infrastructure improvements may help to facilitate a reduction in emissions (such as carbon, air pollution, noise or discharges to water resources), improvements to the natural and built environment (such as landscapes or cultural heritage improvements) or increased accessibility for non-motorised users and reduced severance. For example, reducing the time vehicles spend in congestion may reduce carbon and air quality emissions at that particular location.</p>	<p>As confirmed in the Case for the Project (APP-008) at paragraph 1.10.1 as The Project is an EIA development as defined in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('EIA Regulations') an EIA has been carried out to meet the requirements of legislation and to consider the effect of the Project on the environment. The findings of this assessment are presented in the ES (APP-043-059) submitted to accompany the application. In conformity with these regulations and Chapter 4 (EIA Methodology) (APP-047) provides details of the assessment that has been carried out for the Project. The Project has responded to the requirements of the Environment Act 2021 that are in force and which apply to the Project – see response above.</p>
<p>Government's Policy for addressing need of the national road network</p>		
<p>3.42</p>	<p>There are interdependencies between the efficient operation of the SRN and its impact on the local road network and vice versa. Effective operation and optimisation of both the SRN and the local road network are essential to achieve the outcomes set by the Transport Decarbonisation Plan. There are a range of measures that can be employed to make the best use of all road capacity (not just the SRN) which may impact upon demand for the SRN. These include:</p> <ul style="list-style-type: none"> Enabling more active travel and public transport (including buses, coaches and rail) in urban areas. This is at the heart of the Transport Decarbonisation Plan and the government has introduced many policies intended to support this. The creation of mobility hubs and improving integration between modes through park-and-ride services, cycle parking provision at rail stations, and the coordination of bus / rail timetables, can all contribute. 	<p>The Project's design has incorporated all reasonable opportunities to support other transport modes in developing its infrastructure. This includes public transport users and WCH users with. Details regarding WCH provision for each scheme set out in the Walking, Cycling and Horse-Riding Proposals report (APP-010).</p> <p>There is very little public transport provision along the route, with no comparable rail route and very limited bus service provision. In the development of the Project public transport and other sustainable modes of transport have been evaluated. For example, with respect to rail solutions paragraph 10.5.8 of the Transport Assessment states:</p> <p>"...one of the issues identified during the Pre-project phase was that there is no rail line to provide an alternative main mode and public transport route to the A66 between Darlington and Penrith. Given this lack of rail provision the Project is not anticipated to impact upon any rail services within the area."</p> <p>The consideration of options for public transport are more fully explored within the Project Development Overview Report, Chapter 5 (APP-244).</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	<ul style="list-style-type: none"> • Providing genuine choice in transport mode by increasing accessibility to public transport, connecting places and by improving the environment for journeys by active travel will offer an alternative to the use of private vehicles. The government has committed to transforming local transport systems through Bus Back Better strategy and the City Region Sustainable Transport Settlements. In addition, Bus Back Better sets out measures enabling buses to be used by all thereby enhancing levels of accessibility. • Integrating with spatial planning can support walking, wheeling and cycling or public transport as the natural first choice for journeys. Where developments are located, how they are designed and how well public transport services are integrated has a huge impact on whether people's natural first choice for short journeys is on foot or by cycle, by public transport or by private car. The Strategic Road Network and the delivery of sustainable development Circular 01/2022 establishes how additional spatial considerations in transport decisions can help tackle congestion and support better journeys for all road users. • Greater deployment of technology can support more effective use of the network. Such technological interventions might include greater use of digital signalling, greater provision of route information to drivers, alternative fuels, self-driving vehicles or digital connectivity. • Bringing forward maintenance schemes and small-scale enhancements to ensure that the SRN is operating as effectively as possible. 	<p>Given the limited opportunities to provide alternative public transport routes other sustainable modes of transport were considered and measures to provide additional and enhanced walking, cycling and horse-riding routes were identified as part of the development of the project,</p> <p>The outcomes, as described in the Case for the Project (APP-008), is the provision of “a low speed, low-traffic route parallel to the A66 for pedestrians and cyclists, where possible. This has responded to issues raised through ongoing engagement with stakeholders and at statutory consultation for the need for improved east-west WCH provision. For the majority of schemes, east-west provision has been provided, either parallel to the new dual carriageway, or in the verge along the de-trunked A66, where it will remain. Details of the proposals for east-west WCH provision is set out in the Walking, Cycling, and Horse-riding Proposals (APP-010).”</p> <p>With respect to existing walking, cycling and horse-riding routes the Transport Assessment (APP-236) (paragraph 12.5.1) states:</p> <p>“Where PRoWs are severed by or converge at the upgraded A66 carriageway, then they have been gathered and redirected to the nearest grade-separated crossing facility in order to provide a safe place to cross the dual carriageway. The nearest crossing may be a new grade-separated junction, an accommodation underpass or overbridge, or a designated WCH underpass or bridge. All schemes have some level of betterment compared with the provision on the existing single carriageway sections.”</p> <p>With respect to the deployment of technology”. The Case for the Project (APP-008), in its consideration of Government strategic objectives for the SRN has concluded:</p> <p>“The project introduces more appropriate applied technology to assist drivers and allow safer and more secure journeys, in the form of VMS, vehicle / incident detection equipment and CCTV installations” (see point iv of paragraph 7.3.11).</p> <p>How technology can be incorporated into the Project is to be developed further at the detailed design stage. This includes scoping how Electric Vehicle charging point technology can be strategically placed at destinations across the A66 to allow for new business opportunities.</p>
3.44	<p>The TDP commits to moving away from transport planning based on predicting future demand to provide capacity ('predict and provide') to planning that sets an outcome communities want to achieve and provides the transport solutions to deliver those outcomes (vision-led approaches including 'vision and validate,' 'decide and provide' or 'monitor and manage'). While vision-led approaches to minimise demand on the SRN are essential, there are varying challenges that will be presented by certain sites based on their land use, scale and/or location. In some cases, they will not always offset the need to increase capacity as modal shift does not always mean less road use. The competing demands for road space will remain or even increase with diversification in the type and number of users, the vehicle they use or where alternative sustainable modes are prioritised.</p>	<p>The A66 provides an important strategic, regional and local route, providing the most direct connection between the east and west coasts, as well as providing local access. It is of strategic importance to national and international movements. The current mix of single and dual carriageway standards affects the performance of the A66 and makes the route unattractive and as set out in the Case for the Project (APP-008):</p> <p>“If the existing A66 route is not improved, it will constrain national and regional connectivity, due to its strategic importance as an east-west connection for freight and other vehicle movements and may threaten the transformational growth envisaged by the Northern Powerhouse initiative and the achievement of the Government ‘Levelling Up’ agenda.” (Paragraph 1.7.3).</p> <p>The A66 improvements are required to address these strategic and local challenges in a vision led approach which is required to conform with specified economic, community, transport and environmental objectives of National Highways, including:</p> <p>: Support the economic growth objectives of the Northern Powerhouse and Government levelling up agenda.</p> <ul style="list-style-type: none"> • Improving access to services and jobs for local road users and the local community • Improving road safety, during construction, operation and maintenance for all, including road users, walkers, cyclists and horse-riders (WCH), road workers, local businesses and local residents • Improving journey time reliability for road users. • Improving and promoting the A66 as a strategic connection for all traffic and users. • Improving the resilience of the route to the impact of events such as incidents, roadworks and severe weather events. • Improving WCH provision along the route. • Reducing the impact of the route on severance for local communities.
3.47	<p>In some cases, to meet the need set out in section 2.1 to 2.14 this NPS, it will not be sufficient to simply expand capacity on the existing network. In those circumstances new road alignments and corresponding links, including alignments which cross a river or estuary, may be needed to support increased capacity and connectivity.</p>	<p>In substance, this policy is similar to the current NNNPS paragraph 2.27 and therefore the Applicant's compliance statement set out in response to the original paragraph 2.27 provides a response to the revised paragraph (see pages 3-9-60 of Appendix A NNNPS Conformity Table (APP-242)).</p>
<p>4. General policies and considerations</p>		

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
<u>General</u> principles of assessment		
4.3	<p>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:</p> <ul style="list-style-type: none"> its potential benefits, including faster and more reliable journey times, the facilitation of economic development, including job creation, reducing geographical disparities, connectivity, housing, social 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, mitigate or compensate for any adverse impacts. 	<p>In substance this policy is similar to the current NNNPS paragraph 4.3 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.3 provides a response to the revised paragraph (see page 3.9-71 of 373 of Appendix A NNNPS Conformity Table (APP-242)). In addition, as set out in the Case for the Project [Documents Reference 2.2, APP-008], Project benefits include increased capacity of the A66 and improved journey times. Furthermore, the Project would increase journey reliability and contribute to the levelling up agenda (see section 1.5 of the Case for the Project).</p>
4.4	<p>In this context, environmental, safety, social and economic benefits and adverse impacts, should be considered at national, regional and local levels. These may be identified in this NPS, or elsewhere. Should the Secretary of State decide to grant development consent for an application where details are still to be finalised, this will need to be reflected in appropriate requirements in the Development Consent Order. If development consent is granted for a proposal and at a later stage the applicant wishes, for technical or commercial reasons, to construct it in such a way that it is outside the terms of what has been consented (for example because its extent will be greater than has been provided for in terms of the consent), it will be necessary to apply for a change to be made to the Development Consent Order. The application to change the consent should be in line with the government's guidance on the procedures for making a change to a Development Consent Order for NSIPs and may need to be accompanied by environmental information to supplement that which was included in the original environmental assessment.</p>	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>The DCO application for the A66 NTP includes the appropriate level of detail for the examination and determination stage of the consenting process, including a reasonable level of flexibility suitably controlled. As set out in National Highways' Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (including written submissions of oral case) [REP1-009], under agenda item 2, whilst the draft DCO does not contain a requirements schedule, there is a legally binding mechanism through which the detailed design process is controlled. Such process would continue post making of the DCO (should it be made) and would be carried out in accordance with the provisions (or 'requirements') of the DCO including compliance with the Environmental Management Plan and the Project Design Principles under articles 53 and 54 of the DCO.</p>
<u>Business Case</u>		
4.5	<p>Applications for road and rail projects (with the exception of those for SRFsstrategic rail freight interchanges, for which the position is covered in paragraph 4.8 below) will normally be supported by a business case prepared in accordance with Treasury Green Book principles. This business case provides the basis for investment decisions on road and rail projects. The business case will normally be developed based on and the Department's Transport Business Case guidance and WebTAG guidanceTransport Analysis Guidance. Transport Appraisal Guidance assesses the costs, benefits and risks of alternative ways to meet government objectives. It helps decision makers to understand the potential effects, trade-offs and overall impact of options by providing an objective evidence base for decision making. The purpose of the economic case prepared for a transportdimension of the business case will assess the economic, environmental and social impacts of a development is to identify the proposal that delivers best public value to society, including wider social and environmental benefits; however, the economic case is one of five cases that comprise the business case, and government decisions are based on all five.</p> <p>The information provided will be proportionate to the development. This information will be important for the Examining Authority and</p>	<p>In substance this policy is similar to the current NNNPS paragraphs 4.5 and therefore the Applicant's compliance statement set out in response to the original paragraphs 4.5 provides a response to the revised paragraphs (see pages 72 – 74 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>HM Treasury and The Department for Transport sets out guidance for valuing the costs and benefits through a project business case, through the 'Green Book' and Transport Analysis Guidance (TAG). The 'Green Book' is guidance issued by HM Treasury on how to appraise policies, programmes and projects, while TAG is issued by the Department for Transport and provides information on the role of transport modelling and appraisal.</p> <p>Some of the costs and benefits can have a monetary value calculated and presented into a Benefit Cost Ratio ('BCR'), whilst other costs and benefits are valued qualitatively and described within the business case set out within the Case for the Project (Document Reference 2.2, APP-008) Table 5.4 of the document presents the monetised economic benefits the Project will bring. The principle monetisable benefits are Transport economic efficiency benefits of £521.1m; safety and accident benefits of £29.6m; and journey time reliability benefits £272.204m.</p> <p>The analysis that underpins this is contained within the Combined Modelling and Appraisal Report (Document Reference 3.8, APP-237)</p> <p>The BCR is just one component of the overall project business case and should be read alongside all the other impacts of the Project – this wider view of the Project is key to decision making, taking into account the various benefits which the Project presents. To this end, the way in which the proposals meet the Project objectives is detailed within Table 7-1 of the Case for the Project (Document Reference 2.2, APP-008).</p> <p>As the A66 Project develops, more information becomes available around the Project costs, and the Project benefits, so the Benefit Cost Ratio will be refined, as the project goes through its various development stages, which is normal and to be expected and occurs on all projects, as set out in the 'Green Book'.</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	<p>the Secretary of State's consideration of the benefits and adverse impacts and benefits of a proposed development. It is expected that NSIP schemes brought forward through the development consent order Development Consent Order process by virtue of Section section 35 of the Planning Act 2008, should also meet this requirement.</p>	<p>In advance of the next Department for Transport (DfT) approval stages of the business case National Highways is undertaking further development work to prepare the full business case. This includes for example, looking to update our valuation of the BCR (across costs and benefits) to reflect the latest project costs and applying latest data around safety, freight, the impact of the Project on levelling-up, environmental impacts etc.</p>
4.7	<p>Applications for road and rail projects should usually be supported by a local transport model to provide sufficiently accurate detail of the impacts of a project. The modelling will usually include national level factors around the key drivers of transport demand such as economic growth, demographic change, travel costs and labour market participation, as well as local factors. The Examining Authority and the Secretary of State do not need to be concerned with the national methodology and national assumptions around the key drivers of transport demand. We do encourage an An assessment of the benefits and costs of schemes under high and low growth a range of scenarios should reflect future uncertainty, in addition to the core case. The modelling should be proportionate to the scale of the scheme and include appropriate sensitivity analysis to consider the impact of uncertainty on project impacts.</p>	<p>In substance this policy is similar to the current NNNPS paragraphs 4.6 and therefore the Applicant's compliance statement set out in response to the original paragraphs 4.6 provides a response to the revised paragraphs (see pages 74 – 75 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>In relation to the revised part of the policy that requires assessment of the benefits and costs of schemes under a range of scenarios it is confirmed that Chapter 9 of Appendix D of the Application Document 3.8 Combined Modelling and Appraisal Report [APP-240] discusses the alternative High and Low scenarios considered providing consideration under a range of scenarios</p>
4.9	<p>The Examining Authority should only recommend, and the Secretary of State should only impose, requirements in relation to a development consent, that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects.⁴⁹ Guidance on the use of planning conditions or any successor to it, should be taken into account where requirements are proposed. Planning Development consent obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the development.⁵⁰ Community Infrastructure Levy (or any successor to it) may also be payable on NSIP applications.</p>	<p>In substance this policy is similar to the current NNNPS paragraphs 4.9 and 4.10 (which are now combined into one paragraph 4.9). Therefore, the Applicant's compliance statement set out in response to the original paragraphs 4.9 and 4.10 provides a response to the revised paragraph 4.9 (see pages 75 – 76 of Appendix A NNNPS Conformity Table (APP-242)). No Development Consent Obligations are proposed as part of the Project. Ultimately, articles 53 and 54 of the DCO secure the control measures contained in the EMP (and Project Design Principles).</p>
Environmental Assessment		
No paragraph number	<p>The government has announced plans to bring forward legislation to replace the existing EU-generated systems of Environmental Impact Assessment Directive⁵² and are likely to have significant effects on the environment, must be accompanied by an environmental statement (ES), describing the aspects of the environment likely to be significantly affected by the project.⁵³ The Directive specifically requires an environmental impact assessment to identify, describe and assess effects on human beings,⁵⁴ fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. and Strategic Environmental Assessment with a domestic framework of environmental assessment. The new system would be brought forward through subsequent regulations following further consultation. Environmental assessment would still be required and if introduced relevant plans and projects would have to comply with such regulations. Until a new system is implemented, current legislation on environmental assessment continues to apply.</p>	<p>The Applicant is aware of the plans to bring forward legislation on the approach to environmental assessment. The DCO application has been made in accordance with the current and relevant legislation concerning environmental impact assessment and the compliance statement in relation to paragraph 4.15 that requires environmental impact assessment in conformity with the current and relevant legislation remains relevant (see pages 76 – 77 of Appendix A NNNPS Conformity Table (APP-242)).</p>
4.10	<p>NSIP applications need to include an environmental assessment. This assessment is undertaken under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) framework which requires projects to be accompanied</p>	

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	<p>by an Environmental Statement. Regulation 14 of and Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment (EIA) Regulations 2009 sets set out the information that should be included in the environmental statement.</p>	
4.11	<p>When considering significant A key part of environmental assessment is the consideration of cumulative effects, any environmental statement. The applicant should provide information on how the effects of the applicant's proposal would combine and interact with the effects of other development (including projects for which consent has been granted, as well as those already in existence). The Examining Authority may also have other, where relevant. For most practical purposes this means that the applicant should consider the impact of other existing and committed developments within an appropriate geographical area and assess the additional impact of their own development. Other evidence before it, for example, from a Transport Business Case, appraisals of sustainability of relevant NPSs or strategic environmental assessment of development plans, on such effects and potential interactions. Any such information may assist the Secretary of State in reaching decisions on proposals and on mitigation measures that may be required. 4.17- The Examining Authority Secretary of State should consider how significant cumulative effects the accumulation of, and the interrelationship between, effects identified in the environmental assessment might as a whole affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place.</p>	<p>In substance this policy is similar to the current NNNPS paragraphs 4.16 and 4.17 (which are now combined into one paragraph 4.11). Therefore, the Applicant's compliance statement set out in response to the original paragraphs 4.16 and 4.17 provides a response to the revised paragraph 4.11 (see page 77 of Appendix A NNNPS Conformity Table (APP-242)).</p>
<p>Habitats Regulation Assessment for internationally important nature sites</p>		
4.12	<p>Under the Habitats Regulations, the Secretary of State must consider whether it is possible that a plan or project could likely have a significant effect, (either alone or in combination with other plans or projects) on a protected site which forms part of the UK National Site Network (Special Areas of Conservation and Special Protection Areas), or on any site to which the same protection is applied as a matter of policy (i.e. listed or proposed Ramsar sites, potential Special Protection Areas, possible Special Areas of Conservation and sites used to compensate for adverse effects on habitat sites). The term 'habitat sites' is used to refer collectively to such sites throughout this NPS. Such an assessment should be made with due regard to the conservation objectives of any relevant habitats site(s).</p>	<p>In substance policies set out in paragraphs 4.12 to 4.14 of the consultation draft NNNPS are similar to the current NNNPS paragraphs 4.22 and 4.23 and therefore the Applicant's compliance statement set out in response to the original paragraphs 4.22 and 4.23 provides a response to the revised paragraphs (see pages 79 – 82 of Appendix A NNNPS Conformity Table (APP-242)).</p>
4.13 and 4.14	<p>The applicant should seek the early advice of Natural England and, where the appropriate, for cross-boundary impacts, Natural Resources Wales and Scottish Natural Heritage to ensure that impacts on European sites in Wales and Scotland are adequately Statutory Nature Conservation Body and provide the Secretary of State with such information as the Secretary of State may reasonably require, to determine whether or not the plan or project should proceed to the Appropriate Assessment stage of Habitats Regulation Assessment.</p> <p>Where a proposed plan or project is considered. Applicants are required to likely to have a significant effect on a habitats site, the applicant must provide sufficient information with their applications for development consent the application to enable the Secretary of State to carry out an Appropriate Assessment if required. This information should include details of any measures that are proposed to minimise or avoid any likely significant effects on a European site. The information provided may also</p>	<p>The new paragraph 4.14 of the draft NNNPS specifically states that "the applicant should also consider agreeing an Evidence Plan with the statutory Nature Conservation body", which was an approach that was adopted for the A66 project (as described in the Environmental Statement Appendix 1.1 Evidence Plan, (APP-146)).</p> <p>In addition, it should be noted that throughout Examination, the Applicant has provided updated Statements of Common Ground between Natural England and National Highways at both Deadline 3 [Document Reference 4.5, REP3-034] and Deadline 5 [Document Reference 4.5, REP5-009] and will continue to do so up to final submissions in examination.</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	<p>assist the Secretary of State in concluding that make an appropriate assessment is not required because significant effects on European sites are sufficiently unlikely that they can be excluded of these likely effects in view of the site's conservation objectives. The assessment may consider the effect of any mitigation measures and the Statutory Nature Conservation Body must be formally consulted on the assessment and its advice considered. The applicant should also consider agreeing an Evidence Plan with the Statutory Nature Conservation Body to help determine the information required⁷⁶.</p>	
4.15	<p><u>Such plans or projects may only proceed if the assessment concludes they will not adversely affect the integrity of the site or, notwithstanding a negative assessment, there are no alternative solutions, and they must proceed for imperative reasons of overriding public interest. The applicant must demonstrate that they have sought advice from the Statutory Nature Conservation Body on whether any proposed compensation is appropriate to maintain the overall coherence of the National Sites Network. They must also show that the compensation is secured or provide an indication as to how it can be secured to maintain the overall coherence of the National Sites Network. Provision of such information will not be taken as an acceptance of adverse effects on integrity and if an applicant disputes the likelihood of adverse effects, it can provide this information without prejudice to the Secretary of State's final decision on the effects of the potential development on the habitats site. If, in these circumstances, an applicant does not supply information required for the assessment of a potential derogation, there will be no expectation that the Secretary of State will allow the applicant the opportunity to provide such information following the examination.</u></p>	<p>In substance this policy is similar to the current NNNPS paragraph 4.25 and therefore the compliance statement provided to the original paragraph 4.25, remains the Applicant's position to the revised paragraph 4.15 and continues to demonstrate compliance (see page 3.9-83 of 373 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>Derogation is not required; the HRA can be concluded at Stage 2: Appropriate Assessment that there is no likelihood of significant adverse effects, and there is no requirement to move to HRA Stages 3 and 4 for the purposes of compliance with the Conservation of Habitats and Species Regulations 2017 (as amended).</p>
4.16	<p><u>During the pre-application stage, and without prejudice to the formal Habitats Regulation Assessment of the submitted plan or project, if the Statutory Nature Conservation Body gives an early indication that, irrespective of any anticipated mitigation measures, the proposed development is highly likely to lead to adverse effects on the integrity of one or more habitats sites, the applicant must include with their application such information required to assess a potential derogation under the Habitats Regulations.</u></p>	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly as follows.</p> <p>The Applicant has sought advice and guidance from Natural England and responded to feedback from Natural England throughout the design and assessment process, both during regular HRA Task Working Group meetings and as part of the statutory consultation process.</p>
Alternatives		
4.17	<p>Applicants should comply with all legal requirements, and any policy requirements set out in this NPS, on the assessment of alternatives. In particular For example, current requirements include:</p> <ul style="list-style-type: none"> • The <u>EIA Directive Infrastructure Planning (Environmental Impact Assessment) 2017 Regulations</u> requires projects with significant environmental effects to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects. • There may also be other specific legal requirements for the consideration of alternatives, for example, under the <u>Conservation of Habitats and Species Regulations 2017 (as amended)</u> and <u>Water Environment (Water Framework Directives Directive) (England and Wales) Regulations 2017</u>⁷⁸ • There may also be policy requirements in this NPS, for example the flood risk sequential test and the assessment of alternatives for 	<p>In substance this policy is similar to the current NNNPS paragraph 4.26 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.26 provides a response to the revised paragraph (see page 3.9-83-85 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>The applicant can also confirm with respect to the final point added to this revised policy that there has been a consideration of alternatives in a proportionate manner in accordance with the requirements of policy and legal requirements, as set out in the Project Development Overview Report (APP-244) and Chapter 3 'Assessment of Alternatives' of the Environmental Statement (APP-046).</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	<p>developments in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB)-</p> <p>All projects should be subject to an options appraisal. The appraisal should - where there is a policy or legal requirement to consider viable modal alternatives, the applicant should describe the alternatives considered in compliance with these requirements and may also consider other options (in light of the paragraphs 3.23 to 3.27 of this NPS). Where projects in a proportionate manner.</p>	
4.19	<p><u>Where an options appraisal process has been undertaken, it should not be necessary to consider alternatives except where para 4.17 applies or in the wholly exceptional circumstances where case law would require consideration of alternatives as the proposed development involves such obvious adverse effects that the possibility of an alternative site or an alternative location within the site proposed by an applicant avoiding such adverse effects becomes a relevant planning consideration. In those exceptional circumstances where alternatives might be relevant, consideration of them should be proportionate. Where alternative schemes proposed are vague or inchoate or have no real possibility.</u></p>	<p>As confirmed in relation to paragraph 4.18 above the applicant can confirm that there has been a consideration of alternatives in a proportionate manner in accordance with the requirements of policy and legal requirements, as set out in the Project Development Overview Report (APP-244) and Chapter 3 'Assessment of Alternatives' of the Environmental Statement (APP-046).</p> <p>As confirmed in paragraph 2.5.4 – 2.5.5 of the Case for the Project (APP-008) an assessment and appraisal of alternatives for three of the Schemes was necessary, at the pre-application stage of the DCO, in order to test, check and challenge previous findings at earlier stages of the Project and to ensure the Project continued to meet its objectives. Opportunities were explored as part of the consideration of these alternatives to further reduce the environmental and ecological impact as well as the impacts on designated areas and features (such as the AONB), Special Area of Conservation ('SAC'), Special Protection Area ('SPA') and Scheduled Monuments ('SMs') present along the route. Consideration of these alternatives allowed the Applicant to demonstrate that the policy tests in relation to these designated features and any requirement for exceptional circumstances for the option to be taken forward into the DCO application could be met. Information on the process and findings from the assessment of these alternatives is set out in the Case for the Project (APP-008), the Project Development Overview Report (APP-244), Chapter 3 'Assessment of Alternatives' of the Environmental Statement (APP-046) and in relation to NNNPS policy is set out in the Legislation and Policy Compliance Statement (APP-242),</p>
<u>Biodiversity Net Gain</u>		
4.20	<p><u>Biodiversity net gain is an approach to development that delivers measurable improvements for biodiversity by creating or enhancing habitats in association with developments. Applicants should therefore not just look to mitigate direct harms, but also identify and deliver appropriate opportunities for nature recovery and wider environmental opportunities for enhancements by providing net gains for biodiversity.</u></p>	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>The environmental mitigation design has been developed to ensure mitigation is provided for impacts on protected species and designated sites, and replacement habitats are provided for those lost, achieving a minimum of no net loss. Opportunities to maximise biodiversity enhancements have also been sought within the footprint of the Project where practicable. For example, providing habitat linkages to increase connectivity to areas of semi-natural habitats within the wider area and therefore enhancing and tying into existing green infrastructure networks. Opportunities to link to existing initiatives including the Local Nature Recovery Networks and Local Nature Recovery Strategies have been included in the Landscape and Ecological Management Plan (LEMP) (Document Reference 2.7, REP3-003, Pg B1-4). In addition, planting required for landscape integration, visual screening and water attenuation has been designed to maximise biodiversity enhancements as a result of the Project (Project Design Principles, Document Reference 5.11, REP3-040; BNG03).</p>
4.21	<p><u>Applicants should use the most appropriate version of the Department of Environment, Food and Rural Affairs (Defra) biodiversity metric (as advised by Defra) to calculate their biodiversity baseline and inform their biodiversity net gain outcomes, and to present this data as part of their application. Biodiversity net gain should be applied in conjunction with the mitigation hierarchy and does not change or replace existing environmental obligations.</u></p>	<p>The Defra Metric was used as a tool alongside the development of the environmental mitigation design to understand the situation against the Project's objective of achieving No Net Loss and to seek opportunities to maximise net gains where practicable. (Project Design Principles, Document Reference 5.11, REP3-040; BNG01, BNG02). This has been applied in conjunction with the mitigation hierarchy which is outlined in ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and secured in the Environmental Management Plan (Document Reference 2.7, REP3-004, D-BD-05).</p> <p>The Biodiversity Metric Calculation Report providing the summary of the Defra Metric output was submitted at Deadline 7 of the Examination.</p>
4.22	<p><u>Biodiversity net gain can be delivered onsite or wholly or partially off-site and should also be set out within the application for development consent. When delivering biodiversity net gain off-site, developments should do this in a manner that best contributes to the achievement of relevant wider strategic outcomes, for example by increasing habitat connectivity or enhancing other ecosystem service outcomes. Reference should be made to any Local Nature Recovery Strategy (which should be the primary reference point for those delivering biodiversity net gain off-site) and other relevant national or local plans and strategies, such as green infrastructure strategies, used to inform Biodiversity net gain delivery.</u></p>	<p>The Applicant has sought opportunities to maximise biodiversity enhancements as part of its mitigation where possible. (Document Reference 3.2, APP-049), the Landscape and Ecological Management Plan (LEMP) (Document Reference 2.7, REP3-003) and the Project Design Principles (PDP) (Document Reference 5.11, REP3-040). As stated above, habitat linkages to increase connectivity to areas of semi-natural habitats within the wider area and therefore enhancing and tying into existing green infrastructure networks have been sought as a result of the Project. Opportunities to link to existing initiatives including the Local Nature Recovery Networks have also been included in the Landscape and Ecological Management Plan (LEMP) where practicable within the footprint of the Project (Document Reference 2.7, REP3-004, Pg B1-4).</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
4.23	<p>A government Biodiversity Gain Statement will set out the concept for Biodiversity net gain for NSIPs. The Secretary of State will need to be satisfied that the biodiversity gain objective in any relevant biodiversity gain statement has been met.</p>	<p>Government have not yet produced Biodiversity Gain Statement but have set out in the NSIP Reform Action Plan a date of November 2025 for this to be brought in for terrestrial NSIP projects. Therefore, the Statement is not in place for this Project and the legal requirement to provide Biodiversity Net Gain for NSIPs has also yet to come into effect.</p>
<p>Criteria for good design for national network infrastructure</p>		
4.24	<p>Applicants should include design as an integral consideration from the outset of a proposal. Applying good design to national network projects should not be limited to general aesthetics. High quality and inclusive design goes far beyond aesthetic considerations. It demonstrates an understanding of context, local needs, history and culture, enhances local landscape character and is adaptable to future needs and technologies. The National Infrastructure Design Principles describes good design as:</p> <ul style="list-style-type: none"> • a key aspect of sustainable development. It includes opportunities to enable decarbonisation, incorporates flexibility, and builds resilience against climate change. The functionality of projects, including fitness for purpose, resilience and sustainability and cost. Applying "good design" to national network projects should therefore produce sustainable, is equally important. • helping to improve the quality of life for local communities. It promotes inclusion, cohesion and increases accessibility. It creates safe spaces with clean air that improve health and wellbeing. • giving places a strong sense of identity, creating a sense of place, connecting communities, addressing community severance and integrating into its surroundings. It makes a positive contribution to local landscapes within and beyond the project boundary. Good design enhances local culture and character and supports local ecology, delivering net biodiversity gain, while protecting wildlife corridors^f and irreplaceable natural assets and habitats. • adding value by defining issues clearly from the outset. Good design also finds opportunities to add value beyond the main purpose of the infrastructure sensitive to place, consider the wider benefits savings on cost, the environment, materials and space. It is efficient in the use of natural resources, sustainable materials and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible. 	<p>The Applicant's compliance statement set out in response to paragraph 4.28 (see pages 87-88 of Appendix A NNNPS Conformity Table [APP-242]) responds to how the Applicant has included design as an integral consideration from the outset of the proposal).</p> <p>With regards to the new elements of paragraph 4.24, the Project Design Principles [APP-302] (PDPs) define a series of route wide Project Design Principles as well as Site-specific design principles for each scheme at chapter 5 (A66 site specific design considerations) of the document. This approach ensures that context, local needs, history and culture have informed the design and that a high quality and inclusive design, which enhances local landscape character and is adaptable to future needs and technologies will be delivered.</p> <p>The Applicant's compliance with the Draft NN-NPS is set out in more detail in the following paragraphs of the PDPs:</p> <p>Paragraph 2.1.4 states "This context-led design thinking is applied to both the broad design approach to the proposals, such as the choice and nature of route alignments in relation to existing settlements, and the more detailed design considerations. This includes the response to existing landscape, historic and habitat pattern and the choice of local materials, building techniques and planting types".</p> <p>Paragraph 2.1.9 states:</p> <p>"National Highways' vision for the Project will be achieved through the following aiming to follow the processes and activities which form the framework for the Design Principles set out later in this report:</p> <ul style="list-style-type: none"> • Respecting and responding positively to each scheme's context and sensitive characteristics and (in the context of the nationally designated landscapes) their special qualities • Reducing adverse impacts on communities, the environment and third parties as far as reasonably practicable • Collaborative working, listening to and working with our stakeholders and local communities, exploring and acting upon synergies and opportunities, and being open to new approaches. • Embodying sustainable approaches to design in their broadest sense, by incorporating environmental approaches to design, mitigation and management throughout • Seeking to create a high quality and connected natural environment and green and blue infrastructure network to integrate the schemes, where the design of environmental mitigation is, where reasonably practicable, in scale with the engineering design it seeks to integrate, and in each case bespoke to its locality and character. • High quality and durable design interventions which are low maintenance through good and appropriate design and management." <p>Paragraph 3.1.5 states: "Informed by industry-recognised, integrated and collaborative approaches to the design of linear transport infrastructure projects, and through collaboration with stakeholders, the following over-arching design themes have been used to categorise the Project-wide Design Principles:</p> <ol style="list-style-type: none"> Designs that are integrated in context and express character and a sense of place. Designs to enhance experience for all users and serve the local community. Designs to restore and enhance habitats and ecological connectivity. Designs that are climate resilient and resource efficient." <p>The Applicant also confirms that the Project and component schemes also take account of the strategic principles set out in the National Infrastructure Commission's Design Principles for National Infrastructure (National Infrastructure Commission, 2020) around context-driven design, and their four key principles of design for climate, people, place and value, as reproduced in paragraph 4.24 of the Draft NNNPS. This is confirmed at paragraph 1.1.6 of the Project Design Principles [APP-302]. For example, in accordance with the National Infrastructure Commission's Design Principles, the Applicant has considered opportunities for local communities (see para 2.1.9 of the PDPs, set out above).</p>
4.25	<p>A good design should meet the principal objectives of the scheme by eliminating applying the mitigation hierarchy to avoid, eliminate or substantially mitigating mitigate the identified problems and existing adverse impacts, by improving operational conditions and, simultaneously</p>	<p>This paragraph is similar to the current paragraph 4.31 of the current NNNPS, and the compliance statement provided at Project-application stage to that paragraph remains relevant in response to 4.25 (see page 3.9-88 - 90 of 373 of Appendix A NNNPS Conformity Table (APP-</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	<p>minimising adverse impacts. It should also mitigate any existing adverse impacts wherever possible, for example, in relation and contributing to safety or the conservation and enhancement of the natural, built and historic environment. A good design will also be one that sustains the improvements to operational efficiency for as many years as is practicable, taking into account capital cost, economics <u>economic, social</u> and environmental impacts.</p>	<p>242)). In addition, the Applicant can confirm that the mitigation hierarchy has been applied to the design of the Project through avoiding, eliminating or substantially mitigating the identified problems and existing adverse impacts through for example:</p> <ul style="list-style-type: none"> • Embodying sustainable approaches to design in their broadest sense, by incorporating environmental approaches to design, mitigation and management throughout • Seeking to create a high quality and connected natural environment and green and blue infrastructure network to integrate the schemes, where the design of environmental mitigation is, where reasonably practicable, in scale with the engineering design it seeks to integrate, and in each case bespoke to its locality and character (as set out at paragraph 2.1.9 of the PDP (APP-302). <p>In addition, the Environmental Management Plan (The EMP) (APP-019) “<i>provides clear and concise information which states how the mitigation and management of environmental effects will be delivered and maintained.</i>” (As confirmed in paragraph 1.1.4 of the EMP). The EMP is required by article 53 of the draft DCO [REP5-012] which secures the operational efficiency of the Project and how this will be sustained.</p> <p>The overall objectives of the EMP (also set out in paragraph 1.1.4) are to:</p> <ul style="list-style-type: none"> • <i>Implement key control measures, as identified in the ES, in order to avoid or minimise impacts to nearby receptors.</i> • <i>Ensure compliance with legislation • Identify risks, their associated control measures, compliance and corrective actions</i> • <i>Identify roles and responsibilities • Provide a clear audit trail outlining the modifications made from any previous iteration of the EMP”.</i> <p>The eleven project objectives that the Project seeks to deliver are set out in Table 1-1 of the PDP (APP-302). These objectives fall within four themes (Economic, Transport, Community and Environment) which incorporates the economic, social and environmental impact considerations required by paragraph 4.25 of Draft NN-NPS.</p>
4.26	<p>Scheme <u>In light of the above, scheme</u> design will be a material consideration in decision making. The Secretary of State needs to be satisfied that national networks infrastructure projects are sustainable and as aesthetically sensitive, durable, adaptable and resilient as they can reasonably be (having regard to regulatory and other constraints and including accounting for natural hazards such as flooding).⁶²</p>	<p>Paragraph 2.1.9 of the Project Design Principles (APP-302) describes how National Highway’s vision for the Project will be achieved through an approach which considers sustainability, fitness for purposes, aesthetics and contributions to the quality of the environment and local communities, through:</p> <p><i>“Respecting and responding positively to each scheme’s context and sensitive characteristics and (in the context of the nationally designated landscapes) their special qualities.</i></p> <ul style="list-style-type: none"> • <i>Reducing adverse impacts on communities, the environment and third parties as far as reasonably practicable</i> • <i>Collaborative working, listening to and working with our stakeholders and local communities, exploring and acting upon synergies and opportunities, and being open to new approaches.</i> • <i>Embodying sustainable approaches to design in their broadest sense, by incorporating environmental approaches to design, mitigation and management throughout</i> • <i>Seeking to create a high quality and connected natural environment and green and blue infrastructure network to integrate the schemes, where the design of environmental mitigation is, where reasonably practicable, in scale with the engineering design it seeks to integrate, and in each case bespoke to its locality and character.</i> • <i>High quality and durable design interventions which are low maintenance through good and appropriate design and management.”</i> <p>At Issue Specific Hearing 3 (see 2.6 of table 2 of the Applicant’s Post Hearing Submissions [REP5-024]), the Applicant described further the approach and process to achieving the aims and objectives of the PDPs as set out above, including those relating to aesthetics and functionality, as follows:</p> <p><i>“Within REP3-041 Project Design Principles (Document 5.11) is a set of Landscape Integration focused Design Principles (LI04- LI08) which set the parameters for the aesthetic design and appearance of the viaducts and other structures (proportions, symmetry, line, arrangement of piers, support beams, parapets etc) and the disposition of built form to open space and visual permeability/open aspect requirements for structures. For some situations Design Principles are also developed with regard to the materiality of elements of the structures where they integrate with their landscape (for example, where locally specific materials could be used where appropriate and practicable – Design Principle LI02). Design Principle LC01 requires a restrained and simple design aesthetic and materials palette, which responds to place and context.”</i></p>
4.27	<p><u>Applicants should have regard to the National Design Guidance, National Model Design Code, Local Nature Recovery Strategies, Local Air Quality Plans, the purposes of National Parks, Areas of Outstanding Natural Beauty, the Broads and any local design codes.</u></p>	<p>As set out in paragraph 1.1.6 of the Project Design Principles [App-302], the applicant has taken account of Design Principles for National Infrastructure (National Infrastructure Commission, 2020), A design-led approach to infrastructure (Design Council, 2012) and the National Design Guide.</p> <p>With reference to the National Model Design Code (NMDC) –this has been considered, although a conclusion was drawn that it is not easily applied to linear infrastructure projects as its elements are more commonly applied to masterplans and individual developments. However, it</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
		<p>can be confirmed that the Project Design Report (APP-009) submitted as part of the DCO application covers many of the topic areas found in the NMDC.</p> <p>The Applicant has had regard to relevant Local Nature Recovery Strategies by identifying and exploring opportunities to link to existing initiatives such as the Local Nature Recovery Networks and relevant Local Nature Recovery Strategies within the Landscape and Ecological Management Plan (LEMP) (Document Reference 2.7, REP3-003, Pg B1-4).</p> <p>The Applicant has had regard to the relevant Local Planning Policy and Local Plans which set out the strategic objectives in relation to air pollution and reduction of emissions, as detailed in 3.4 Environmental Statement Appendix 5.1 Legislation, Policy, Guidance Page A5.1-7 of 15 to A5.1-10 of 15 (APP-150).</p> <p>With respect to National Parks and AONB, the Project Design Principles (APP-302) describes how there has been regard to the purposes and special qualities of these designations at VL02 of Table 3-1: Theme A Project-wide Design Principles (at page 5.11-12): <i>“The detailed design of the Project must have regard to the Special Qualities of designated landscapes (as set out in the relevant Management Plan for the AONB/National Park) and the associated mitigation commitments made in relation to the North Pennines AONB in the Landscape and Visual Impact Assessment for the DCO Environmental Statement (Chapter 10 of the Environmental Statement), and have regard to valued features of landscapes and heritage assets. Opportunities should be explored through the detailed design to further reduce impacts upon designated and valued landscapes and heritage assets as far as reasonably practicable, or where appropriate, to improve the presentation of such features and their relationships to one another”.</i></p>
4.28	<p>Applicants <u>In their application, applicants</u> should be able to demonstrate in their application how the design process was conducted, <u>effective engagement with communities and stakeholders</u> and how the proposed design evolved <u>to maximise design outcomes</u>. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected <u>with a clear articulation of its benefits</u>. The Examining Authority and Secretary of State should take into account <u>consider</u> the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to <u>must</u> satisfy.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 4.35 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.35 provides a response to the revised paragraph (see page 3.9-92-93 of Appendix A NNNPS Conformity Table (APP-242)).</p>
4.29	<p><u>Applicants should consider taking independent professional advice on the design aspects of a proposal. A project board level design champion could be appointed, and a representative design panel used to maximise the value provided by the infrastructure. Also, the Design Council can be asked to provide design review for NSIPs and applicants are encouraged to use this service.</u></p>	<p>As previously submitted as part of the Applicant's compliance with paragraph 4.33 of existing NN-NPS (see page 95 of Appendix A NNNPS Conformity Table [APP-242]), the Applicant sought advice from the National Highways Design Panel, acting as independent expert design advisors, to help inform the emerging preliminary design. The review process included three separate reviews during the development of the preliminary design in 2019, 2021 and 2022.</p> <p>Following the final review in April 2022, a series of key points were raised which are intended to be developed at the detailed design stage. This includes scoping how Electric Vehicle charging point technology can be strategically placed at destinations across the A66 to allow for new business opportunities. Full details regarding the independent design advice obtained for the Project can be found at chapter 5 of the Project Design Report [APP-009].</p>
Climate change adaptation		
4.32	<p><u>Article 7 of the Paris Agreement establishes a global goal on adaptation – of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable in the context of the temperature goal of the Agreement. It aims to significantly strengthen national adaptation measures efforts, including through the provision of green infrastructure support and international cooperation.</u></p>	<p>The Applicant notes that paragraph 4.32 presents a substantially redrafted version of paragraph 4.38 of the current NNNPS. The Applicant's response to paragraph 4.38 as set out at pages 3.9-95 and 96 of 373 of Appendix A NNNPS Conformity Table (APP-242) remains relevant in response to paragraph 4.32 of the consultation draft revised NNNPS. In addition, the Applicant refers to Chapter 7 (Climate) of the ES (Application Documents 3.2-3.4), which refers to the Paris Agreement as a key legislative consideration for the assessment of impacts.</p>
4.35	<p><u>In preparing measures to support climate change adaptation applicants should consider whether nature-based solutions could provide a basis for such adaptation. In addition to avoiding further greenhouse gas emissions when compared with some more traditional adaptation approaches, nature-based solutions can</u></p>	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS.</p> <p>The vulnerability of the Project to climate change is assessed in the Climate Change Resilience (CCR) assessment (APP-050). Many mitigation and adaptation measures to address CCR risks have been considered within the Project to date and embedded into the current design. Many of these measures relate to impacts associated with other topic chapters and so have been identified within the relevant topic</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	<p>also result in biodiversity benefits as well as increasing absorption of carbon dioxide from the atmosphere (see also paragraphs 5.170 to 5.194 on the role of green infrastructure).</p>	<p>chapters of the ES. For example, water management and addressing drainage issues relating to flooding are considered in Chapter 14: Road Drainage and the Water Environment, as well as through the Project design process. Various mitigation measures including both embedded and enhancement measures provide adaptation to the risks of climate change as well as seeking to mitigate climate change and in doing so provide a nature-based solution. For example, flood risk assessment and modelling informs design mitigation and includes climate change allowance defined by Environment Agency allowances for increases in rainfall intensity and peak river flow in a future changed climate. The proposed provision of multiple engineering balancing ponds (as required by the drainage strategy) will provide focused prey sources for bats that favour collecting prey over water or from around the marginal vegetation that will develop. In addition, paragraphs 6.9.32 to 6.9.35 of the Enhancement section of the Biodiversity Chapter (6) of the ES (APP-049) sets out biodiversity related enhancements provided by the Project.</p>
4.36	<p>New national networks infrastructure will be typically be a long-term investments which investment and will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the direct (e.g. flooding of road or rail infrastructure) and indirect (e.g. flooding of other parts of the road or rail network) impacts of climate change when planning the location, design, build and operation. Any accompanying environment statement should set out and maintenance. The Secretary of State will need information on how the proposal will take account of the projected impacts of climate change and remain resilient.</p>	<p>This paragraph is similar to the current paragraph 4.40 of the current NNNPS, and the compliance statement provided at Project-application stage to that paragraph remains relevant in response to 4.36 (see page 3.9-96 of 373 of Appendix A NNNPS Conformity Table (APP-242)). In addition, the Applicant notes that in accordance with the requirements of DMRB LA 114, a climate change resilience assessment has been undertaken as part of Chapter 7 Climate of the ES (APP-050). This resilience assessment considers projected changes in climate and how resilient the Project will be to such changes. However, DMRB LA 114 requires that the impacts of climate change on the project (direct) are considered and it does not require the consideration of impacts on other parts of the road network (indirect) as directed by paragraph 4.36 of the draft NNNPS, such impacts have been added in since the publication of the current NNNPS. Paragraph 7.6.9 of Chapter 7 Climate of the ES notes that the Climate Change Resilience (CCR) assessment has been informed by principal assumptions including “<i>assumed that disruption to the Project resulting from any climate risk would cause, at worst, a regional level disruption (on the basis that alternative highway routes exist, and such disruption would not be considered ‘national’ in scale). Therefore, no risk is assessed to have greater than a ‘large adverse’ consequence in line with the rating approach specified in DMRB LA 114.</i>”</p>
4.37	<p>The applicant Secretary of State should take be satisfied that applications for new national networks infrastructure have taken into account the potential direct and indirect impacts of climate change. This should include using the latest UK Climate Projections available at the time and ensure any environment statement that is prepared identifies appropriate and associated research and expert guidance (such as the Environment Agency’s Climate Change Allowances for Flood Risk Assessments⁸¹) applicable at the time the environmental assessment was prepared as part of their Development Consent Order application, to ensure they have identified mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure, with a high level of climate resilience built-in from the outset. The applicant should also be able to demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. Should a new revised set of UK Climate Projections become available or associated research be applicable after the preparation of any environment statement the environmental assessment, the Examining Authority should consider whether they need to request additional further information from the applicant.</p>	<p>This policy is a substantial redraft to paragraph 4.42 of the current NNNPS. The Applicant’s compliance statement set out in response to the current paragraph 4.42 set out at page 3.9-97 of 373 of Appendix A, NNNPS Conformity Table (APP-242)). In addition, the Applicant notes that Chapter 7, Climate, of the ES (APP-050) considers the latest UK Climate Projections within the climate change resilience assessment. The scenarios used to carry out the assessment, as directed by DMRB LA 114, are the high emission scenarios – providing an assessment that reflects a higher level of climate resilience than more moderate future warming scenarios. In addition, the projected impacts of climate change are considered in the Future Baseline and Potential Impacts identified in Chapter 14 Road Drainage and the Water Environment and have been included in the Project’s Flood Risk Assessment in line with recommendations from the Environment Agency.</p> <p>Appendix 7.2 of the ES, the Climate Change Resilience Assessment (APP-177) provides the findings from the detailed climate change resilience (CCR) assessment completed as part of the Environmental Statement. Table 1 of the CCR Appendix reports on the potential direct and indirect impacts to the project as a result of climate change, including risks from river, surface water and groundwater flooding, slope and embankment failure and risks to bridges. Any relevant embedded mitigation considered already in place prior to the assessment of each risk; the assessment of risk itself (of likelihood, consequence and significance); and notes on any scheme specific considerations, e.g., where a risk is considered less relevant to a particular scheme are also reported.</p> <p>As reported in Chapter 14: RDWE and associated appendices, the assessment has considered a climate change allowance within the drainage design. The drainage and attenuation design uses a 20% climate change uplift value on the 1-in-100 year event, and climate change sensitivity testing has been undertaken (50% uplift in Cumbria and 45% in Durham and North Yorkshire) to ensure the system is robust. The flood modelling used to inform and assess the design has used 1-in-100 year plus climate change scenarios ranging from 53%-94% dependent on the location (as outlined in Climate Change Allowances: Peak River Flow in England (Environment Agency 2021)), as described in Chapter 14 of the Environmental Statement (APP-057).</p>
4.38	<p>The applicant Secretary of State should demonstrate be satisfied that there are no critical features of the design of new national networks infrastructure critical to its safety or operation which may be seriously affected by more radical changes to the climate beyond. Beyond that projected in the latest set of UK climate projections. Any potential critical features should be assessed and taking account of the latest credible scientific evidence evidence⁹ on, for example, sea level rise (e.g. by referring to additional maximum credible scenarios such as) and on the basis The Secretary of State should also be satisfied that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime through potential further mitigation or adaptation.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 4.43 and therefore the Applicant’s compliance statement set out in response to the original paragraph 4.43 provides a response to the revised paragraph 4.38 (see pages 3.9-97-98 of 373 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
4.39	Any adaptation measures should be based on the latest set of UK Climate Projections, the Government's national government's latest UK Climate Change Risk Assessment, when available ⁸² and in consultation with statutory consultation bodies the Environment Agency's Climate Change Allowances for Flood Risk Assessments . Any adaptation measures must themselves also be assessed as part of any environmental impact assessment and included in the environment statement , which should set out how and where such measures are proposed to be secured.	In substance this policy is similar to the current NNNPS paragraph 4.44 and therefore the Applicant's compliance statement set out in response to the current paragraph 4.44 provides a response to the revised paragraph 4.39 (see pages 3.9-98-99 of 373 of Appendix A NNNPS Conformity Table (APP-242)). In addition, the Applicant notes that Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (APP-221) of the Environmental Statement, confirms that the assessment takes account of the EA's climate change allowances for Flood Risk Assessments.
4.40	Adaptation measures can should be required to be implemented at the time of construction where necessary and appropriate to do so. 4.47 Where adaptation measures However, where they are necessary to deal with the impact of climate change, and that measure would have an adverse effect on other aspects of the project and/or surrounding environment (e.g. for example coastal processes), the Secretary of State may consider requiring the applicant to ensure that the adaptation measure could be implemented should the need arise, rather than at the outset of the development (e.g. for example reserving land for future extension, or increasing the height of an existing sea wall, or requiring a new sea wall/walls). In these circumstances, the applicant should make a case to justify implementing adaptation measures later, set out clearly how the design could be adapted and have mechanisms in place (such as Development Consent Order requirements) for monitoring and implementation of these future adaptation measures.	In substance this policy is similar to the current NNNPS paragraph 4.46 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.46 provides a response to the revised paragraph (see pages 3.9-99 and 100 of 373 of Appendix A NNNPS Conformity Table (APP-242)). The CCR assessment identifies proposed additional mitigation where impacts are identified through the assessment. These potential environmental impacts of the mitigation measures are considered at section 7.9 Essential Mitigation and Enhancement Measures at Chapter 7 (Climate) of the ES. With regard to the additional text in this paragraph of the revised draft NPSNN the assessment has considered a climate change allowance within the drainage design. The drainage and attenuation design uses a 20% climate change uplift value on the 1-in-100 year event, and the flood modelling used to inform and assess the design has used 1-in-100 year plus climate change scenarios ranging from 53%-94% dependent on the location (as outlined in Climate Change Allowances: Peak River Flow in England (Environment Agency 2021)), as described in Chapter 14 (APP-057).
Pollution control and other environmental regulatory regimes		
4.43	Issues relating to discharges or emissions from a proposed project which affect lead to other direct and indirect impacts on air quality, water quality and land quality, and the marine environment or which include noise, light and vibration, may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes. Relevant permissions will need to be obtained for any activities within the development that are regulated under those regimes before the activities can be operated.	In substance this policy is similar to the current NNNPS paragraph 4.48 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.48 provides a response to the revised paragraph (see pages 100-101 of Appendix A NNNPS Conformity Table (APP-242)).
4.46	Applicants are encouraged to begin pre-application discussions with relevant regulators, such as the Environment Agency and the Marine Management Organisation , as early as possible. It is however expected that an applicant will have first thought through the requirements as a starting point for discussion. Some consents require a significant amount of preparation; as an example, the Environment Agency suggests that Where applicants wish to parallel track Development Consent Order and Environmental Permit applications , applicants should start work towards submitting the permit application at least 6 months prior to the submission of an application for a Development Consent Order, where they wish to parallel track the applications . This will help ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the Examining Authority.	In substance this policy is similar to the current NNNPS paragraph 4.54 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.54 provides a response to the revised paragraph (see page 102 of Appendix A NNNPS Conformity Table (APP-242)). The revised NN NPS paragraph 4.46 specifically refers to pre-application discussion with the Marine Management Organisation, which is considered not applicable to the Project. It should be noted that throughout Examination, the Applicant has provided updated Statements of Common Ground between the Environment Agency and National Highways at both Deadline 3 (Document Reference 4.5 Rev 2, REP3-035) and Deadline 5 (Document Reference 4.5 Rev 3, REP5-007).

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
4.48	<p>In deciding <u>considering</u> an application <u>for development consent</u>, the Examining Authority and the Secretary of State should focus on <u>consider</u> whether the development itself is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves⁸³. They should assess the potential impacts of processes, emissions or discharges to inform decision-making, but should work on the assumption that in terms of the control and enforcement, the relevant pollution control regime will be properly applied and enforced. <u>The Secretary of State will assume that</u> the relevant pollution control regime <u>and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity,</u> will be properly applied and enforced <u>by the relevant regulator</u>. Decisions under the Planning Act should <u>The Secretary of State should act</u> to complement but not <u>seek to duplicate those taken under the relevant pollution control regime them</u>.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 4.50 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.50 provides a response to the revised paragraph (see page 101 of Appendix A NNNPS Conformity Table (APP-242)).</p>
4.49	<p>The Secretary of State should be satisfied that development consent can be granted taking full account of environmental impacts. This will require <u>Working in</u> close cooperation with the Environment Agency and/or the pollution control authority, and other relevant bodies, such as the MMO, Natural England <u>Marine Management Organisation, the Statutory Nature Conservation Bodies</u>, Drainage Boards, and water and sewerage undertakers, to ensure that in the case of <u>the Secretary of State should be satisfied early in the process and through parallel tracking of the Development Consent Order and Environmental Permits, before consenting any</u> potentially polluting developments, <u>that</u>:</p> <ul style="list-style-type: none"> • the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and • the effects of existing sources of pollution in and around the <u>project site</u> are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits. 	<p>In substance this policy is similar to the current NNNPS paragraph 4.55 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.55 provides a response to the revised paragraph (see pages 102 -103 of Appendix A NNNPS Conformity Table (APP-242)).</p>
Common law nuisance and statutory nuisance		
4.53	<p>It is very important that, during the examination of a nationally significant infrastructure project, possible sources of nuisance under section 79(1) of the 1990 Act, and how they may be mitigated or limited, are considered by the Examining Authority so they can recommend appropriate requirements that the Secretary of State might include in any subsequent order granting development consent. More information on the consideration of possible sources of nuisance is at paragraphs 5.84-5.89 <u>5.111 to 5.119</u>.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 4.58 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.58 provides a response to the revised paragraph (see page 103 of Appendix A NNNPS Conformity Table (APP-242)).</p>
Safety		
Roads Safety		
4.55	<p>New highways <u>Highways</u> developments provide an opportunity to make significant safety improvements <u>and significant incident</u> reduction benefits when they are well designed. Some developments may have safety as a key objective, but even where safety is not the main driver <u>aim</u> of a development, the opportunity should be taken to improve safety, including introducing the most modern and effective safety measures where proportionate. Highway developments can potentially generate significant accident <u>Consideration should also be given to wider transport objectives,</u></p>	<p>In substance this policy is similar to the current NNNPS paragraph 4.60 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.60 provides a response to the revised paragraph (see pages 103 – 104 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>With regard to the additional paragraph related to wider transport objectives, National Highways has considered wider benefits that the Project can bring in terms of active travel through improved provision of Walking Cycling and Horse-riding (WCH), as set out in the Case for the Project (Application Document 2.2 App-008) which explains that one of the key benefits of the Project is that overall access for walking, cycling or horse-riding (WCH) will be improved with the introduction of approximately 33km of additional WCH route having been brought into the scope of the Project. All Schemes have some level of betterment compared with the provision on the existing single carriageway.</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	<p>including expanding active travel, creating safe and attractive walking, wheeling and cycling environments, enabling modal shift to sustainable transport options including public transport and decarbonisation. In developing roads schemes the applicant should have due regard to the needs of drivers and the imperative to ensure driver safety. Schemes should be developed with a mindset that accounts for the need for drivers to rest, particularly Heavy Good Vehicle drivers who need safe and secure roadside facilities that also cater for their welfare needs including the appropriate provision of high-quality washrooms, a catering offer and access to alternative fuel and digital infrastructure.</p>	<p>The consideration of WCH has resulted in the WCH Proposals that are discussed in Walking Cycling and Horse-riding Proposals (Application Document 2.4, APP-010)</p> <p>National Highways is undertaking a specific piece of work to review, understand and inform how to improve the service provided to its freight customers, including parking, facilities, information provision and customer insight all of which fall within scope of this review. At this stage the freight study has been scoped around the whole A66, including interface with the A1(M) and M6 and is the forerunner to wider national considerations. Based on progress to date National Highways is confident that the review is not likely to recommend additional infrastructure interventions within the Order limits of this Project.</p>
4.56	<p>The applicant should undertake an objective assessment of the impact of the proposed development on safety including the impact of any mitigation measures. This should use the methodology outlined in the guidance from DfT (WebTAG) Department for Transport's Transport Appraisal Guidance and from the National Highways Agency 4.62 They should also put in place arrangements for undertaking the road safety audit process and ensuring their implementation. Road safety audits are a mandatory requirement for all trunk road highway improvement schemes in the UK (including motorways). 4.63 Road safety audits are intended to ensure that operational road safety experience is applied during the design and construction process so that the number and severity of collisions is as low as is reasonably practicable.</p>	<p>In substance this policy is similar to the current NNNPS paragraphs 4.61 and 4.62 and therefore the Applicant's compliance statement set out in response to the original paragraphs 4.61 and 4.62 provides a response to the revised paragraph (see pages 104 – 105 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>With regard to the Department for Transport's Transport Appraisal Guidance, the Combined Modelling and Appraisal Report, Application Document 3.8 (APP-237) details the full modelling process and how it aligns with TAG.</p>
4.57	<p>The applicant should be able to demonstrate that their scheme is consistent with the national Strategic Framework for Road Safety and with the National Highways Agency's Safety Framework for the Strategic Road Network and with the national Strategic Framework for Road Safety. Applicants will wish to show that they have taken all steps that are reasonably required to:</p> <ul style="list-style-type: none"> • minimise the risk of death and injury arising from their development; • contribute to an overall reduction in road casualties; • contribute to an overall reduction in the number of unplanned incidents; and • contribute to improvements in road safety for walkers and cyclists. 	<p>In substance this policy is similar to the current NNNPS paragraph 4.64 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.64 provides a response to the revised paragraph (see pages 105 – 106 of Appendix A NNNPS Conformity Table (APP-242)).</p>
4.58	<p>They will also wish to demonstrate that:</p> <ul style="list-style-type: none"> • they have considered the safety implications of their Project from the outset; and • they are putting in place rigorous processes for monitoring and evaluating safety. 	<p>This policy is the same as the current NNNPS paragraph 4.65 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.65 provides a response to the revised paragraph (see pages 106 – 107 of Appendix A NNNPS Conformity Table (APP-242)).</p>
4.59	<p>The Secretary of State should not grant development consent unless satisfied that all reasonable steps have been taken and will be taken to:</p> <ul style="list-style-type: none"> • minimise the risk of road casualties arising from the scheme; and • contribute to an overall improvement improvements in the safety of the Strategic Road Network SRN. 	<p>This policy is the same as the current NNNPS paragraph 4.66 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.66 provides a response to the revised paragraph (see pages 107 – 108 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
Security considerations		
4.67 – 4.68	<p>Where national security implications have been identified, the applicant should consult with relevant security experts from CPNI the Centre for the Protection of National Infrastructure and the Department for Transport, to ensure that physical, procedural and personnel security measures have been adequately considered in the design process and that adequate consideration has been given to the management of security risks. if CPNI For some, this is a legal requirement as per section 119 of the Railways Act 1993. If the Centre for the Protection of National Infrastructure and the Department for Transport (as appropriate) are satisfied that security issues have been adequately addressed in the project when the application is submitted to the Secretary of State, they it will provide confirmation of this to the Secretary of State, and the Examining Authority. The Secretary of State should not need to give any further consideration to the details of the security measures during the in its examination.</p> <p>The applicant should only include such sufficient information in the application as is necessary to enable the Examining Authority and the Secretary of State to examine the development consent issues and make a properly informed recommendation on the application.</p>	<p>In substance, this policy is similar to the current NNNPS paragraphs 4.76 – 4.77 and therefore the Applicant's compliance statement set out in response to the original paragraphs 4.76 – 4.77 provides a response to the revised paragraph (see pages 108 – 109 of Appendix A NNNPS Conformity Table (APP-242)).</p>
Health		
4.70	<p>They may also have indirect health impacts; for example, if they affect access to key public services, local transport, opportunities for walking, cycling and walking/wheeling, or the use of open spaces space^h for recreation and physical activity.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 4.80 and therefore the Applicant's compliance statement set out in response to the original paragraph 4.80 provides a response to the revised paragraph (see pages 3.9-109/110 of 373 of Appendix A NNNPS Conformity Table (APP-242)).</p>
4.71	<p>As described in the relevant sections of the NNNPS, where the proposed project has likely significant environmental impacts that would have an effect on human beings, any environmental statement should identify and set out the assessment of any likely significant the applicant should assess these effects, identifying any potential adverse health impacts.</p> <p>The applicant should, and identify measures to avoid, reduce or compensate for adverse health impacts as appropriate. These impacts may affect people simultaneously, so the applicant, and the Secretary of State (in determining an application for development consent) should consider the cumulative impact on health Enhancement opportunities should be identified by promoting local improvements for active travel and horse riders driven by the principles of good design to create safe and attractive routes to encourage health and wellbeing; this includes potential impacts on vulnerable groups within society, i.e. those groups within society which may be differentially impacted by a development compared to wider society as a whole.</p>	<p>In substance this policy is similar to the current NNNPS paragraphs 4.81 and 4.82 in terms of the need to assess effects on human beings. Therefore, the Applicant's compliance statement set out in response to the original paragraphs 4.81-4.82 is still relevant in providing a response to the revised paragraph (see pages 3.9-110/111 of 373 of Appendix A of NNNP Conformity Table (APP-242)).</p> <p>In regard to the additional text added to the revised paragraph 4.71, in relation to enhancement opportunities, the Applicant notes the following.</p> <p>Enhancement of active travel has been built into the Project design through the inclusion of new shared cycleways/footways and improvements to existing footpaths and bridleways, particularly in relation to safer crossing of the A66. The health effects of these enhancements are assessed in the Chapter 13 of the ES at section 13.10 (APP-056). This assessment takes into account the sensitivity of the population, including the prevalence of vulnerable groups. Furthermore, the Applicant made changes to the DCO application as originally submitted, as confirmed by PD-013, which provide further active travel enhancements. This includes DC-04 (separation of, and greater flexibility for, shared public rights of way and private access track provision) and DC-19 (realignment of cycleway local to Cringle and Moor Beck (see CR1-002)).</p>
Accessibility		
4.73	<p>The government's strategy for achieving equal access for disabled people is set out in the Inclusive Transport Strategy. The government expects applicants to improve access, wherever possible, on and around the national networks by designing and delivering schemes that take account of the accessibility requirements of all those who use, or are affected by, national networks infrastructure, including disabled users.</p>	<p>An Equality Impact Assessment (EqIA) (APP-243) has been completed for the project. The EqIA considers the potential effects of the proposed Project on 'protected characteristic groups' defined as having 'protected characteristics' under the Equality Act 2010, which includes disability. The EqIA makes recommendations to improve access for those with disabilities where practicable and the following recommendations were made in the EqIA:</p>

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		<ul style="list-style-type: none"> • Ongoing detailed design of new bridges and underpasses to ensure that equality considerations such as the gradient of slopes down to underpasses, step free access to overbridges, paving finishes to ensure accessibility for wheelchair users or those with mobility issues is considered. • Ongoing engagement with the local community, including equalities groups, through events and activities at the Project Hub at the former Llama Karma Site to ensure that equalities groups and seldom heard groups are actively engaged with during the detailed design and construction phases.
4.74	<p>Applicants must comply with any obligations under the Equality Act 2010. Public authority applicants are reminded of their duty to promote equality and to consider the needs of disabled people as part of their normal practice. The Public Sector Equality Duty requires that public authorities have due regard to the need to:</p> <ul style="list-style-type: none"> • eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act • advance equality of opportunity between people who share a protected characteristic and people who do not share it • foster good relations between people who share a protected characteristic and people who do not share it. 	<p>An Equality Impact Assessment (EqIA) as described in the response to policy 4.73 above has been completed for the project. An EqIA is a predictive assessment tool which has been undertaken to support National Highways in meeting its statutory requirements under the Public Sector Equality Duty.</p> <p>The Project Design Report (page 105) (APP-009) describes how the road design is “Inclusive” through</p> <ul style="list-style-type: none"> • Holding independent design reviews and Technical Working Group (TWG) sessions to inform the design process, allowing a diverse range of views to be considered. • Integrating the needs of walkers, cyclists and horse-riders within designs, incorporating the network of Public Rights of Way (PRoW) around the A66 that designs tie in with. The network comprises mainly of footpaths and a small number of bridleways and restricted byways. Where the Project proposals could affect the existing PRoW, appropriate mitigation measures are being integrated into designs, including safe crossing points where necessary. • Applying a design approach that aims to ensure routes remain accessible for the community and visitors to the area. <p>Sample design features which demonstrate accessibility and inclusivity are also set out at page 105 of the Project Design report as follows:</p> <ul style="list-style-type: none"> • Connectivity into the existing PRoW and bridgeways network including the Pennine Way to facilitate leisure activity. • A network of off-route roads and private means of access will be utilised where appropriate to ensure local connectivity surrounding the A66,
4.77	<p>Applicants should demonstrate the following where relevant:</p> <ul style="list-style-type: none"> • All reasonable opportunities to deliver improvements in accessibility on and to the existing national road network should be taken, including improvements for non-motorised users • Severance can be a problem in some locations; where appropriate, applicants should seek to deliver improvements that reduce community severance and improve accessibility • National Network infrastructure should incorporate good design, as expanded on in paragraphs 4.24 to 4.29, which includes improving accessibility of infrastructure for users and inclusive design. 	<p>An Equality Impact Assessment (EqIA) has been completed for the project. The EqIA considers the potential effects of the proposed project on ‘protected characteristic groups’ (PCGs) defined as having ‘protected characteristics’ under the Equality Act 2010. This includes age, sex, race, religion or faith, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, and sexual orientation. The EqIA identifies those measures developed as part of the project and/or outlines recommendations to improve accessibility, including for non-motorised users; to reduce community severance and to ensure more inclusive design for infrastructure.</p> <p>For example, the following recommendations were made in the EqIA:</p> <ul style="list-style-type: none"> • - Ongoing detailed design of new bridges and underpasses to ensure that equality considerations such as the gradient of slopes down to underpasses, step free access to overbridges, paving finishes to ensure accessibility for wheelchair users or those with mobility issues is considered. • - Ongoing engagement with the local community, including equalities groups, through events and activities at the Project Hub at the former Llama Karma Site to ensure that equalities groups and seldom heard groups are actively engaged with during the detailed design and construction phases.
5. Generic Impacts		
Overview		
5.6	<p>Applicants should look for opportunities to take a holistic approach to avoiding, reducing or mitigating multiple impacts on the natural or built environment, on landscapes and on people by using nature-based solutions. Nature-based solutions can deliver multiple benefits for climate, biodiversity, and people, and can therefore play a critical role in tackling these interrelated impacts in an integrated way. Carefully designed and implemented nature-based solutions are beneficial because they may be able to deliver a range of benefits to society beyond their primary purpose. For example, trees planted to sequester carbon could offer benefits for flood management, soil stability, biodiversity and recreation. A Green Infrastructure approach can be used to plan multifunctional networks of natural features to integrate the various benefits and solutions (see paragraphs 5.171 to 5.195). Well-designed nature-based solutions could also contribute to achieving biodiversity net gain requirements</p>	<p>The environmental mitigation design has been developed to ensure mitigation is provided for impacts on protected species and designated sites, and replacement habitats are provided for those lost, achieving a minimum of no net loss. Opportunities to maximise biodiversity enhancements have also been sought within the footprint of the Project where practicable. For example, providing habitat linkages to increase connectivity to areas of semi-natural habitats within the wider area and therefore enhancing and tying into existing green infrastructure networks. Opportunities to link to existing initiatives including the Local Nature Recovery Networks and Local Nature Recovery Strategies have been included in the Landscape and Ecological Management Plan (LEMP) (Document Reference 2.7, REP3-003, Pg B1-4). In addition, planting required for landscape integration, visual screening and water attenuation has been designed to maximise biodiversity enhancements as a result of the Project (Project Design Principles, Document Reference 5.11, REP3-040; BNG03).</p>

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Air quality and emissions		
Applicant's assessment		
5.11 – 5.13	<p>5.6 Where the impacts of the project (both on and off scheme) are likely to have significant adverse effects on air quality effects in relation to meeting EIA requirements and / or affect the UK's ability to comply with the Air Quality Directive where a project could lead to a deterioration in air quality in an area or lead to a new area where air quality breaches any national air quality limits or statutory air quality objectives⁹⁰, the applicant should undertake an assessment of the impacts as part of the environmental statement their Development Consent Order application.</p> <p>5.7 The environmental statement assessment should describe:</p> <ul style="list-style-type: none"> – existing air quality levels; – forecasts of air quality at the time of opening, assuming that the scheme is not built (the future baseline) and taking account of the impact of the scheme; and • any significant <u>air pollutant emissions, that would lead to a deterioration in air quality effects, and</u> their mitigation and any residual effects, distinguishing between the <u>project stages, including</u> construction and operation stages and taking account of <u>the impact of emissions such as from any</u> road traffic generated by the project. • <u>the predicted absolute emission levels</u> of the proposed project after mitigation methods <u>have been applied</u> • <u>existing air quality levels, how they are monitored and the relative change in air quality from existing levels</u> • <u>any potential impacts on nearby protected habitats from air pollutant emissions</u> <p>5.8 Defra publishes future national projections of <u>UK air quality pollutant emissions</u> based on evidence of future emissions, traffic and vehicle fleet. Projections are updated as the evidence base changes. Applicant <u>The applicant's</u> assessment should be consistent with this but may include more detailed modelling to demonstrate local impacts. <u>If the latest future projections do not reflect the latest available evidence base at the assessment stage, applicants should still provide an assessment using the latest future projections published by Defra. If an applicant believes they have robust additional supporting evidence that is likely to change the projected emissions, they should include this in their representations to the Examining Authority.</u></p> <p>5.9 In addition to information on the likely significant effects of a project in relation to EIA, the Secretary of State must be provided with a judgement on the risk as to whether the project would affect the UK's ability to comply with the Air Quality Directive.</p>	<p>Paragraphs 5.11 – 5.13 present a substantial revision to the current paragraphs 5.6 to 5.9 of the NNNPS. The Applicant's compliance statement set out in response to the current paragraphs 5.6 to 5.9 remain relevant to the revised draft paragraphs (see pages 3.9-111/112 of 373 of Appendix A NNNPS Conformity Table (APP-242)). In addition, the Applicant provides the following additional response to the revised policy.</p> <p>The Applicant has taken into account air quality at all stages of its Project development, within and in close vicinity of the Order Limits, but also over the wider area likely to be affected. All sensitive receptors have been considered within 200m of the Order limits.</p> <p>This is detailed in Chapter 5 (Air Quality) of the ES (Application Documents 3.2-3.4), including, at Table 5-2, which sets out how the Project has adhered to the requirements of the NNNPS and where this is documented.</p> <p>Air quality thresholds are detailed in Table 54 of the ES Chapter 5 (Air Quality) for NO₂, PM₁₀, PM_{2.5}, NO_x.</p> <p>As detailed in the ES, the Project has adhered to both the current NNNPS and the revised draft NNNPS in so far that:</p> <ul style="list-style-type: none"> • The likely significant effects associated with the Project, including taking account of road traffic generated by the Project, during the construction and operation stages of the Project have been determined at section 5.10 (Assessment of likely significant effects). It concludes that the construction phase and operational phase effects are both predicted to be not significant. Therefore, it is predicted the effects on air quality at human and ecological receptors would be not significant. • No significant effects were identified associated with construction or operational traffic. Therefore, mitigation measures were not required for these elements. Mitigation and enhancement measures relating to construction dust emissions were presented at section 5.9 (Air Quality) of the ES. With the application of these mitigation measures the impacts of mitigation are predicted to be reduced to negligible and not significant. • The existing air quality levels across the Project have been described, reviewed and summarised at section 5.7 (Baseline Conditions) and ES Appendix 5.3 (Baseline Monitoring), including a summary of local air quality monitoring. • The relative change in air quality from existing levels to the time of opening have been provided for the future baseline and taking account of the impact of the Project at ES Appendix 5.5 – Results. • The impacts on sensitive ecological receptors are summarised in section 5.10. <p>The assessment has used the most recent information from Defra for future background Projections and National Highways for vehicle emissions (version 11) and the ammonia tool. The impact of emissions has been assessed using detailed modelling as discussed at section 5.4 (Assessment methodology) and ES Appendix 5.4 (Air Quality Assessment) (Application Document 3.4).</p>

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Mitigation		
5.14-5.15	<p>Mitigation measures may affect the project design, layout, construction, operation and/or may comprise<u>consist of</u> measures to improve air quality in pollution hotspots beyond the immediate locality of the scheme. Measures could include, but are not limited to, changes to the route of the new scheme, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to trap or better disperse emissions, and/or speed control. <u>Applicants should routinely look for opportunities within the design of the proposed development to embed nature-based solutions, such as urban woodlands and trees to assist with pollutant reduction and dispersal along major transport corridors. In addition to avoiding further greenhouse gas emissions when compared with some more traditional approaches, nature-based solutions can also result in biodiversity benefits as well as increasing absorption of carbon dioxide from the atmosphere (see also paragraphs 5.171 to 5.195 on the role of green infrastructure).</u></p> <p>The Secretary of State should consider whether mitigation measures are needed both for operational and construction emissions over and above any which may form part of the project application. In doing so the Secretary of State should have regard to the Air Quality Strategy or any successor to it and should consider relevant advice within Local Air Quality Management guidance.</p> <p>The proposed mitigation measures should ensure that the net impact of a project does not delay the point at which a zone will meet compliance timescales.</p>	<p>Part of the revised paragraphs 5.14-5.15 remains as the same as the current NNNPS and therefore the Applicant's original compliance statement (as set out at pages 3.9-118/119 of 373 of Appendix A NNNPS Conformity Table AA-242)) remains the Applicant's response. In addition, in response to the additional text provided (shown in blue) by the draft NNNPS as stated above in Paragraph 5.6 relating to nature-based solutions, whilst the Project does not propose nature-based solutions specifically to mitigate effects on air quality, biodiversity enhancements have been maximised within the Project footprint by developing mitigation with multi-functional benefits. This has resulted in additional biodiversity benefits being delivered by the Project. For example, balancing ponds have been designed to maximise opportunities for aquatic wildlife (Document Reference 2.7, REP3-005; D-BD-06) and planting required for landscape integration, visual screening and water attenuation have been designed to maximise biodiversity value (Document Reference 5.11, REP3-040; BNG03).</p> <p>Best practice mitigation measures to reduce effects from air quality emissions are included in the EMP [REP6-003].</p>
Decision-making		
5.17-5.18	<p><u>Many activities involving air emissions are subject to pollution control. The considerations set out in paragraphs 4.42 to 4.50 on the interface between planning and pollution control therefore apply.</u></p> <p><u>The Secretary of State should give air quality considerations substantial weight where a project would lead to a deterioration in air quality in an area or leads to a new area where air quality breaches any national air quality limits or statutory air quality objectives. However, air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits or statutory air quality objectives.</u></p>	<p>The Applicant notes that these paragraphs are a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>Section 5.10 (Assessment of likely significant effects) of Chapter 5 of the ES (APP-048) concludes that the construction phase and operational phase effects of the Project on air quality are both predicted to be not significant. Therefore, it is predicted the effects on air quality on human and ecological receptors would be not significant.</p> <p>This section also concludes that the net impact of the Project would not delay the point in which a zone (a geographical area defined by Defra) would meet compliance timescales.</p> <p>Increases in NO₂ concentrations have been predicted in some locations across the scheme, for example a maximum increase of 2.6µg/m³ (6.5% of the annual mean air quality objective (40µg/m³)) was predicted in the Penrith area. The with-scheme predicted concentrations are below the air quality objective and therefore would not <i>lead to a deterioration in air quality in an area or leads to a new area where air quality breaches any national air quality limits or statutory air quality objectives</i>. Furthermore, the maximum increase is not considered to be a <i>substantial change</i> which would result in refusal by the Secretary of State.</p>
5.19	<p><u>In all cases the Secretary of State must take account of any relevant statutory air quality limits or statutory air quality objectives. The Secretary of State should be content that the applicant has taken all reasonable steps to reduce emissions in the construction and operational stage of the development.</u></p>	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>The existing air quality levels across the Project have been described, reviewed and summarised at section 5.7 (Baseline Conditions) and ES Appendix 5.3 (Baseline Monitoring), including a summary of local air quality monitoring. Section 5.10 (Assessment of likely significant effects) concludes that the construction phase and operational phase effects are both predicted to be not significant. Therefore, it is predicted the effects on air quality at human and ecological receptors would be not significant.</p> <p>This section also concludes that the net impact of the Project would not delay the point in which a zone (a geographical area defined by Defra) would meet compliance timescales.</p> <p>Best practice mitigation measures to reduce effects from construction dust are included in the EMP [REP6-003]. The application of these measures is predicted to reduce construction dust emissions to negligible. Construction traffic routing has been optimised to reduce exposure to air quality emissions.</p>

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		<p>In relation to operational air quality emissions, reasonable steps have been undertaken to minimise emissions at both a local and regional level. An options appraisal of route alignments was undertaken in earlier PCF stages to identify the most suitable option. Transport Assessment Guidance (TAG) assessments have been undertaken at every stage to provide a cost benefit analysis, including air quality emissions, to feed into the business case of the scheme. The scheme has been designed to increase the distance to receptors where possible, therefore reducing exposure to pollutant emissions.</p>
5.20	<p>Where a project is likely to lead to a breach of such limits or objectives, the applicant should work with the relevant authorities to secure appropriate mitigation measures to avoid any breach and allow the proposal to proceed. Where a project is located within, or in close proximity to, a Local Air Quality Management Area or Clean Air Zone, applicants should engage with the relevant local authority to ensure the project is compatible with the local Air Quality Plan.</p>	<p>The Applicant notes that this paragraph is a new addition to the revised NNNPS and has responded accordingly below. 2.7</p> <p>Best practice mitigation measures to reduce effects from construction dust are included in the Environmental Management Plan Annex B4 Air Quality and Dust Management Rev 2 (REP6-010).</p> <p>No significant effects were identified for the construction phase of the Project in relation to construction traffic and therefore no essential mitigation¹ is considered necessary for this source.</p> <p>No significant effects were identified for the operational phase of the Project therefore no essential mitigation is considered necessary during the operational phase of the Project.</p> <p>Paragraph 5.9.4 of Chapter 5 of the ES (APP-048) confirms that the Project would not affect the UK's ability to comply with the Air Quality Directive or any AQMAs.</p> <p>There are no Clean Air Zones proposed within the Affected Road Network considered in the ES.</p> <p>Further information is provided in response paragraphs 5.11-5.13 of the consultation draft NNNPS.</p>
5.21-5.23	<p>Any increase at all in air pollutant emissions is not a reason in itself to refuse development consent, though any deterioration in air quality should be given appropriate weight in coming to the decision.</p> <p>Where the increase in air pollutant emissions resulting from the proposed scheme would significantly impact the government's ability to comply with a statutory limit or statutory air quality objective, the Secretary of State should refuse consent.</p> <p>The Secretary of State should refuse consent where, after taking into account mitigation, the air pollutant emissions resulting from the proposed scheme will either:</p> <ul style="list-style-type: none"> • result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Standards Regulations 2010 becoming non-compliant • affect the ability of a non-compliant area to achieve compliance within the most recent timescales reported to the Examining Authority at the examination. 	<p>The Applicant notes that paragraphs 5.21 to 5.23 are new additions within the draft revised NNNPS and has responded as follows.</p> <p>Section 5.10 (Assessment of likely significant effects) of Chapter 5 of the ES (APP-048) concludes that the construction phase and operational phase effects are both predicted to be not significant. Therefore, it is predicted the effects on air quality on human and ecological receptors would not be significant.</p> <p>To be clear against the specific SoS refusal paragraphs: -</p> <ul style="list-style-type: none"> • There are no locations identified in the ES which result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Standards Regulations 2010 becoming non-compliant; and, • The ES sets out that the Project will not affect the ability of a non-compliant area to achieve compliance within the most recent timescales reported to the Examining Authority at the examination.
5.24	<p>The Secretary of State should give positive weight to projects that embed nature-based solutions to assist with pollutant reduction and dispersal along major transport corridors.</p>	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS and has responded to this as follows.</p> <p>The Project does not propose "nature-based solutions" specifically to mitigate effects on air quality, although there are proposed biodiversity enhancements as part of the wider Project. Best practice mitigation measures to reduce effects from air quality emissions are included in the EMP [REP6-003]</p>

¹ Essential mitigation is defined in DMRB LA104 as "Essential mitigation: measures required to reduce and if possible offset likely significant adverse environmental effects, in support of the reported significance of effects in the environmental assessment. This will be reported in relevant topic chapter of the ES."

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
Greenhouse gas emissions		
Applicant's assessment		
5.29	<p>A whole life carbon assessment should be used to measure greenhouse gas emissions at every stage of the proposed development to ensure that emissions are minimised as far as possible as we transition to net zero. This includes the construction, maintenance, operation and use of the asset across its entire lifecycle. This is critical at early stages of project planning, for example, the conception stage, because the ability to reduce whole life carbon emissions is increasingly more limited as the project passes through detailed design and enters construction.</p>	<p>The Applicant notes that paragraphs 5.29-5.30 are new additions to the draft revised NNNPS and has responded as follows.</p> <p>In line with DMRB LA 114 the assessment of emissions from the Project adopts a whole life carbon approach as set out in Table 7-5 of the Chapter 7, Climate, of the ES (APP-050). The business case for the Project has followed the guidance, standards and methodologies set out in Transport Appraisal Guidance Unit A3.</p> <p>The Outline Carbon Strategy (REP3-043) submitted into the Examination of the DCO application, confirms that the principles and components of PAS 2080 will be followed, which require a whole life carbon basis for decision making throughout the management of carbon for the Project.</p>
5.30	<p>All proposals for national network infrastructure projects should include a whole life carbon assessment at critical stages in the project lifecycle, for example the submission of a major business case. This should be conducted according to the guidance, standards and methodologies set out in Transport Appraisal Guidance Unit A3. Also refer to the Environmental Assessment at paragraphs 4.10 to 4.11 for more information about cumulative assessment.</p>	
5.31	<p>Having regard to current knowledge, a carbon management plan should be produced as part of the Development Consent Order submission and include:</p> <ul style="list-style-type: none"> • an explanation of the steps that have been taken to drive down the climate change impacts at each of those stages • how operational emissions and, where applicable, emissions from maintenance activities, have been reduced as much as possible through the application of best available technology for that type of technology (recognising that in the case of road projects while the developer can estimate the likely emissions from road traffic, it is not solely responsible for controlling them) • whether and how any residual carbon emissions will be (voluntarily) offset or removed using a recognised framework • where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national level, or sector level, if statutory sectoral targets are developed and come into force 	<p>Chapter 7 Climate of the ES (APP-050) includes the measures proposed to avoid, reduce and mitigate whole life GHG emissions associated with the Project at Section 7.10 – Essential mitigation and enhancement measures. Furthermore, the assessment has been carried out in the context of the UK's carbon budgets, which have been set pursuant to the Climate Change Act 2008 and the Paris Agreement. The assessment concludes at paragraph 7.11.24 that <i>"The analysis following DMRB LA 114 shows that emissions from the Project to be low when compared against the relevant carbon budgets. As set out by DMRB LA 114 and in line with the NPSNN, the assessment concludes that the Project's GHG emissions, in isolation, will not have a significant effect on climate or a material impact on the ability of the Government to meet its carbon reduction plan targets and Carbon Budgets."</i></p> <p>Examples of where emissions have been reduced to date are provided within Section 7.10 'Essential mitigation and enhancement measures' of ES Chapter 7, Climate (APP-050). These examples include:</p> <ul style="list-style-type: none"> • Using existing carriageways, rather than building a new offline road, in set locations • Reprofilling embankments to reduce imported and stabilised materials. • Through optioneering discounting steel bowstring, tied arch or cable-stayed structures. <p>An Outline Carbon Strategy was submitted into the Examination of the DCO application (REP3-043). This document has been prepared in accordance with the current NNNPS and industry guidance including PAS 2080. This sets out an outline of the principles of the Carbon Strategy that is committed to in the Environmental Management Plan (EMP) and is intended to demonstrate how National Highways will meet commitment reference MW-CL-01 of the EMP.</p> <p>In regard to the final point of paragraph 5.31 DMRB LA 114 describes the approach to be undertaken to assess and evaluate the climate impacts for schemes. This is set out in Chapter 7 of the Environmental Statement for the A66 Project [APP050]. The assessment of GHG emissions undertaken to support schemes has assessed the construction and operational effects:</p> <ul style="list-style-type: none"> • Construction – the GHG emissions associated with the construction phase of a project, that is the materials and energy required to construct the road and supporting infrastructure. • Operational – The GHG emissions associated with both the operation and maintenance of the asset, i.e., the lighting, maintenance activities and users of the asset (i.e., vehicle emissions). The traffic modelling for the scheme has been undertaken in line with Transport Appraisal Guidance published by the Department for Transport (DfT). <p>The traffic modelling assessment reports for this scheme have been submitted to the DCO examination. The traffic model used for the scheme has been developed in line with DfT requirements and are inherently cumulative. The Applicant has further explained its approach to cumulative and in-combination considerations in terms of its GHG assessment in a further submission to the Examination (see Appendix A of REP2-017).</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
Mitigation		
5.32	Applicants should look for opportunities within the design of the proposed development to embed nature-based or technological solutions to mitigate, capture or offset the emissions of construction.	The Applicant notes that this paragraph is a new addition to the draft revised NNNPS. The DCO application incorporates nature-based proposals into the design both as essential mitigation that is embedded with the Project and additional enhancements as set out in section 6.9 Essential mitigation and enhancement measures of Chapter 6 Biodiversity of the ES (APP-049).
5.33	Steps taken to minimise, capture and offset emissions in design and construction, should be set out in a Greenhouse Gas Reduction Strategy, secured under the Development Consent Order. This Strategy could include, for example, mitigation through woodland creation on or adjacent to the site and registered with the Woodland Carbon Code⁹¹, contributing significantly to offsetting residual emissions. Applicants may wish to refer to the Institute of Environmental Management and Assessment Greenhouse Gas Management Hierarchy guidance when drafting their Greenhouse Gas Reduction Strategy.	Examples of where emissions have been reduced to date are provided within Section 7.10 'Essential mitigation and enhancement measures' of ES Chapter 7, Climate (APP-050). These examples include: <ul style="list-style-type: none"> • Using existing carriageways, rather than building a new offline road, in set locations • Reprofilling embankments to reduce imported and stabilised materials. • Through optioneering discounting steel bowstring, tied arch or cable-stayed structures. The Outline Carbon Strategy (REP3-043) submitted into the Examination of the DCO application refers to the principles of the carbon hierarchy which seek to reduce emissions from the life cycle of the Project.
Decision making		
5.35	S.1(1) of the Climate Change Act 2008 reflects and puts into effect the UK's Nationally Determined Contributions as set out in the Paris Agreement and sets out that the carbon budgets are the mechanism by which the net zero target is to be achieved. Consequently, it can reasonably be concluded that an applicant who assesses the carbon impacts of its scheme against the carbon budget is to be taken also to have assessed the carbon impacts of the scheme against the net zero target in the Climate Change Act 2008 and the UK's Nationally Determined Contributions, where the carbon budget is consistent with the Climate Change Act 2008 carbon target and the Nationally Determined Contributions.	Section 7.3 of Chapter 7 Climate sets out compliance with the legislation, policy and strategy documents relevant to an assessment of climate impact for the Project (APP-050). As per DMRB LA 114 and the existing NPSNN, the Climate assessment within Chapter 7 includes a comparison of carbon emissions against UK Government national carbon budgets, which has been undertaken to determine significance for the purposes of making an assessment of likely significant effects. This is compliant with the requirements of the draft revised NPSNN.
5.36	The Secretary of State should be content that the applicant has taken all reasonable steps to reduce the total greenhouse gas emissions from a whole life carbon perspective. The Secretary of State should also give positive weight to projects that embed nature-based or technological processes to mitigate or offset the emissions of construction and within the proposed development. However, given the important role national network infrastructure plays in supporting the process of economy wide decarbonisation, the Secretary of State accepts that there are likely to be some residual emissions from construction of national network infrastructure.	Chapter 7 Climate of the ES (APP-050) includes the measures proposed to avoid, reduce and mitigate whole life GHG emissions associated with the Project at Section 7.10 – Essential mitigation and enhancement measures. Furthermore, the assessment concludes at paragraph 7.11.24 that " <i>The analysis following DMRB LA 114 shows that emissions from the Project to be low when compared against the relevant carbon budgets. As set out by DMRB LA 114 and in line with the NPSNN, the assessment concludes that the Project's GHG emissions, in isolation, will not have a significant effect on climate or a material impact on the ability of the Government to meet its carbon reduction plan targets and Carbon Budgets.</i> " In addition, Section 3 of the Outline Carbon Strategy provides requirements of the contractors to integrate carbon management and reduction into decision making, aligning with PAS 2080. Examples of carbon mitigation on the Project include: <ul style="list-style-type: none"> • maximising potential re-use or refurbish of existing assets and infrastructure. • identifying low and no carbon consumption solutions for construction • identify and integrate on or off-site sequestration measures as appropriate
5.37	Operational greenhouse gas emissions from some types of national network infrastructure cannot be totally avoided. Given the range of non-planning policies aimed at decarbonising the transport system, government has determined that a net increase in operational greenhouse gas emissions is not, of itself, reason to prohibit the consenting of national network projects or to impose more restrictions on them in the planning policy framework. Any carbon assessment will include an assessment of operational greenhouse gas emissions, but the policies set out in chapter 2 of the NPS, apply to these emissions. Operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments. Therefore, approval of schemes with residual carbon emissions is	Chapter 7 Climate of the ES (APP-050) reports an assessment of the impact of the Project on climate (Greenhouse Gas (GHG) emissions assessment)). As part of the GHG emissions assessment, an operational carbon assessment considering the user utilisation of the infrastructure has been undertaken. The assessment has concluded, at paragraph 7.11.24, " <i>As set out by DMRB LA 114 and in line with the NPSNN, the assessment concludes that the Project's GHG emissions, in isolation, will not have a significant effect on climate or a material impact on the ability of the Government to meet its carbon reduction plan targets and Carbon Budgets.</i> " The Applicant notes the comments of the revised draft NPSNN that "government has determined that a net increase in operational greenhouse gas emissions is not, of itself, reason to prohibit the consenting of national networks projects or to impose more restrictions on them in the planning policy framework" and that "operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and international climate commitments" and that "Therefore, approval of schemes with residual

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	allowable and can be consistent with meeting carbon budgets, net zero and the UK's Nationally Determined Contribution.	<p>carbon emissions is allowable and can be consistent with meeting carbon budgets, net zero and the UK's Nationally Determined Contribution".</p> <p>The Applicant considers the approach set out here in the draft revised NPSNN is relevant to and consistent with the Project.</p>
Applicant's assessment		
5.41	The applicant should consider the full range of potential impacts on ecosystems (including habitats and protected species) and provide environmental information proportionate to the likely impacts of the infrastructure on biodiversity and nature.	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>A full assessment of the potential impacts on ecosystems (including habitats and protected species) to provide environmental information proportionate to the potential impacts of the Project on biodiversity and nature is provided within Environmental Statement (ES) Chapter 6 Biodiversity (Document Reference 3.2, APP049)</p>
5.42	The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests as well as consider how their proposal will deliver Biodiversity net- gain in line with the requirements in a Biodiversity Gain Statement, as set out in paragraphs 4.20 to 4.23 above.	<p>Opportunities to conserve and enhance biodiversity conservation interests and information as to how the Project will deliver opportunities to maximise biodiversity enhancements is set out within Chapter 6 Biodiversity (Document Reference 3.2, APP-049), the Landscape and Ecological Management Plan (LEMP) (Document Reference 2.7, REP3-003) and the Project Design Principles (PDP) (Document Reference 5.11, REP6-015).</p> <p>Opportunities to conserve and enhance geology and soils is considered in Chapter 9 of the ES (APP-052)</p> <p>With respect to the approach to Biodiversity Net Gain, habitats lost to the Project will be replaced on a like for-like or better basis in accordance with the habitat ratios devised for each habitat type and secured in the EMP (D-BD-05, Document Reference 2.7, APP-019). Whilst biodiversity net gain is not currently a requirement for Nationally Significant Infrastructure Projects (NSIPs), and no land is to be compulsorily acquired by the Project to deliver net gain, the Defra Metric has been used as a tool alongside the development of the environmental mitigation to seek opportunities for biodiversity enhancements within the footprint of the Project. Full details can be viewed at Chapter 6 (Biodiversity) of the ES (Application Document 3.2-3.4).</p> <p>In considering the Project's accordance with the requirements of the Environment Act 2021, the Applicant notes that a Biodiversity Statement has not yet been published by the Secretary of State. The Secretary of State has recently indicated that he intends to bring Biodiversity Net Gain into effect for NSIPs by November 2025.</p>
Mitigation		
5.43	<p>To avoid harm or disturbance in line with the mitigation hierarchy the applicant should demonstrate that:</p> <ul style="list-style-type: none"> • developments are designed to avoid the risk of harm and to minimise the footprint of the development and/or to retain the site's important habitat features • developments are designed and landscaped to provide green corridors and minimise habitat fragmentation (for example using underpasses or green bridges to link habitats) • during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works • during construction and operation, best practice will be followed to ensure that risk of disturbance or damage to species or habitats follows the mitigation hierarchy (including as a consequence of transport access arrangements). For example, plan for construction work to be carried out at specific times to avoid sensitive times and location, such as the breeding season for wild birds and lifecycles of migratory fish. 	<p>Chapter 6 Biodiversity (Document Reference 3.2, APP-049), the Landscape and Ecological Management Plan (LEMP) (Document Reference 2.7, REP3-003) and the Project Design Principles (PDP) (Document Reference 5.11, REP3-040) sets out the measures proposed by the Project to avoid the risk of harm or disturbance to all Biodiversity receptors and designated sites in line with the mitigation hierarchy.</p> <p>The following sections of the Project Design Principles Revision 3 (REP6-015) are relevant to the points set out in paragraph 5.43 of the revised draft NPSNN, as follows:</p> <ul style="list-style-type: none"> • One of the over-arching design themes that has been used to categorise the Project-wide Design Principles "is designs to restore and enhance habitats and ecological connectivity (C of paragraph 3.1.5 of the Project Design Principles (REV 3) (REP6-015) • One of the processes and activities which form the framework for the Design Principles is "seeking to create a high quality and connected natural environment and green and blue infrastructure network to integrate the schemes, where the design of environmental mitigation is, where reasonably practicable, in scale with the engineering design it seeks to integrate, and in each case bespoke to its locality and character." (Point 5 of paragraph 2.1.9) <p>The Environmental Management Plan (REP3-004) sets out, within table 3-2: the Register of environmental actions and commitments. Under the heading of Biodiversity, a number of actions and commitments are set out in relation to the following objectives:</p> <ul style="list-style-type: none"> • To minimise impacts on designated sites, and protected species • To minimise impact on biodiversity and habitats • To ensure there is no net loss of habitats and to minimise the impact on protected species. • To minimise impacts on riparian habitats and aquatic species through detailed design • To minimise impacts on watercourses and water dependant habitats <p>Amongst the commitments to minimise impacts on protected species and habitats is to undertake construction activities at specific times or seasons, for example a commitment that:</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
		<ul style="list-style-type: none"> • “No construction works to structures such as buildings or bridges with hibernation potential, can be carried out within the hibernation period from November to the end of February inclusive, as these times of year are particularly sensitive times for bats, where they may be at an increased risk of suffering adverse effects from disturbance.” (Page 2-7.46 of Table 2.1) • where reasonably practicable construction activities near to known barn owl breeding sites shall be avoided between March and August (as shown on ES Figure 6.15 Barn Owl Territory). (Page 2-7.46 of Table 2.1) • Where works in watercourses are unavoidable, the timing of the works shall be determined in consultation with the Environment Agency (and for SAC watercourses Natural England), based on location specific evidence, with the aim of avoiding the most sensitive periods (see also MW-BD-05). (Page 2-4-43 of table 2.1) • Impacts on fish shall be minimised through sensitive timing of works that give rise to significant noise and vibration (page 2-4-43 of table 2.1) <p>The objective, set out at page 2-7.30 of the REAC Table 3-2 of the EMP (REP3-004), is to ensure appropriate measures are implemented during site establishment so as to minimise impacts to the environment. Amongst the actions and commitments in relation to this objective are:</p> <p>To prepare a Site Establishment Plan which will include (to the extent applicable to the relevant part of the Project), as a minimum, the following commitments during construction of the Project:</p> <ul style="list-style-type: none"> • Where reasonably practicable, the principal contractor will seek to avoid Best and Most Versatile agricultural land (informed by the soil survey) when finalising land required temporarily to facilitate construction. • Compound locations, haul routes and storage areas will be selected to avoid designated sites, and be as far away from sensitive receptors as reasonably practicable (for example local residential properties, priority habitats and known locations of protected species, areas at high risk of flooding (those in Flood Zone 3)
5.44	<p>If avoidance or reduction of harm is not possible, applicants should include appropriate mitigation measures, in line with the mitigation hierarchy, as an integral part of their proposed development, including identifying where and how these will be secured in the long term.</p>	<p>Appropriate embedded ecological mitigation in line with the mitigation hierarchy has been outlined within ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and secured within the EMP (Document Reference 2.7, REP3-005).</p>
5.46	<p>The applicant should not just look to mitigate direct harms but should show how the project has taken advantage of opportunities to conserve and enhance biodiversity, having regard to any relevant Local Nature Recovery Strategy. Opportunities will be taken to enhance or expand existing habitats and create new habitats in accordance with biodiversity net gain requirements. Habitat creation, enhancement and management proposals should include measures for climate resilience, including appropriate species selection. Maintaining habitat connectivity is important for climate resilience and the biodiversity of ecological networks.</p>	<p>Our compliance with this policy is set out in response to paragraphs 4.20-4.22 above.</p> <p>Measures to ensure climate resilience, including appropriate species selection, is set out within the LEMP. This includes ensuring habitat connectivity is maintained in response to climate change (Document Reference 2.7, REP3-003; B1.5.22; B1.6.8, B1.20.3)</p>
5.47	<p>Wider ecosystem services and benefits of natural capital should also be considered when designing enhancement measures in order to maximise multi- functional benefits whilst minimising land take. For example, this can be achieved through integration of Biodiversity net gain features within a sustainable drainage system; the use of green roofs and walls to harvest rainwater and ameliorate urban heating; or the restoration of rivers to reduce flood risk and provide attractive amenity areas.</p>	<p>Biodiversity enhancements have been maximised within the Project footprint by developing mitigation with multi-functional benefits. For example, balancing ponds have been designed to maximise opportunities for aquatic wildlife (Document Reference 2.7, REP3-005; D-BD-06) and planting required for landscape integration, visual screening or water attenuation have been designed to maximise biodiversity value (Document Reference 5.11, REP3-040; BNG03).</p>
Decision making		
5.51	<p>As a general principle, and subject to the specific policies below, development should <u>at first</u> avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. The applicant may also wish to make use of biodiversity offsetting⁷⁵ in devising compensation proposals to counteract any impacts on biodiversity which cannot be avoided or mitigated If avoidance is not possible, mitigation needs to be considered (as set out in paragraphs 5.43 to 5.49 above). Where significant harm</p>	<p>In substance this policy is similar to the current NNNPS paragraphs 5.25. Therefore, the Applicant’s compliance statement set out in response to the original paragraphs 5.25 provides a response to the revised paragraph 5.51 (see page 3-9.123 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	cannot be avoided or mitigated; it should be compensated for as a last resort, appropriate compensation measures should be sought with on-site mitigation being considered prior to off-site. The Secretary of State will give significant weight to any residual harm.	
5.52	In taking decisions, the Secretary of State should ensure that appropriate weight is attached to: designated sites of international, national, and local importance; irreplaceable habitats ; protected species; habitats and other species of principal importance for the conservation of biodiversity; local nature recovery strategies ; and to biodiversity and geological interests within the wider environment.	In substance this policy is similar to the current NNNPS paragraph 5.26 Therefore, the Applicant's compliance statement set out in response to the original paragraph 5.26 provides a response to the revised paragraph 5.52 (see page 3-9.124-125 of Appendix A NNNPS Conformity Table (APP-242)). With respect to the additions to this policy it is confirmed that the assessment that has been carried out to determine likely significant effects on internationally, nationally and locally designated sites and all potential ecological receptors includes the consideration of irreplaceable habitats. This has included identifying and exploring opportunities to link to existing initiatives such as the Local Nature Recovery Networks and relevant Local Nature Recovery Strategies within the Landscape and Ecological Management Plan (LEMP) (Document Reference 2.7, REP3-003, Pg B1-4).
Internationally important nature sites		
5.53	The most important sites for biodiversity in the UK are those identified through and designated to meet the obligations of international biodiversity conventions, and European Directives . The which are afforded special protection by the Habitats Regulations provide statutory protection for European sites ⁷⁶ (see also paragraphs 4.22 to 4.25). The National Planning Policy Framework states that the These sites are designated as Special Areas of Conservation and Special Protection Areas and are collectively known as Habitats Sites. The following wildlife sites should have be given the same protection as European sites legally protected by the Habitats Regulations:- potential Special Protection Areas and possible Special Areas of Conservation;- listed or proposed Wetlands of International Importance (Ramsar sites); ⁷⁷ and sites identified, or required, as compensatory measures for adverse effects on European listed or proposed Ramsar habitats sites.	In substance this policy is similar to the current NNNPS paragraphs 5.27 Therefore, the Applicant's compliance statement set out in response to the original paragraphs 5.27 provides a response to the revised paragraph 5.53 (see page 3-9.125 of Appendix A NNNPS Conformity Table (APP-242)).
5.54	The Habitats Regulations set out a specific process (see paragraphs 4.12 to 4.16) to assess the likely implications for these sites from a proposed plan or project. To maintain the overall coherence of the National Site Network, such plans or projects may only proceed if the assessment concludes they will not adversely affect the integrity of the site or, in the case of a negative assessment, if there are no alternative solutions, and they must proceed for imperative reasons of overriding public interest with the necessary compensatory measures secured.	Our compliance with this policy is set out in response to paragraphs 4.22-4.25 above. It can be confirmed that the Habitats Regulation Assessment process has been followed to the completion of Stage 2 (Appropriate Assessment); the HRA can be concluded at Stage 2, and there is no requirement to move to HRA Stages 3 (Assessment of Alternatives) and 4 (IROPI) for the purposes of compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) or the draft revised NNNPS.
Nationally important nature sites: Sites of Special Scientific Interest		
5.55	Many Sites of Special Scientific Interest (SSSIs) are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs Sites of Special Scientific Interest not covered by an international designation, should be are given a high degree of protection. All by the Wildlife and Countryside Act 1981. Most of the land that has been declared by Natural England as National Nature Reserves are also notified as SSSIs Sites of Special Scientific Interest.	In substance this policy is similar to the current NNNPS paragraphs 5.28 Therefore, the Applicant's compliance statement set out in response to the original paragraphs 5.28 provides a response to the revised paragraph 5.55 (see page 3-9.126 of Appendix A NNNPS Conformity Table (APP-242)).
5.56	Where a proposed development on land within or outside a SSSI Site of Special Scientific Interest is likely to have an adverse effect on an SSSI a Site of Special Scientific Interest (either individually or in combination with	In substance this policy is similar to the current NNNPS paragraphs 5.29 Therefore, the Applicant's compliance statement set out in response to the original paragraphs 5.29 provides a response to the revised paragraph 5.56 (see page 3-9.126-129 of Appendix A NNNPS Conformity Table (APP-242)).

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	<p>other developments), development consent should not normally be granted. Where an adverse effect on the site's notified special interest features is likely, an <u>The only</u> exception should be made only is where the benefits of the development at this site in the location proposed clearly outweigh both the impacts that it is likely to have <u>impact</u> on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs <u>Sites of Special Scientific Interest</u>. The Secretary of State should ensure that the applicant's proposals to mitigate the harmful ⁷⁸ aspects is bound by the duty placed on all public bodies in section 28G of the development <u>Wildlife and, where possible, to ensure Countryside Act 1981 to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the site's biodiversity or geological interest, are acceptable. Where necessary, requirements and/or planning obligations should be used to ensure these proposals are delivered. <u>features by reason of which a site is of special scientific interest.</u></u></p>	
Irreplaceable habitats including ancient woodland, and ancient and veteran trees		
5.57	<p>Ancient woodland, <u>ancient wood pastures and parkland, and ancient and veteran trees are irreplaceable habitats. Their long-standing presence, species and form serve as a rich cultural record of past management practices. Ancient and veteran trees are</u> a valuable biodiversity resource both for its diversity of species and for its longevity as woodland unique ecological conditions, once lost it <u>they</u> cannot be recreated.</p> <p>The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this.</p> <p><u>Many ancient woodlands provide ecosystem services, for example, water and soil health, carbon storage, flood alleviation and pollution mitigation as well as providing public access, allowing people to make important contact with nature that helps to promote interest in the protection of these habitats, while delivering many health and wellbeing benefits. Keepers of Time, the government's policy for ancient and native trees and woodlands in England sets out the government's commitment to maintain and enhance the existing area of ancient woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active management.</u></p>	<p>In substance this policy is similar to the current NNNPS paragraphs 5.32. Therefore, the Applicant's compliance statement set out in response to the original paragraphs 5.32 provides a response to the revised paragraph 5.53 (see page 3-9.125 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>There has been a minor addition to the compliance statement set out in Appendix A of the Conformity Table in relation to those aspects of the policy that protect Ancient Woodland, as follows:</p> <p>"Ancient Woodland: The Project has been designed to avoid all impact on ancient woodland except where a small encroachment has been unavoidable for the purpose of drainage connection/upgrades. However, it should be emphasised that there will be no loss of ancient woodland or aged or veteran trees as a result of the drainage upgrade works, and that embedded mitigation detailed within both the ES Chapter 6 Biodiversity (Document Reference 3.2, APP-049) and the EMP include measures to ensure no accidental encroachment or adverse impacts to this ancient woodland (Document Reference 2.7, REP6-003). Furthermore, Natural England were consulted regarding the minor encroachment for drainage upgrade works and it was agreed that all work would follow UK Government advice (2022) for ancient woodland which has been included and secured within the EMP (MW-BD-23, Document Reference 2.7, REP6-003). It is therefore considered that the Project is fully compliant with the revised requirements of the NN NPS since no ancient woodland/veteran or aged tree is being lost and there are no adverse impacts on areas of ancient woodland as a result of the Project which has been agreed through consultation with Natural England.</p>
Locally important nature sites		
5.60	<p>Sites of regional and local biodiversity and geological interest, (which include Local Geological Sites, Local Nature Reserves and Local Wildlife Sites and Nature Improvement Areas) <u>have a fundamental role to play in meeting overall national biodiversity targets, in, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. They can also provide wider</u></p>	<p>In substance this policy is similar to the current NNNPS paragraphs 5.31 Therefore, the Applicant's compliance statement set out in response to the original paragraphs 5.31 provides a response to the revised paragraph 5.60 (see page 3-9.129-5.130 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NNNPS Paragraph	Revised Requirement of Draft Revised National Networks National Policy Statement	Update to A66 Compliance with Revised Requirement of the Consultation Draft NNNPS
	<p>benefits including contributing to the quality of life and the well-being of the community, and in supporting research and education. The Secretary of State should give due consideration to any such harm to the detriment of biodiversity features of regional or local designations importance which it considers may result from a proposed development. However, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent. nevertheless the mitigation hierarchy applies to these sites.</p>	

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
Biodiversity within and around developments		
5.61	<p>Development proposals potentially provide many opportunities for building in incorporating beneficial biodiversity or geological features as part of good design⁹⁵.⁸⁰ <u>Nature contributes to the quality of a place, to people's quality of life, the attractiveness of active travel routes and movements, and it is a critical component of well-designed development. Road and rail projects can also play a part in meeting government tree planting and nature recovery targets through partnership working with adjoining landowners, delivering biodiversity, carbon offsetting and social benefits.</u></p>	<p>The first sentence of this policy is similar to the current NNNPS paragraphs 5.33. Therefore, the Applicant's compliance statement set out in response to this part of the policy 5.33 provides a response to the revised paragraph 5.61 (see page 3-9.134-136 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>The Applicant can confirm in relation to the additional text (compared to the current NNNPS) that account has been taken of opportunities to mitigate adverse effects and, where possible, enhance quality of life through environmental design and mitigation. The horizontal and vertical alignment of the Project has been designed to reduce noise and visual effects on residential neighbourhoods and rural communities. The Environmental Management Plan includes landscape planting to provide visual screening, landscape integration, visual and auditory amenity, and to enhance the built environment.</p> <p>Effects on quality of life have been assessed in ES Chapter 13. In terms of design features incorporated into the Project, noise screening and landscape planting as set out in the Environmental Management Plan will serve to reduce adverse effects on quality of life. The provision of new cycling and walking routes, with associated landscaping, will enhance quality of life for local residents.</p> <p>The compliance statement set out above, in relation to new and revised policies 4.20-4.22 also describe how the Applicant is seeking to deliver biodiversity enhancements. This also sets out how opportunities will be sought to link to existing initiatives including the Local Nature Recovery Networks and Local Nature Recovery Strategies (and their associated recovery targets) in the Landscape and Ecological Management Plan (LEMP) (Document Reference 2.7, REP3-003, B1-4).</p>
5.62	<p><u>Consideration should be given to the impacts on, and improvement to, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, relevant to the local area and communities. The value of linear infrastructure and its footprint in supporting biodiversity and connecting habitats ecosystems should also be taken into account. Local Nature Recovery Strategies will identify opportunities to create or enhance habitat likely to have greatest benefit to biodiversity and wider environmental improvement. Consideration should also be given to national priorities and targets, such as reduced flood risk, improved air or water quality, and increased access to natural greenspace, or tree planting, woodland creation and protecting long established woodlands.</u></p>	<p>The Applicant's compliance with this policy is set out in response to paragraphs 4.20-4.22 above.</p>
Habitats and species of principal importance		
5.64	<p>Many individual wildlife species receive statutory protection under a range of legislative provisions.⁸⁴</p> <p>5.35 <u>Other provisions</u>¹. Some species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales⁸² <u>Wales</u>^m and therefore requiring conservation action. <u>As a public authority, the Secretary of State is bound by the duty in by section 40 of the Natural Environment and Rural Communities Act 2006 (as amended by section 102 of the Environment Act 2021) to periodically consider what action the authority can take, consistent with the exercise of its functions, to further the conservation and enhancement of biodiversity. In doing so the Secretary of State may consider the impact on species or habitats listed under Section 41 of the Act.</u> The Secretary of State should ensure that applicants have taken measures to ensure these species and habitats are protected from the adverse effects of development. Where appropriate, by using requirements or <u>planning obligations may be used in order to deliver this protection, or license conditions.</u> The Secretary of State should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits of the development (including need) clearly outweigh that harm.</p>	<p>In substance this policy is similar to the current NNNPS paragraphs 5.34-35 Therefore, the Applicant's compliance statement set out in response to the original paragraphs 5.34-35 provides a response to the revised paragraph 5.64 (see page 3-9.136-137 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
Resource and waste management		
Applicant's assessment		
5.66	<p>The applicant should demonstrate that they will adhere to the waste hierarchy, minimising the volume of waste produced and maximising reuse and recycling for waste that cannot be avoided. Where possible, applicants are encouraged to use low carbon materials, sustainable sources, and local suppliers. Consideration should be given to circular economy principles wherever practicable, for example by using longer lasting materials efficiently, optimising the use of secondary materials and how the development will be maintained and decommissioned. Applicants should consider and take into account emerging government policy, including the Waste Prevention Programme for England and Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, which provides practical guidance on how to improve appropriate soil reuse on construction sites and reducing the volume that is sent to landfill.</p>	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>Sustainable waste management and the waste hierarchy are key elements of the Materials Assets and Waste assessment as set out in Chapter 11 of the ES (APP-054).</p> <p>The Applicant is committed to sourcing construction materials with a high recycled content and supporting a circular economy. The ES (Chapter 11) includes reference to the circular economy as part of the mitigation measures proposed. Much of the waste mitigation proposed to be designed out is linked to the circular economy.</p> <p>Waste prevention is a key part of the assessment presented in Chapter 11 of the ES and is promoted through the implementation of the waste hierarchy. The arrangements for managing waste generated from the Project are also included in the mitigation section as well as the Environmental Management Plan (EMP) and Site Waste Management Plan (SWMP) (REP3-007).</p> <p>The sustainable use of soils are a key element of the Material Assets and Waste Chapter (APP-054) including the re-use of clean soils and the treatment of contaminated soils.</p> <p>The Geology and Soils Chapter 9 (APP-052) covers the sustainable use of soil in more detail. A Soil Resource Plan and a Material Management Plan form the mitigation measures as presented in the EMP (APP-019) and associated Annex B8 (APP 028 and Annex B9 (APP-029). Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites is refenced in the Geology & Soils Chapter (APP-052).</p>
Mitigation		
5.67	<p>Sustainable waste management is implemented through the "waste hierarchy":</p> <ul style="list-style-type: none"> • prevention; • preparing for reuse; • recycling; • other recovery, including energy recovery; and • disposal 	<p>This policy is the same as the current NNNPS paragraph 5.40 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.40 provides a response to the revised paragraph (see page 139 of Appendix A NNNPS Conformity Table (APP-242)).</p>
Decision-making		
5.71	<p>The Secretary of State should consider the extent to which the applicant has proposed an effective process that will be followed to ensure safe and effective management of hazardous and non-hazardous waste arising from the construction and operation of the proposed development. It is advised that this is detailed in the dedicated plans summarising the sustainable use of resources and waste for both construction and operation as part of the application documentation. The Secretary of State should be satisfied that the process sets out:</p> <ul style="list-style-type: none"> • any such how waste will be properly managed, both on-site and off-site; • the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and that consideration has been given to available waste management infrastructure capacity to manage wastes arising from the development • adequate steps have been taken to minimise the volume of waste arisings, arising and of the volume of waste arisings sent to disposal, except where an alternative is the most sustainable outcome overall. maximise opportunities for reuse and recycling 	<p>In substance, this policy is similar to the current NNNPS paragraph 5.43 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.43 provides responses to the revised paragraph (see pages 140 – 141 of Appendix A NNNPS Conformity Table (AP-242)).</p> <p>However, in addition, the Proximity Principle is a key element of the Material Assets and Waste chapter (APP-054) and Site Waste Management Plan (REP3-007). The Preferred Contractor(s) will identify waste management facilities for the management of all waste streams arising from the site whilst achieving compliance with all relevant legislation. The waste management facilities, where feasible, will be as close to the Project as practicable, in line with the proximity principle for waste treatment and disposal. The proximity principle is the requirement to treat and/or dispose of wastes in reasonable proximity to their point of generation.</p> <p>The sustainable use of materials is key element of the Material Assets and Waste assessment (Chapter 11, APP-054).</p> <p>The re-use of materials is a key part of the assessment and is promoted through the implementation of the waste hierarchy. The Preferred Contractor is obliged to investigate the opportunities to re-use excavated materials, existing foundations, structures, pavements, floor slabs and services onsite as outlined in the Material Assets and Waste Assessment (Chapter 11, APP-054) and Site Waste Management Plan (REP3-007).</p> <p>The recycling of residual waste arising from the Project is also a key element of the Material Assets and Waste assessment (Chapter 11, APP-054) and Site Waste Management Plan (REP3-007). The Project has a target to achieve at least 90% (by weight) material recovery of non-hazardous CDW as set out in the DMRB LA 110.</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
5.73	Where possible, projects should include the reuse of materials and use of sustainable materials such as timber, or recycled materials.	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>The sustainable use of materials is key element of the Material Assets and Waste assessment (Chapter 11, APP-054).</p> <p>The re-use of materials is a key part of the assessment and is promoted through the implementation of the waste hierarchy. The Preferred Contractor is obliged to investigate the opportunities to re-use excavated materials, existing foundations, structures, pavements, floor slabs and services onsite.</p> <p>In addition, the Project will be committed to:</p> <ul style="list-style-type: none"> • Specifying the use of materials with a high percentage of re-used/recycled content of at least 31%. • Local sources for aggregate supplies should be considered whenever possible. • Utilising supplier or manufacturer packaging return schemes. <p>The Project establishes a target of a minimum 31% recycled content, for those activities where it is technically and economically feasible to use these alternative materials as substitutes for primary aggregates. This target has also been applied in the development of the Project's Environmental Management Plan (EMP) Application Document Number 2.7 Reference MW-MAW-03. The target has also been applied in the development of the Project's Site Waste Management Plan (SWMP) (Annex B2 of the Environmental Management Plan (EMP) (REP3-007).</p> <p>Structures, drainage and signage products will be procured with consideration of the environmental impacts associated with their manufacture, as well as other considerations such as structural design, carbon footprint (PAS 2050), energy consumption, long-life performance, visual impacts, durability and cost. The procurement of sustainable materials will be secured through the EMP Application Document Number 2.7 Reference MW-MAW-01.</p>
Civil and military aviation and defence interests		
Applicant's assessment		
5.83	Where the proposed development may have an effect on civil or military aviation and/or other defence assets, an assessment of potential effects should be carried out.	The policy within the draft revised paragraphs 5.83 – 5.94 is the same as the current NNNPS paragraphs 5.55 – 5.62 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.55 – 5.62 provides a response to the revised paragraphs (see pages 141 – 145 of Appendix A NNNPS Conformity Table (APP-242)).
5.84	The applicant should consult the MoD, CAA Ministry of Defence, Circular and Civil Aviation Authority , National Air Traffic Services (NATS) and any aerodrome — licensed or otherwise — likely to be affected by the proposed development in preparing an assessment of the proposal on aviation or other defence interests.	However, it should be noted that throughout Examination, the Applicant has provided updated Statements of Common Ground between the Defence Infrastructure Organisation and National Highways at Deadline 3 [Document Reference 7.22, REP3-052], Deadline 5 [Document Reference 7.22, REP5-021] and Deadline 6 [REP6-019]. National Highways have reached agreement on the contents of the SoCG with the Defence Infrastructure Organisation and a signed copy of this SoCG was submitted at Deadline 6.
5.85	Any assessment on aviation or other defence interests should include potential impacts during construction and operation of the project upon the operation of CNS communications, navigation and surveillance infrastructure, flight patterns (both civil and military), other defence assets and aerodrome operational procedures.	
Decision-making		
5.91	The Secretary of State should be satisfied that effects on civil and military aviation and other defence assets have been addressed by the applicant and that any necessary assessment of the proposal on aviation or defence interests has been carried out. In particular, it should be satisfied that the proposal has been designed to minimise adverse impacts on the operation and safety of aerodromes and that reasonable mitigation is carried out. It may also be appropriate to expect operators of the aerodrome to consider making reasonable changes to operational procedures. The Secretary of State will have regard to the necessity, acceptability and reasonableness of operational changes to aerodromes, and the risks or harm of such changes when taking decisions. When making such a judgement in the case of military aerodromes,	

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
	the Secretary of State should have regard to interests of defence and national security.	
5.92	If there are conflicts between the Government's national networks policies and military interests in relation to the application, the Secretary of State expects the relevant parties to have made appropriate efforts to work together to identify realistic and pragmatic solutions to the conflicts. In so doing, the parties should seek to protect the aims and interests of the other parties as far as possible.	
5.94	Where, after reasonable mitigation, operational changes and planning obligations and requirements have been proposed, development consent should not be granted if the Secretary of State considers that: <ul style="list-style-type: none"> • a development would prevent a licensed aerodrome from maintaining its licence; • the benefits of the proposed development are outweighed by the harm to aerodromes serving business, training, or emergency service needs; or • the development would significantly impede or compromise the safe and effective use of defence assets or significantly limit military training. 	
Dust, odour, artificial light, smoke, steam		
Introduction		
5.112	Because As a result of the potential effects of these emissions and in view of the availability of the defence of statutory authority against nuisance claims described previously, it is important that the potential for these impacts is considered by the applicant in their application, by the Examining Authority in examining applications and by the Secretary of State in taking decisions on development consents.	This policy is the same as the current NNNPS paragraph 5.82 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.82 provides a response to the revised paragraph (see page 145 of Appendix A NNNPS Conformity Table (APP-242)).
5.113	For nationally significant infrastructure Projects of the type covered by this NPS, some impact on amenity for local communities is likely to be unavoidable. Impacts should be kept to a minimum and should be at a level that is acceptable.	This policy is the same as the current NNNPS paragraph 5.83 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.83 provides a response to the revised paragraph (see page 145 of Appendix A NNNPS Conformity Table (APP-242)).
Applicant's assessment		
5.114 – 5.116	<p>Where the development is subject to an Environmental Impact Assessment, the applicant should assess any likely significant effects on amenity from the potential for emissions of odour, dust, steam, smoke and artificial light and describe these in the Environmental Statement to have a detrimental impact on amenity.</p> <p>In particular, the assessment provided by the applicant should describe:</p> <ul style="list-style-type: none"> • the type and quantity of emissions; • aspects of the development which may give rise to emissions during construction, operation and decommissioning; • premises of, locations or species that may be affected by the emissions; emission • effects of the emission on identified premises or locations; and • measures to be employed in preventing or mitigating the emissions. <p>The applicant is advised to consult the relevant local planning authority environmental health team and, where appropriate, the Environment Agency about the scope and methodology of the assessment.</p>	<p>In substance this policy is similar to the current NNNPS paragraphs 5.84 – 5.87 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.84 – 5.87 provides a response to the revised paragraphs (see pages 145 – 146 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>The Applicant would however amend the third paragraph of the original response to include reference to nature conservation and species. The amended third paragraph would therefore read as follows:</p> <p>Steam, smoke and dust have been described and assessed in Chapter 5 (Air Quality) of the ES, and artificial light has been considered in Chapters 11 (Landscape and Visual) and 8 (Cultural Heritage) of the ES (Application Documents 3.2-3.4). The landscape and visual chapter has also considered artificial light and light spill affecting the character of the night sky within the AONB. Chapter 6 (Biodiversity) considers light spill on nature conservation and species and how this has been considered and embedded within the Project's mitigation.</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
Mitigation		
5.117	The Secretary of State should ensure the applicant has provided sufficient information to show that any necessary mitigation will be put into place. In particular, the Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning emissions of odour, dust, steam, smoke, artificial light from the development to reduce any loss to amenity which might arise during the construction and operation of the development. This should be detailed within a Statement Relating to Statutory Nuisance.	This policy is the same as the current NNNPS paragraph 5.89 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.89 provides a response to the revised paragraph (see page 147 of Appendix A NNNPS Conformity Table (APP-242)). However, it is worth noting that the paragraph numbers referenced in the original response will change as a result of the revised NNNPS paragraph numbering, and the applicant would therefore point to the responses above at revised paragraph numbers 5.112 – 5.118. The Applicant also highlights that a Statement of Statutory Nuisance was submitted with the DCO application (APP-288). All environmental mitigation, including that in relation to emissions of odour, dust, steam, smoke and artificial light from the development is contained in the Environmental Management Plan (REP6-003).
5.118	The Secretary of State should be satisfied that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from emissions of odour, dust, steam, smoke and artificial light. This includes the impact of light pollution from artificial light on local amenity, inherently dark landscapes and nature conservation, using directed light when necessary.	
Flood risk		
Introduction		
5.120	Climate change over the next few decades is likely to mean milder wetter winters and hotter drier summers in the UK, while sea levels will continue to rise alongside changes in rainfall patterns. Within the lifetime of nationally significant infrastructure projects, these factors will lead to increased flood risks in areas susceptible to flooding, and to an increased risk of flooding in some areas which are not currently thought of as being at risk. The applicant, the Examining Authority and the Secretary of State (in taking decisions) should take account of the policy on climate change adaptation in paragraphs 4.364.30 4.474.30 to 4.474.41 .	In substance this policy is similar to the current NNNPS paragraph 5.90 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.90 provides a response to the revised paragraph (see pages 147-148 of Appendix A NNNPS Conformity Table (APP-242)).
5.121	The National Planning Policy Framework (paragraphs 400.159 to 404.169) makes clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. But where development is necessary, it should be made safe without increasing flood risk elsewhere. The guidance supporting at Annex 3 to the National Planning Policy Framework explains that essential transport infrastructure (including mass evacuation routes), which has to cross the area at risk, is permissible in areas of high flood risk, subject to the requirements of the Exception Test. The Exception Test assesses the safety of a site, including whether the proposed development will be safe from flooding for its lifetime, including the impact of climate change.	In substance this policy is similar to the current NNNPS paragraph 5.91 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.91 provides a response to the revised paragraph (see pages 148-150 of Appendix A NNNPS Conformity Table (APP-242)).
Applicant's assessment		
5.122 – 5.124	Applications for projects in the following flood zone locations should be accompanied by a flood risk assessment (FRA) Flood Risk Assessment : <ul style="list-style-type: none"> • Flood Applications in flood Zones 2 and 3, which represent a medium and high probability of river and sea flooding; • Flood Applications in flood Zone 1 (which represent a low probability of river and sea flooding) for. This includes projects of 1 hectare or greater, projects which may be subject to other sources of flooding (local watercourses, surface water, groundwater or reservoirs), or where the Environment Agency has notified the local planning authority that there are critical drainage problems. • Applications where there is less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from 	In substance this policy is similar to the current NNNPS paragraphs 5.92 – 5.94 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.92- 5.94 provides a response to the revised paragraph (see pages 150 - 153 of Appendix A NNNPS Conformity Table (APP-242)). Regarding the additional text to the draft revised NNNPS relating to the need to demonstrate how residual risks to and from reservoirs will be safely managed and/ or mitigated, National Highways confirms that the FRA clearly explains the residual risk to the Project from reservoir flooding and that the residual risk will be managed using local emergency plans developed for all eventualities by National Highways, Environment Agency, Westmorland and Furness Council, Cumbria Constabulary and other statutory bodies.

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
	<p><u>commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs)</u></p> <p>This<u>The Flood Risk Assessment</u> should identify and assess the risks of all forms of flooding <u>and coastal erosion</u> to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.</p> <p>In preparing an FRA<u>a Flood Risk Assessment</u> the applicant should:</p> <ul style="list-style-type: none"> • consider the risk of all forms of flooding arising from the project (including in adjacent parts of the United Kingdom), in addition to the risk of flooding to the project, and demonstrate how these risks will be managed and, where relevant, mitigated, so that the development remains safe throughout its lifetime;⁹⁴<u>lifetime</u>⁹ • take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made;¹⁰¹ • <u>demonstrate how residual risks to and from reservoirs will be safely managed and/ or mitigated</u> • consider the vulnerability of those using the infrastructure including arrangements for safe access and exit;<u>escape</u> • include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular project; • consider if there is a need to remain operational during a worst -case flood event over the development's lifetime; • provide the evidence<u>rationale</u> for the Secretary of State to apply on the application of the Sequential Test and Exception Test, as appropriate. 	
5.125	<p>Applicants for projects which may be affected by, or may add to, flood risk are advised to should seek sufficiently early pre-application discussions, <u>before the official pre- application stage of the NSIP process</u> with the Environment Agency, and, where relevant, other flood risk management bodies such as lead local flood authorities, Internal Drainage Boards, sewerage undertakers, <u>and</u> highways authorities and reservoir owners and operators. Such discussions can be used to identify the likelihood and possible extent and nature of the flood risk, to help scope the FRA<u>Flood Risk Assessment</u>, and identify the information that will be required by the Secretary of State to reach a decision on the application once it has been submitted and examined. If the Environment Agency has concerns about the proposal on flood risk grounds, the applicant is encouraged to should discuss these concerns with the Environment Agency and look to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the Environment Agency's concerns, preferably before the application for development consent is submitted.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.96 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.96 provides a response to the revised paragraph (see page 153 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>The Applicant notes that it has provided updated Statements of Common Ground between the Environment Agency and National Highways during the Examination at Deadline 3 (Document Reference 4.5 Rev 2) (REP3-035) and Deadline 5 (Document Reference 4.5 Rev 3) (REP5-007)</p>
5.126	<p>For local flood risk (surface water, groundwater and ordinary watercourse flooding), local flood risk management strategies and surface water management plans provide useful sources of information for consideration in Flood Risk Assessments. Surface water flood issues need to be understood and then account of these issues can be taken, for example flow routes should be clearly identified and managed.</p>	<p>This policy is the same as the current NNNPS paragraph 5.97 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.97 provides a response to the revised paragraph (see pages 153-154 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
Decision-making		
5.138	<p>Where flood risk is a factor in determining an application for development consent, the Secretary of State should be satisfied that, where relevant:</p> <ul style="list-style-type: none"> the application is supported by an appropriate FRA: Flood Risk Assessment the Sequential Test (see the National Planning Policy Framework) has been satisfactorily applied as part of site selection and, if required, the Exception Test (see the National Planning Policy Framework). 	<p>In substance this policy is similar to the current NNNPS paragraph 5.98 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.98 provides a response to the revised paragraph (see page 154 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.139	<p>When determining an application, the Secretary of State should be satisfied that flood risk will not be increased elsewhere and only consider development appropriate in areas at risk of flooding where (informed by a flood risk assessment Flood Risk Assessment, following the Sequential Test and, if required, the Exception Test), it can be demonstrated that:</p> <ul style="list-style-type: none"> within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and priority is given to the use of Sustainable Drainage Systems 	<p>This policy is the same as the current NNNPS paragraph 5.99 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.99 provides a response to the revised paragraph (see pages 155- 156 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.141	<p>For construction work which has drainage implications implications^{S, 92} approval for the project's drainage system will form part of any development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Technical Standards published by Ministers under Paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010 Ministers^{t, 93}. In addition, the development consent order Development Consent Order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any Sustainable Drainage Systems (SuDS), including any necessary access rights to property. Sustainable Drainage Systems should deliver multifunctional benefits and help to achieve Biodiversity net gain. The Secretary of State, should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS Sustainable Drainage Systems, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the applicant, the landowner, the relevant local authority, and the relevant Sustainable Drainage Systems Approval Body or another body such as the Internal Drainage Board. Where infiltration type Sustainable Drainage Systems are proposed, pre-applications with the Environment Agency are recommended to ensure they do not cause pollution to surface and groundwater quality and applicants should consider the role of Sustainable Drainage Systems management trains to control and treat run-off.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.100 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.100 provides a response to the revised paragraph (see pages 156-157 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>Regarding the additional text to the draft revised NNNPS relating to infiltration type Sustainable Drainage Systems, the Applicant confirms that infiltration is not proposed in the Drainage Strategy at this stage because the preliminary ground investigations indicate that the infiltration potential is low throughout the site, there are dissolution features near the drainage systems in some locations and in order to minimise the risk of contamination entering groundwater bodies.</p> <p>Should infiltration system be proven viable at the detailed design stage, the EA will be formally consulted in accordance with the procedure set out in the Environmental Management Plan (REP6-003), specifically provision D-RDWE-01 & D-RDWE-02.</p> <p>Regarding multifunctional benefits for biodiversity, mitigation with multifunctional benefits have been developed within the Project footprint to maximise biodiversity enhancements where possible. For example, balancing ponds have been designed to maximise opportunities for aquatic wildlife (Document Reference 2.7, REP3-005; D-BD-06). Existing ditches are to be widened, their slopes slackened with emergent reedbeds introduced to replicate a natural watercourse where possible to further maximise biodiversity benefits (LI15, Project Design Principles, Document reference 5.11, REP6-015). In addition, planting required for water attenuation has also been designed to maximise biodiversity value (Document Reference 5.11, REP3-040; BNG03).</p>
5.142	<p>If the Environment Agency continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied before deciding whether or not to Secretary of State can grant consent, but would need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the Environment Agency to try and resolve the concerns.</p>	<p>This policy is the same as the current NNNPS paragraph 5.101 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.101 provides a response to the revised paragraph (see pages 157 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
5.143	<p>The Secretary of State should expect that reasonable steps have been taken to avoid, limit and reduce the risk of flooding to the proposed infrastructure and others. However, the nature of linear infrastructure means that there will be cases where:</p> <ul style="list-style-type: none"> • upgrades are made to existing infrastructure in an area at risk of flooding; • infrastructure in a flood risk area is being replaced; • infrastructure is being provided to serve a flood risk area; and • infrastructure is being provided connecting two points that are not in flood risk areas, but where the most viable route between the two passes through such an area. 	<p>This policy is the same as the current NNNPS paragraph 5.102 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.102 provides a response to the revised paragraph (see pages 157- 158 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.144	<p>The design of linear infrastructure and the use of embankments in particular, may mean that linear infrastructure can reduce the risk of flooding for the surrounding area <u>while also offering opportunities to enhance biodiversity. It should be demonstrated that there is no increase in flood risk elsewhere.</u> In such cases the Secretary of State should take account of any positive benefit to placing linear infrastructure in a flood-risk area.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.103 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.103 provides a response to the revised paragraph (see page 158 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>With regards to the additional sentence relating to biodiversity enhancements as part of this the Applicant has sought to identify additional opportunities for Biodiversity enhancement where possible. For example, the balancing ponds and associated ditches have been designed to maximise opportunities for aquatic wildlife and benefits relating to water quality with the provision of additional reedbeds and slacken slopes (Document Reference 2.7, REP3-005; D-BD-06; LI15, Project Design Principles, Document Reference 5.11, REP6-015).</p>
5.145	<p>Where linear infrastructure has been proposed in a flood risk area, the Secretary of State should expect reasonable mitigation measures to have been made, to ensure that the infrastructure remains functional in the event of predicted flooding.</p>	<p>This policy is the same as the current NNNPS paragraph 5.104 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.104 provides a response to the revised paragraph (see page 158 of Appendix A NNNPS Conformity Table (APP-242)).</p>
Mitigation		
5.133	<p>To satisfactorily manage flood risk and the impact of the natural water cycle on people, property and ecosystems, good design and infrastructure may need to be secured using requirements or planning obligations. This may include the use of sustainable drainage systems but could also include vegetation to help to slow runoff, hold back peak flows and make landscapes more able to absorb the impact of severe weather events.</p>	<p>This policy is the same as the current NNNPS paragraph 5.110 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.110 provides a response to the revised paragraph (see pages 158 - 159 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.133 – 5.137	<p>Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.</p> <p>The surface water drainage arrangements for any Project should be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed Project, unless specific off-site arrangements are made and result in the same net effect.</p> <p>It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration attenuation storage to be provided outside the Project site, if necessary, through the use of a planning obligation.</p> <p>The sequential approach should be applied to the layout and design of the Project. Vulnerable uses should be located on parts of the site at lower probability and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities can be taken to lower flood risk by improving flow routes, flood storage capacity and using SuDS.</p>	<p>This policy is the same as the current NNNPS paragraphs 5.112 – 5.115 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.112 -5.115 provides a response to the revised paragraph (see pages 159 - 160 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
Land contamination and instability		
Applicant's assessment		
5.148 – 5.149	<p>Where necessary, land contamination and stability should be considered in respect of new development, as set out in the National Planning Policy Framework and supporting planning guidance. Specifically, proposals should be appropriate for the location, including preventing unacceptable risks from land contamination or instability. If land stability could be an issue, applicants should seek appropriate technical and environmental expert advice from a competent person to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected. Applicants should liaise with the Coal Authority, Environment Agency and Local Authority if necessary.</p> <p>For developments on previously developed land, applicants should ensure and demonstrate that they have considered the risk posed by land contamination, through engagement in pre-application discussions, and how it is proposed to address these. A preliminary assessment for land and groundwater contamination to determine the rendition and mitigation is needed under Land Contamination Risk Management. A preliminary assessment of land contamination and ground instability should be carried out at the earliest possible stage before a detailed application for development consent is prepared. Applicants should ensure that any necessary investigations are undertaken to ascertain that their sites are, and will, remain stable or can be made so as part of the development. The site needs to be assessed in the context of surrounding areas where subsidence, landslides and land compression could threaten the development during its anticipated life or damage neighbouring land or property. This could be in the form of a land stability or slope stability risk assessment report.</p>	<p>In substance this policy is similar to the current NNNPS paragraphs 5.17- 5.18 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.17- 5.18 provides a response to the revised paragraph (see pages 160 - 161 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>The Applicant notes additional text to the policy wording relating to assessing potential risks of land and groundwater contamination and how these risks have been engaged upon, addressed and mitigated for through pre-application discussions and under Land Contamination Risk Management.</p> <p>Research of online Coal Authority information confirmed the route is not within a Coal Mining Reporting Area therefore no liaison with a Coal Authority was required. Liaison was held with British Gypsum Ltd regarding mining in the vicinity of Kirkby Thore as detailed in Table 11-13 of Chapter 11 Material Assets and Waste (APP-054). British Gypsum was consulted under Policy 48 of the County Durham Plan for Safeguarding Minerals Sites, as operators of an existing mineral site. As a result of such discussions the route was modified to avoid potential of abandoned and future workings.</p> <p>The risk posed by potential contamination sources has been considered in the ES Geology and Soils chapter (APP-052) and associated Appendix 9.3: Geology and Soils Detailed Risk Assessment and Conceptual Site Models (Application Document 3.4, APP-194). The assessment considered the historical and current land uses within 250m of the DCO Order Limits and where potential risk has been identified mitigation measures are presented in the EMP (REP3-004). Measures include Phase 2 targeted ground investigation and appropriate remediation strategies. A watching brief will be carried out if unexpected soil or groundwater contamination is encountered, and good site practice will be adopted to minimise impacts to construction works and the environment.</p> <p>Land and water contamination risk is reported in the Chapter 9 (Geology and Soils) of the ES (Application Documents 3.2-3.4 / APP-052) and Ground Investigation Reports (GIR's) Part 1 sections 5-7. (APP-189).</p> <p>The geotechnical risk associated with land stability is assessed within Appendix 9.2 (Ground investigation reports) ('GIRs') (Application Document 3.4 / APP-189) of Chapter 9 (Geology and Soils) of the ES (Application Documents 3.2-3.4 / APP-052) and the associated Preliminary Sources Study Report (PSSR) (National Highways, 2019) (Appendix 9.4) (Application Document 3.4 / APP-195).</p>
Historic Environment		
Introduction		
5.200	Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments, should be considered subject to the policies for designated heritage assets. The absence of designation for such heritage assets does not indicate lower significance.	This policy is the same as the current NNNPS paragraph 5.124 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.124 provides a response to the revised paragraph (see pages 161 - 162 of Appendix A NNNPS Conformity Table (APP-242)).
5.201	The Secretary of State should also consider the impacts on other non-designated heritage assets (as identified either through the development plan process by local authorities, including 'local listing', or through the nationally significant infrastructure Project examination and decision-making process) on the basis of clear evidence that the assets have a significance that merit consideration in that process, even though these assets are of lesser value than designated heritage assets.	In substance this policy is similar to the current NNNPS paragraph 5.125 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.125 provides a response to the revised paragraph (see page 162 of Appendix A NNNPS Conformity Table (APP-242)).
Applicant's assessment		
5.202	<p>First paragraph (previously 5.126) now removed.</p> <p>The applicant should undertake an assessment of any significant heritage impacts of the proposed project and should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant Historic Environment Record should</p>	<p>The Applicant notes the removal of the current NNNPS paragraph 5.126, however, notes that the policy wording in the revised NPS paragraph 5.202 remains the same as the current NNNPS paragraph 5.127. Therefore, the Applicant's compliance statement set out in response to the original paragraphs 5.126 – 5.127 provides a response to the revised paragraph (see pages 162- 164 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>In addition, the Applicant confirms that a programme of field evaluation has been undertaken and is set out in the following ES Appendices:</p> <ul style="list-style-type: none"> • 8.5 Geophysical Survey Report (Application Document 3.4) (APP- 182)

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
	have been consulted and the heritage assets assessed using appropriate expertise. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, the applicant should include an appropriate desk-based assessment and, where necessary, a field evaluation.	<ul style="list-style-type: none"> • 8.6 Trenching Report(s) (Application Document 3.4) (APP – 183) • 8.7 Geochemical Survey Report (Application Document 3.4) (APP -184).
Decision – making		
5.208	<p>In determining applications, the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise from:</p> <ul style="list-style-type: none"> • relevant information provided with the application and, where applicable, relevant information submitted during examination of the application; • any designation records; • the relevant Historic Environment Record(s), and similar sources of information; • representations made by interested parties during the examination; and • expert advice, where appropriate, and when the need to understand the significance of the heritage asset demands it. 	This policy is the same as the current NNNPS paragraph 5.128 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.128 provides a response to the revised paragraph (see page 164 of Appendix A NNNPS Conformity Table (APP-242)).
5.209	In considering the impact of a proposed development on any heritage assets, the Secretary of State should take into account the particular nature of the significance of the heritage asset and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal.	This policy is the same as the current NNNPS paragraph 5.129 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.129 provides a response to the revised paragraph (see page 165 of Appendix A NNNPS Conformity Table (APP-242)).
5.210	The Secretary of State should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities – including their economic vitality. The Secretary of State should also take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example, screen planting).	This policy is the same as the current NNNPS paragraph 5.130 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.130 provides a response to the revised paragraph (see page 165 of Appendix A NNNPS Conformity Table (APP-242)).
5.211	When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. Once lost, heritage assets cannot be replaced, and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including World Heritage Sites, Scheduled Monuments, grade I and II* Listed Buildings, Registered Battlefields, and grade I and II* Registered Parks and Gardens should be wholly exceptional.	This policy is the same as the current NNNPS paragraph 5.131 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.131 provides a response to the revised paragraph (see pages 166-167 of Appendix A NNNPS Conformity Table (APP-242)).

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
5.121	Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for any loss.	This policy is the same as the current NNNPS paragraph 5.132 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.132 provides a response to the revised paragraph (see pages 168-169 of Appendix A NNNPS Conformity Table (APP-242)).
5.213	Where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm, or alternatively that all of the following apply: <ul style="list-style-type: none"> • the nature of the heritage asset prevents all reasonable uses of the site; and • no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and • conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and • the harm or loss is outweighed by the benefit of bringing the site back into use. 	This policy is the same as the current NNNPS paragraph 5.133 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.133 provides a response to the revised paragraph (see page 169 of Appendix A NNNPS Conformity Table (APP-242)).
5.214	Where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.	This policy is the same as the current NNNPS paragraph 5.134 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.134 provides a response to the revised paragraph (see page 169 - 173 of Appendix A NNNPS Conformity Table (APP-242)).
5.215	Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. The Secretary of State should treat the loss of a building (or other element) that makes a positive contribution to the site's significance either as substantial harm or less than substantial harm, as appropriate, taking into account the relative significance of the elements affected and their contribution to the significance of the Conservation Area or World Heritage Site as a whole.	This policy is the same as the current NNNPS paragraph 5.135 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.135 provides a response to the revised paragraph (see page 173 of Appendix A NNNPS Conformity Table (APP-242)).
5.216	Where the loss of significance of any heritage asset has been justified by the applicant based on the merits of the new development and the significance of the asset in question, the Secretary of State should consider imposing a requirement that the applicant will prevent the loss occurring until the relevant development or part of development has commenced	This policy is the same as the current NNNPS paragraph 5.136 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.136 provides a response to the revised paragraph (see pages 173 - 175 of Appendix A NNNPS Conformity Table (APP-242)).
5.217	Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.	This policy is the same as the current NNNPS paragraph 5.137 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.137 provides a response to the revised paragraph (see page 175 of Appendix A NNNPS Conformity Table (APP-242)).
Landscape and visual impacts		
Applicant's assessment		
5.153 and 5.154	Where the development is subject to EIA the assessment of any likely significant the environmental assessment. The applicant should undertake an carry out a and describe these in the environmental landscape and visual impact assessment. A number of guides have been produced to assist in addressing landscape issues ^{104, 402} . The landscape and visual assessment for the proposed project should include the impacts during construction and operation, and reference to any operational landscape character assessment and associated studies, as a means of assessing landscape impacts relevant to the proposed	The Applicant notes that the structure of this section of the revised NNNPS has changed, and the Landscape and Visual Impacts section has moved to before the Historic Environment section of the revised NNNPS. In substance, this policy is similar to the current NNNPS paragraphs 5.144 – 5.146 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.144 – 5.146 provides a response to the revised paragraph (see pages 175 – 177 of Appendix A NNNPS Conformity Table (APP-242)).

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
	<p>project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England.</p> <p>The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views (<u>including protected views</u>) and visual amenity. This should include any noise and light pollution effects, including on local amenity, tranquillity, and nature conservation. <u>The assessment should also demonstrate how noise and light pollution from construction and operational activities on residential amenity and on sensitive locations, receptors, and views will be minimised.</u></p>	<p>The Applicant's assessment within the Environmental Statement Chapter 10 (APP-053) and the Environmental Management Plan (REP6-003) outlines how noise and light pollution from construction and operational activities on residential amenity and sensitive locations, receptors and views will be minimised.</p>
5.155	<p>Any statutory undertaker commissioning or undertaking works in relation to, or so as to affect land in a <u>England's</u> National Park <u>Parks and the Broads</u>, or Areas <u>Area</u> of Outstanding Natural Beauty, would need to comply with the respective duties in section 11A of the National Parks and Access to Countryside Act 1949, and section 85 of the Countryside and Rights of Way Act 2000 5.148. <u>The policy paper titled English national parks and the broads: UK government vision and circular 2010 states that major development in or adjacent to the boundary of a National Park, Area of Outstanding Natural Beauty or the Broads can have a significant impact on the qualities for which they were designated. Government planning policy advises that major development should not take place within them apart from exceptional circumstances.</u> For significant road widening or the building of new roads <u>or railways</u> in <u>England's</u> National Parks and the Broads <u>or Area of Outstanding Natural Beauty</u>, applicants also need to fulfil the requirements set out in Defra's <u>Management Plans</u> circular 2010 or successor documents. These requirements <u>Management Plans</u> should also be complied with <u>considered</u> for significant road widening or the building of new roads in Areas <u>National Parks and Area</u> of Outstanding Natural Beauty, <u>especially on identified special qualities of the area and any proposals for enhancement.</u></p>	<p>In substance, this policy is similar to the current NNNPS paragraphs 5.147 – 5.148 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.147 – 5.148 provides a response to the revised paragraph (see pages 177 – 178 of Appendix A NNNPS Conformity Table (APP-242)).</p>
Decision-making		
5.162 and 5.163	<p>Great weight should be given to conserving landscape and scenic beauty in nationally designated areas. <u>England's</u> National Parks, the Broads and Areas of Outstanding Natural Beauty have <u>been confirmed by the government as having</u> the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the Secretary of State has a statutory duty to <u>should</u> have regard to in decisions. ⁴⁰³ <u>their decisions</u>. <u>The conservation and enhancement of the natural beauty of the landscape and countryside should be given great weight by the Secretary of State in deciding on applications for development consent in these areas.</u></p> <p>The Secretary of State should refuse development consent in these areas except in <u>unless there are</u> exceptional circumstances, <u>where the benefits outweigh the harm</u> and where it can be demonstrated that it is in the public interest. Consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> • the need for the development, including in terms of any national considerations <u>considerations</u>^V, and the impact of consenting, or not consenting it, upon the local economy; • the cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it in some other way; and, taking account of the policy 	<p>In substance this policy is similar to the current NNNPS paragraphs 5.150 – 5.151 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.150 – 5.151 provides a response to the revised paragraph (see pages 178 – 183 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>The Applicant would also refer to the responses above to the revised paragraphs 4.17 – 4.19 in relation to the AONB.</p> <p>The Applicant would also highlight that the full justification for scheme development within an AONB (including benefit vs. harm) is presented in the Case for the Project (Document Reference 2.2, APP-008).</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
	<p>on alternatives set out in paragraphs 4.17 to 4.19</p> <ul style="list-style-type: none"> any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. 	
5.164	<p>There is a strong presumption against any significant road widening or the building of new roads and strategic rail freight interchanges in a National Park, the Broads and Areas of Outstanding Natural Beauty, unless it can be shown there are compelling reasons exceptional circumstances for the new or enhanced capacity and with any benefits outweighing the costs very significantly outweighing the harm. Planning of the Strategic Road Network should encourage routes that avoid impacts to National Parks, the Broads and Areas of Outstanding Natural Beauty.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.152 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.152 provides a response to the revised paragraph (see pages 183 – 184 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.165	<p>Where consent is given in these areas, the Secretary of State should be satisfied that the applicant has ensured that the project will be carried out to high environmental and design standards and where possible includes measures to enhance the landscape and other aspects of the environment. Where necessary, the Secretary of State should consider the imposition of appropriate requirements to ensure these standards are delivered.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 1.153 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.153 provides a response to the revised paragraph (see pages 184 – 185 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.166	<p>The duty to have regard to the purposes of nationally designated areas landscapes also applies when considering applications for projects outside the boundaries of these areas (in their 'setting') which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be located and designed sensitively given the various siting, operational, and other relevant constraints, to avoid or minimise impacts. This should include projects in England which may have impacts on designated areas in Wales or on National Scenic Areas in Scotland. 5.155 The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent.</p>	<p>In substance this policy is similar to the current NNNPS paragraphs 5.154 – 5.155 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.154 – 5.155 provides a response to the revised paragraph (see pages 185 – 186 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.167	<p>Outside nationally designated areas landscapes, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document plan in England has policies based on landscape character assessment, these should be given particular consideration. However, local landscape designations should not be used in and of themselves as reasons to refuse consent, as this may unduly restrict acceptable development.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.156 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.156 provides a response to the revised paragraph (see page 186 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.169	<p>In taking decisions, the Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable appropriate mitigation.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.157 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.157 provides a response to the revised paragraph (see page 187 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.170	<p>The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast, especially those defined as Heritage Coast. ¹⁰⁴ Within areas defined as Heritage Coast, planning policies and decisions should be consistent with the special character of the area and the importance of its conservation.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.158 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.158 provides a response to the revised paragraph (see pages 187 – 188 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>The Applicant also highlight that the area is not a Heritage Coast and therefore the additional text in the revised requirement of the NN NPS does not apply.</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
5.156	<p>Reducing The scale of a Pproject or making changes to its operation can help should be minimised to avoid or mitigate the visual and landscape effects of a proposed Project. However reducing the scale or otherwise amending the design or changing the operation of a proposed development may result in a significant operational constraint and reduction in function. There may, be exceptional circumstances, , during construction and operation, so far as is possible while maintaining the operational requirements of the scheme. In exceptional circumstances a reduction in operational requirements might be warranted, and in these circumstances the Secretary of State may decide that the benefits of the mitigation to reduce the landscape effects outweigh the marginal loss of scale or function.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.159 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.159 provides a response to the revised paragraph (see page 188 – 189 of Appendix A NNNPS Compliance Table (APP-242)).</p>
5.158	<p>Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, design (including choice of materials), topographical interventions (for example, creation of bunds or lowering of ground level), Also, landscaping schemes (including screening options and design elements that soften the built form such as green or brown roofs, or living walls), depending on the size and type of the proposed project. Materials and designs for infrastructure should always be given careful consideration in terms of environmental standards.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.160 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.160 provides a response to the revised paragraph (see pages 189 – 190 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.160 and 5.161	<p>Depending on the topography of the surrounding terrain and areas of population, it may be appropriate to undertake landscaping off-site, although if such landscaping was proposed to be consented by the Development Consent Order, it would have to be included within the order limits for that application. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant vista.</p> <p>Applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality, and can reinforce or enhance landscape features and character.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.161 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.161 provides a response to the revised paragraphs (see page 190 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>The commitment to deliver the mitigation planting as described is enshrined in Documents 2.7 Environmental Management Plan (App-019) and 2.7 Environmental Management Plan Annex B1 Outline Landscape and Ecology Management Plan (App-021)</p>
Land use, including open space, green infrastructure, and green belt		
Applicant's assessment		
5.176	<p>Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality and functionality in a suitable and accessible location. Applicants considering proposals which would involve developing such land should have regard to any local authority's assessment of need for such types of land and buildings.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.167 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.167 provides a response to the revised paragraph (see pages 190 – 192 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.177 – 5.179	<p>The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and, if so, whether their proposal may be considered inappropriate development within the meaning of Green Belt policy. Metropolitan Open Land, and land designated as Local Green Space in a local or neighbourhood plan, are subject to the same policies of protection as Green Belt, and inappropriate development should not be approved except in very special circumstances.</p> <p>The applicant should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a</p>	<p>The policy within the revised paragraphs 5.177 and 5.179 are the same as the current NNNPS paragraphs 5.170 – 5.171 and therefore the Applicant's compliance statement set out in response to the original paragraphs 5.170 – 5.171 provides a response to the revised paragraph (see pages 194 – 195 of Appendix A NNNPS Compliance Table (APP-242)).</p> <p>The Applicant notes that the revised paragraph 5.178 is the same as the current NNNPS paragraph 5.165 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.165 provides a response to the revised paragraph 5.178, This has been pasted below for clarity due to the restructuring of the revised NNNPS:</p> <p>The Applicant has completed a review of existing and proposed land uses along the Project's route. It has then assessed any effects of replacing an existing development or use of the site with the proposed Project and whether the Project would prevent a neighbouring use from continuing. This review included any impacts the Project may have on existing open space, sports and recreational buildings.</p> <p>Section 13.8 of Chapter 13 (Population and Human Health) of the ES (Application Documents 3.2-3.4) identifies existing and proposed land uses in the vicinity of the Project and covers the potential effects of the Project on people and communities. The Project would not result in the preclusion of any new development or use within the development plan.</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
	<p>neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate.</p> <p>Linear infrastructure linking an area near a Green Belt with other locations will often have to pass through Green Belt land. The identification of a policy need for linear infrastructure will take account of the fact that there will be an impact on the Green Belt and, as far as possible, of the need to contribute to the achievement of the objectives for the use of land in Green Belts.</p>	<p>Chapter 15 (Cumulative and Combined Effects) of the ES states the likely effect on planning allocations identified in the development plan and applications. There are several sites which have planning permission or are allocated close to all schemes except Bowes Bypass and A1(M) Junction 53 Scotch Corner. The chapter concludes that there are no significant cumulative effects anticipated which would result in any new or materially different significant effects to those identified in each environmental factor chapter of the ES (Chapters 5-14).</p> <p>The PINS Advice note 17 recommends that a wide range of future projects is included within the cumulative effects assessment which can be tiered (from Tier 1 to 3) according to how far advanced the development is within the planning system and to the level of detail that is likely to be available for each tier. This advice note was adhered to and as set out in Table 154, Tier 3 includes development identified in the relevant Development plan (and emerging Development plans).</p> <p>For the Project as a whole, there has been ongoing stakeholder and public engagement throughout, for details see the Consultation Report (Application Document 4.4). This has included engagement with local planning authorities. The report has been developed following the information presented in the DCLG pre-application guidance document and the Planning Inspectorate's 'Advice Note 14: Compiling the Consultation Report' (Version 3, February 2021).</p>
Decision -making		
5.192	The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the Project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.	This policy is the same as the current NNNPS paragraph 5.174 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.174 provides a response to the revised paragraph (see page 196 – 197 of Appendix A NNNPS Conformity Table (APP-242)).
5.193	Where networks of green infrastructure have been identified in development plans, they should be protected from development, and, where possible, strengthened. The environmental and visual value of linear infrastructure and its footprint in supporting biodiversity and ecosystems should also be taken into account, including the creation of new green infrastructure , when assessing the impact on green infrastructure. The value of the development in improving connectivity, particularly through active travel links and recreation should also be taken into account when assessing the impact on green infrastructure.	In substance this policy is similar to the current NNNPS paragraph 5.175 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.175 provides a response to the revised paragraph (see pages 197 – 198 of Appendix A NNNPS Conformity Table (APP-242)). The landscape treatment of the green infrastructure, including travel links, has been carefully considered in the context of the existing landscape character and is defined in document 5.11 Project Design Principles (APP-302) Table 3-1: Theme A Project-wide Design Principles.
5.180	Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality. Applicants should also identify any effects, and seek to minimise impacts, on soil health and protect and improve soils, taking into account any mitigation measures proposed. Soil is an important natural capital resource, providing many essential services such as storing carbon (also known as a carbon sink), reducing the risk of flooding, providing wildlife habitats and delivering global food supplies. Guidance on sustainable soil management can be found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. As a first principle, developments should be on previously developed (brownfield) sites provided that it is not of high environmental value (see paragraphs 5.146 to 5.151).	National Highways notes that this paragraph is a new addition to the draft revised NNNPS and highlights that the requirements in relation to agricultural land and soil, including National Highways' consideration of these and any appropriate mitigation, are considered in the Environmental Statement Geology and Soils Chapter (APP-052) and the Environmental Management Plan (REP6-003).
5.181	The Agricultural Land Classification is the only approved system for grading agricultural quality in England and Wales. If necessary, field surveys should be used to establish the Agricultural Land Classification grades in accordance with the current grading criteria, or any successor to it and identify the soil types to inform soil management at the construction, operation and decommissioning	National Highways notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below. A Soil Resource Plan and a Material Management Plan form the mitigation measures as presented in the EMP (REP6-003) and associated Annex B8 (REP3-013 and Annex B9 (REP3-013)

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
	<p>phases in line with the Defra Construction Code 110. Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This is to be in line with the ambition set out in the 25 Year Environment Plan to manage all of England's soils sustainably by 2030.</p>	
5.182	<p>The applicant should engage in pre-application discussions with the local planning authority and other regulatory bodies at the earliest opportunity. It is essential that engagement is meaningful and supported where necessary by Statements of Common Ground. Discussions will cover a range of potential local impacts and issues, and the local planning authority should identify any concerns it has about the impacts of the application on land-use, having regard to the development plan and relevant applications. This includes, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements. These are also matters that local authorities may wish to include in their Local Impact Report which is submitted during examination and after an application for development consent has been accepted.</p>	<p>National Highways notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>Engagement with the Local Planning Authorities and other regulatory bodies has been extensive throughout the DCO pre-application stage and continued post submission, and throughout examination and beyond to address any concerns. This has been supported by individual authority meetings, monthly all Local Authority meetings and technical working groups involving both Local Authorities and Statutory Environmental Bodies (SEBs).</p> <p>SoCGs have been developed and discussed with the Host Local Authorities, Natural England, Environmental Agency, and Historic England to ensure all matters and impacts are appropriately recorded. Positive discussions have sought to reduce the number of matters of concern throughout this process.</p>
5.183	<p>Applicants should safeguard any mineral resources on the proposed site as far as possible. Taking into account the policies of the Minerals Planning Authority, applicants should consider whether prior extraction of the minerals would be appropriate.</p>	<p>National Highways notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>The safeguarding of mineral resources is a key element of the Material Assets and Waste chapter of the ES (APP-054).</p> <p>The potential sterilisation of minerals is assessed in the Material Assets and Waste Chapter (refer Section 11.3, 11.7 and 11.8) following the policies of the relevant Mineral Planning Authorities (Westmorland and Furness Council, Durham County Council and North Yorkshire Council) as well as in consultation with their representatives involved in minerals planning matters.</p> <p>Avoidance mitigation and other mitigation has been considered, so as to safeguard mineral resources on the proposed site as far as possible (refer Section 11.8 of ES Chapter 11)). For example, the Cross Lanes to Rokeby scheme the design has been refined so as to reduce the overall footprint of the Cross Lanes and Rokeby junctions, thus minimising encroachment into the mineral safeguarding site.</p> <p>In addition, in order to drive the continued avoidance of mineral safeguarding sites, the Project Design Principles contain an objective to avoid the sterilisation of mineral safeguarding sites.</p>
5.194	<p>The Secretary of State should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.176 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.176 provides a response to the revised paragraph (see pages 198 – 199 of Appendix A NNNPS Compliance Table (APP-242)).</p> <p>However, the Applicant would also like to note that a Soil Resource plan and a Material Management Plan form the mitigation measures as presented in the EMP (REP6-003) and associated Annex B8 (REP3-0013) and Annex B9 (REP3-014)</p>
5.185	<p>Where green infrastructure is affected, applicants should aim to ensure the functionality and connectivity of the green infrastructure network is maintained and any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, Applicants should endeavour to improve that network networks and other areas of open space, including appropriate access to new coastal access routes, National Trails Trails^{aa} and other public rights of way.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.180 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.180 provides a response to the revised paragraph (see pages 199 – 200 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.186	<p>The Secretary of State should also consider whether mitigation of any adverse effects on green infrastructure or open space is adequately provided for by means of any planning obligations, for example, to provide an exchange of land between two owners and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness, quality and accessibility. Alternatively, where Sections sections 131 and 132 of the Planning Act-2008 apply, any replacement land provided under those sections will need to conform to the requirements of those sections.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.181 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.181 provides a response to the revised paragraph (see pages 200 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
5.187	Existing trees and woodlands should be retained where possible. The applicant should assess the impacts on, and loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts and any risk of net deforestation as a result of the scheme. Mitigation may include the use of buffers to enhance resilience, improvements to connectivity, and improved woodland management. Where woodland loss is unavoidable, compensation schemes will be required, and the long-term management and maintenance of newly planted trees should be secured.	National Highways notes that this paragraph is a new addition to the draft revised NNPS and has responded accordingly below. The loss of existing trees and woodland has been avoided in the first instance. Where the loss is unavoidable, mitigation to minimise adverse impacts has been secured within the EMP (Document Reference 2.7, APP-019; D-BD-03, MW-BD-23, DV-LV-01, DV-LV-02) and LEMP (Document Reference 2.7, REP3-003) and includes improvements to connectivity to existing semi-natural habitats and improved woodland management, where appropriate. In addition, where woodland loss is unavoidable, appropriate habitat ratios to replace that which has been lost for each woodland type has been outlined in ES Chapter 6 and secured in the EMP. Measures to ensure the long-term management and maintenance of all newly planted trees has been secured within the EMP (Document Reference 2.7, APP-019) and outlined within the LEMP (Document Reference 2.7, REP3-003).
5.188	Where a proposed development has an impact on a Mineral Safeguarding Area (MSA) Area ^{bb} , the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources.	In substance this policy is similar to the current NNNPS paragraph 5.182 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.182 provides a response to the revised paragraph (see pages 200 of Appendix A NNNPS Conformity Table (APP-242)).
5.189	Where a project has a sterilising effect on land use there may be scope for this to be mitigated through, for example, using the land for nature conservation or wildlife corridors, or for improving access and connectivity . Other examples include, prioritising active travel or well-designed optimised parking and storage in employment areas with appropriate landscaping .	In substance this policy is similar to the current NNNPS paragraph 5.183 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.183 provides a response to the revised paragraph (see pages 200 – 201 of Appendix A NNNPS Conformity Table (APP-242)). However, in terms of active travel the Applicant would highlight that the proposed scheme will improve access and connectivity between the A66 and Barnard Castle by providing safer grade separated junction layouts at Cross Lanes and Rokeby and removing the existing central reserve openings. In terms of active travel, the scheme maintains and reconnects existing WCH provision severed by the new A66 proposals and will also include new cycleway provision parallel to the proposed A66 between Cross Lanes at the western scheme extents and Greta Bridge Bank at the eastern scheme extents, enhancing east-west connectivity.
5.190	Public rights of way, National Trails, and other rights of access to land (e.g. for example , open access land) are important recreational facilities for walkers, wheelers , cyclists and equestrians. Applicants are expected to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other public rights of way and open access land, and, where appropriate , to consider what opportunities there may be to improve access and connectivity . In considering revisions to an existing right of way, consideration needs to be given to the use, character, attractiveness and convenience of the right of way. The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements in respect of these measures might be attached to any grant of development consent.	In substance this policy is similar to the current NNNPS paragraph 5.184 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.184 provides a response to the revised paragraph (see pages 201 – 202 of Appendix A NNNPS Conformity Table (APP-242)).
Noise and vibration		
Introduction		
5.219	Excessive noise can have wide-ranging impacts on the quality of human life and health (e.g. owing to annoyance or sleep disturbance), use and enjoyment of areas of value (such as quiet places) and areas with high landscape quality. The Government's policy is set out in the Noise Policy Statement for England. It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to buildings. In this section, in line with current legislation, references below to "noise" apply equally to assessment of impacts of vibration.	This policy is the same as the current NNNPS paragraph 5.186 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.186 provides a response to the revised paragraph (see pages 202 - 203 of Appendix A NNNPS Conformity Table (APP-242)).
5.220	Noise resulting from a proposed development can also have adverse impacts on wildlife and biodiversity. Noise effects of the proposed development on ecological receptors should be assessed in accordance with the Biodiversity and Geological Nature Conservation section of this NPS.	In substance this policy is similar to the current NNNPS paragraph 5.187 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.187 provides a response to the revised paragraph (see pages 203 - 204 of Appendix A NNNPS Conformity Table (APP-242)).

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
Applicant's Assessment		
5.222	<p>Where a development is subject to EIA and significant noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment, which should form part of the environment statement:</p> <ul style="list-style-type: none"> • a description of the noise sources including likely usage in terms of number of movements, fleet mix and diurnal pattern. For any associated fixed structures, such as ventilation fans for tunnels, information about the noise sources including the identification of any distinctive tonal, impulsive or low frequency characteristics of the noise. • identification of noise sensitive premises and noise sensitive areas that may be affected. • the characteristics of the existing noise environment. • a prediction on how the noise environment will change with the proposed development: <ul style="list-style-type: none"> • in the shorter term such as during the construction period; • in the longer term during the operating life of the infrastructure; • at particular times of the day, evening and night <u>(and weekends)</u> as appropriate. • an assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas, <u>including identifying whether any particular groups are more likely to be affected</u> • measures to be employed in mitigating the effects of noise, Applicants <u>Applicants</u> should consider using best available techniques to reduce noise impacts. • the nature and extent of the noise assessment should be proportionate to the likely noise impact. 	<p>The Applicant notes the additional requirement to consider weekend noise impacts and have responded accordingly below.</p> <p>It is appropriate to consider weekend construction noise, consistent with LA 111 and British Standard 5228 Code of practice for noise and vibration control on construction and open sites. This has been done as presented in Chapter 12 of the Environmental Statement (APP-055).</p> <p>With regards to operational noise impacts, traffic flows are assessed based on the AAWT 18hr (average annual weekday traffic) flows and do not include weekends. For the case of the A66 project, a weekend assessment for operational noise is not considered 'appropriate'. This is because it is expected that traffic flows would be lower at weekends and impacts would therefore be very unlikely to be worse than on weekdays.</p> <p><u>The applicant also notes the additional requirement to identify whether any particular groups are more likely to be affected.</u></p> <p>The noise impact data were provided to the team doing the distributional impact analysis which looks at the spread of outcomes across communities with significant presence of vulnerable groups. This is reported in Document 3.8 Combined Modelling and Appraisal Report (APP-241). Impacts on vulnerable groups are also presented in Chapter 3.10 Equalities Impact Assessment of the Environmental Statement (APP-243).</p> <p>Otherwise, in substance this policy is similar to the current NNNPS paragraph 5.189 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.189 provides a response to the revised paragraph (see pages 204 - 206 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.223	The potential noise impact elsewhere that is directly associated with the development, such as changes in road and rail traffic movements elsewhere on the national networks, should be considered as appropriate.	This policy is the same as the current NNNPS paragraph 5.190 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.190 provides a response to the revised paragraph (see pages 206 - 207 of Appendix A NNNPS Conformity Table (APP-242)).
5.224	Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. The prediction of road traffic noise should be based on the method described in Calculation of Road Traffic Noise <u>and Common Noise Assessment Methods (CNOSSOS)</u> . The prediction of noise from new railways should be based on the method described in Calculation of Railway Noise <u>and Common Noise Assessment Methods (CNOSSOS)</u> . For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies.	In substance this policy is similar to the current NNNPS paragraph 5.191 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.191 provides a response to the revised paragraph (see page 208 of Appendix A NNNPS Conformity Table (APP-242)). With regards to the additional requirements for CNOSSOS, use of CNOSSOS is not a methodology referenced in DMRB LA 111. The methodology of assessment was agreed in the scoping opinion. Furthermore, there is no published guidance as to how this method should be applied alongside the DMRB LA 111 approach based on CRTN. It is unlikely that there would be any appreciable change in the assessment outcomes and there is no guidance on which assessment method takes precedence.
5.225	The applicant should consult Natural England with regard to assessment of noise on designated nature conservation sites, protected landscapes, protected species or other wildlife. The results of any noise surveys and predictions may	This policy is the same as the current NNNPS paragraph 5.192 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.192 provides a response to the revised paragraph (see page 208 of Appendix A NNNPS Conformity Table (APP-242)).

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
	inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be taken into account.	
5.230	Developments must be undertaken in accordance with statutory requirements for noise. Due regard must have been given to the relevant sections of the Noise Policy Statement for England, National Planning Policy Framework and the Government's associated planning guidance on noise.	This policy is the same as the current NNNPS paragraph 5.193 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.193 provides a response to the revised paragraph (see pages 208 – 209 of Appendix A NNNPS Conformity Table (APP-242)).
5.231	The Project should demonstrate good design through optimisation of scheme layout to minimise noise emissions and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission. The Project should also consider the need for the mitigation of impacts elsewhere on the road and rail networks that have been identified as arising from the development, according to Government policy.	This policy is the same as the current NNNPS paragraph 5.194 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.194 provides a response to the revised paragraph (see page 209 of Appendix A NNNPS Conformity Table (APP-242)).
5.232	The Secretary of State should not grant development consent unless satisfied that the proposals will meet, the following aims, within the context of Government policy on sustainable development: <ul style="list-style-type: none"> • avoid significant adverse impacts on health and quality of life from noise as a result of the new development; • mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and • contribute to improvements to health and quality of life through the effective management and control of noise, where possible. 	This policy is the same as the current NNNPS paragraph 5.195 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.195 provides a response to the revised paragraph (see pages 209 – 213 of Appendix A NNNPS Conformity Table (APP-242)).
5.233	In determining an application, the Secretary of State should consider whether requirements are needed which specify that the mitigation measures put forward by the applicant are put in place to ensure that the noise levels from the Project do not exceed those described in the assessment or any other estimates on which the decision was based.	This policy is the same as the current NNNPS paragraph 5.196 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.196 provides a response to the revised paragraph (see pages 213 of Appendix A NNNPS Conformity Table (APP-242)).
Mitigation		
5.226	The Examining Authority and the Secretary of State should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. The Secretary of State may wish to impose requirements to ensure delivery and future maintenance of all mitigation measures.	In substance this policy is similar to the current NNNPS paragraph 5.197 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.197 provides a response to the revised paragraph (see page 213 of Appendix A NNNPS Conformity Table (APP-242)). With regards to the reference to 'future maintenance' of mitigation measures, article 53 of the DCO is clear that on completion of construction a third iteration EMP must be developed and complied with, which will deal with the on-going maintenance of implemented mitigation measures.
5.227	Mitigation measures for the project should be proportionate and reasonable and may include one or more of the following: <ul style="list-style-type: none"> • engineering: containment of noise generated; • materials: use of materials that reduce noise, (for example, low noise road surfacing); • lay-out: adequate distance between source and noise-sensitive receptors; • incorporating good design: to noise transmission through landscaping and screening by natural or purpose built barriers; including topographical changes • administration: specifying acceptable noise limits or times of use (e.g. for example, in the case of railway station public address systems); 	In substance this policy is similar to the current NNNPS paragraph 5.198 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.198 provides a response to the revised paragraph (see page 213 of Appendix A NNNPS Conformity Table (APP-242)).

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
5.228	For most national network Projects, the relevant Noise Insulation Regulations will apply. These place a duty on and provide powers to the relevant authority to offer noise mitigation through improved sound insulation to dwellings, with associated ventilation to deal with both construction and operational noise. An indication of the likely eligibility for such compensation should be included in the assessment. In extreme cases, the applicant may consider it appropriate to provide noise mitigation through the compulsory acquisition of affected properties in order to gain consent for what might otherwise be unacceptable development. Where mitigation is proposed to be dealt with through compulsory acquisition, such properties would have to be included within the development consent order land in relation to which compulsory acquisition powers are being sought.	This policy is the same as the current NNNPS paragraph 5.199 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.199 provides a response to the revised paragraph (see pages 214 of Appendix A NNNPS Conformity Table (APP-242)).
5.229	Applicants should consider opportunities to address the noise issues associated with the Important Areas as identified through the noise action planning process.	This policy is the same as the current NNNPS paragraph 5.200 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.200 provides a response to the revised paragraph (see pages 214 – 215 of Appendix A NNNPS Conformity Table (APP-242)).
Socio-economic impacts		
Introduction		
5.234	<p>The construction and operation of nationally significant infrastructure projects may have short or longer term economic and social impacts on local communities, businesses or services. The construction period for significant projects can be lengthy; however, this can generate employment through the construction period and benefit the local economy. Applicants should look to maximise local employment opportunities during construction and operational phases.</p>	<p>Two principal economic and social objectives of the Project are to “support the economic growth objectives of the Northern Powerhouse and Government Levelling Up agenda” and “to improve access to services and jobs for the local road users and the local community.”</p> <p>The Case for the Project (APP-008) at Table 7-1 summarises the economic benefits and opportunities in relation to these and other project objectives.</p> <p>The principal benefits are the significant opportunity represented by the Project to boost east-west connectivity and drive economic growth. Full detail on the economic benefits of the Project is provided in Chapter 5 of the Case for the Project (APP-008):</p> <p>Annex B12 of the Environmental Management Plan (EMP) (Document Reference 2.7, APP-032) provides an outline Skills and Employment Strategy, which will set out measures to upskill and maximise the use of a local workforce and supply chains. The Strategy will also provide support and guidance to existing businesses that are impacted as a result of the construction and/or operation of Project.</p> <p>Annex B10 of the EMP (Document Reference 2.7, APP-030) provides an outline Construction Worker Travel and Accommodation Plan, which will be developed in consultation with the Local Planning Authorities. It will ensure that additional demand created by non-home-based workers does not place excessive pressure on the local housing market and visitor accommodation supply</p>
Applicant's assessment		
5.235 and 5.236	<p>Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts.</p> <p>This assessment should consider all relevant socio-economic impacts, which may include:</p> <ul style="list-style-type: none"> the creation of jobs and training opportunities. Applicants may wish to provide information on the sustainability of the jobs created, including where they will help to develop the skills needed for the UK's transition to net zero the value of increased connectivity on productivity and access to jobs, services and housing the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities. Applicants should engage with local businesses and the local community at the pre-construction phase to understand opportunities for businesses and the community throughout construction, such as employment or educational programmes 	<p>The principal socio-economic benefits of the Project are set out in the compliance statement above (in relation to paragraph 5.234) with reference to the economic benefits set out with the Case for the Project (APP-008).</p> <p>The findings from the economic assessment, including both non-monetised and non-monetised benefits are set out in the Case for the Project (APP-008) in Chapter 5. The chapter summarises that journeys will become more reliable, and access will be improved to key tourist destinations, such as the North Pennines and Lake District and tourism facilities such as Centre Parks. While all journeys to these destinations and facilities are not exclusively served via the A66, a significant portion of these journeys are currently made along this route, and as the road improves, this is expected to increase with perception of the improved route attracting more users”.</p> <p>The Skills and Employment Strategy, which will set out measures to upskill and maximise the use of a local workforce and supply chains are described above in response to paragraph 2.3.4.</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
	<ul style="list-style-type: none"> • any indirect beneficial impacts for the region hosting the infrastructure, particularly in relation to use of local support services and supply chains • effects on tourism • cumulative effects – if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region 	
5.237	Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies.	<p>The Population and Human Health chapter of the ES (APP-056) provides a baseline in relation to socio-economic considerations on a route-wide and scheme by scheme basis, for the following elements:</p> <ul style="list-style-type: none"> • land-use and accessibility, • Walking Cycling and Horse Riding • Human health <p>The Legislation and Policy Compliance Statement (LPCS) (APP-242) includes an assessment of the Project's conformity with the adopted development plan policies, as defined by section 38(6) of the Planning and Compulsory Purchase Act 2004. The Project is located within four local authority administrative boundaries and the Project's conformity with the policies of the adopted development and local transport plans have therefore been assessed and the findings presented in sections 4.8 to 4.15 and tables contained in Appendix C (County Conformity Table) and Appendix D (Local Plan Conformity Table) of the LPCS.</p> <p>The LPCS also considers a number of regional strategic policies and plans, notably those compiled by the Tees Valley Combined Authority and the Cumbria Local Enterprise Partnership, as well as the North-East Local Enterprise Partnership, which encompasses County Durham. The findings from the review of these plans and the findings on compliance with policies are set out in section 4.1 to 4.7 and Appendix B (Regional Policy Conformity Table) of the LPCS.</p> <p>The plans, policies and strategies of these local authorities and other bodies were regarded to be key in understanding the economic context and issues in the area surrounding the project given the role these bodies play in lobbying and promoting local economic priorities and in identifying and supporting strategic projects, such as the A66 improvements, to support local and regional objectives for economic growth and regeneration.</p>
Mitigation		
5.239	The Secretary of State should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example, high quality design can improve the visual and environmental experience for visitors and the local community alike.	<p>Paragraph 4.11.11 of the Non-Technical Summary (APP-043) considers the mitigation measures needed for the health and well-being of the local population, to mitigate and minimise impacts identified in the Population and Human Health Chapter of the Environmental Statement (APP-056).</p> <p>Plans will be developed to help manage impacts, including Public Rights of Way Management Plan, Skills and Employment Strategy and management processes included in the EMP. These will be based on the outline plans in EMP Annex B6 (APP-026) and Annex B12 (APP-032)."</p> <p>The section on the Value of Good Design within the Project Design Report (APP-009) recognises that "Good design goes beyond aesthetic considerations and can act as a means of helping to attain social, economic and environmental sustainability objectives". This principle has informed the approach to the design and the Project Design Principles for the Project (REP6-015)</p>
Decision-making		
5.241	The Secretary of State should have regard to the potential socio-economic impacts of new infrastructure identified by the applicant and from any other sources that the Secretary of State considers to be both relevant and important to its decision.	<p>The requirements of this paragraph are the same as those set out in paragraphs 5.234 – 5.240 and they are addressed as set out above in response to these paragraphs.</p>
5.242	The Secretary of State should consider any relevant positive provisions the applicant has made, or is proposing to make, to mitigate impacts (for example, through planning obligations), and any legacy benefits that may arise. As well as any options for phasing development in relation to the socio-economic impacts.	<p>The principal mitigation measures and benefits relating to socio-economic considerations are proposed to be delivered through plans and strategies to be developed through the provisions of the EMP – including Public Rights of Way Management Plan, Skills and Employment Strategy and other management processes included in the EMP. These will be based on the outline plans in EMP Annex B6 (APP-026) and Annex B12 (APP-032)."</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
Water quality and resources		
Introduction		
5.244	<p>The Government's planning policies make clear that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by, water pollution. The Government<u>government</u> has issued guidance on water supply, wastewater and water quality considerations in the planning system¹¹² 113. Where applicable, an application for a development consent order<u>Development Consent Order</u> has to contain a plan with accompanying information identifying water bodies in a River Basin Management Plan¹¹³ 114.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.220 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.220 provides a response to the revised paragraph (see pages –19 - 220 of Appendix A NNNPS Conformity Table (APP-242)).</p>
Applicant's assessment		
5.245	<p>Applicants should make early contact with the relevant regulators, including the Environment Agency, for abstraction licensing <u>or water quality activity or groundwater activity permits</u>, and with water supply companies likely to supply the water. Where a development is subject to EIA and the development is likely to have significant adverse effects on the water environment, the applicant should ascertain<u>undertake an assessment of</u> the existing status of, and carry out an assessment of the impacts of the proposed project on water quality, water resources and physical characteristics <u>of the water environment</u> as part of the environmental statement<u>Environmental Statement or equivalent</u>. <u>The assessment should also include how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment (see paragraphs 4.30 to 4.41).</u></p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.221 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.221 provides a response to the revised paragraph (see pages –20 - 221 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>The Applicant made early contact with the Environment Agency as referenced within the Statement of Common Ground between National Highways and the Environment Agency (Application Document 4.5). An updated Statement of Common Ground between National Highways and the Environment Agency was submitted at Deadline 3 REP3 – 035 (4.5 Statement of Common Ground Environment Agency – Rev 2) and at Deadline 5 REP-007 (4.5 Statement of Common Ground Environment Agency – Rev 3).</p> <p>With regard to the additional paragraph regarding climate change, the assessment has considered a climate change allowance within the drainage design. The drainage and attenuation design uses a 20% climate change uplift value on the 1-in-100 year event, and the flood modelling used to inform and assess the design has used 1-in-100 year plus climate change scenarios ranging from 53%-94% dependent on the location (as outlined in Climate Change Allowances: Peak River Flow in England (Environment Agency 2021)), as described in Chapter 14 (APP-057).</p>
5.246 – 5.248	<p>For those projects that are improvements to<u>improving</u> the existing infrastructure, such as road widening, opportunities should be taken, where feasible, to improve upon the quality of existing discharges where these are identified and shown to contribute towards Water <u>Environment (Water Framework Directive commitments.) (England and Wales) Regulations 2017 ("Water Framework Regulations") commitments</u>. <u>A permit under the Environmental Permitting Regulations may also be required where improvements are being made to existing infrastructure, for example, the discharge of contaminated water from roads.</u></p> <p><u>Under Environmental Permitting Regulations, applicants are required to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids. For example, from car parks or other areas of hard standing, during operation. Consent may be required for working near to a river from the Environment Agency and a pollution incident response plan is recommended</u>¹¹⁴.</p> <p><u>Applicants should consider protective measures to control the risk of pollution to groundwater beyond those outlined in Environmental Management Plans - this could include, for example, the use of protective barriers.</u></p>	<p>The Applicant notes the additional paragraphs to the draft revised NNNPS in relation to Environmental Permitting Regulations and has responded accordingly below.</p> <p>The EMP contains specific method statement outline plans which provide an added level of protection for sensitive environments, these include:</p> <ul style="list-style-type: none"> • Method Statement for working in and around the River Eden SAC (Annex C1); and • Method Statement for working in and near watercourses (Annex C3). <p>Application Document 2.7 (REP3-011) Environmental Management Plan (Annex B7) Ground and Surface Water Management Plan details preventative measures around the risk of pollution to groundwater and surface water. A section on Sediment Management outlines how construction will limit the discharge of suspended solids.</p> <p>Annex B7 also outlines the proposed approach to gaining consent, where required, and a draft consents register is provided within the Environmental Management System.</p> <p>Emergency measures are detailed in the Incident Response Plan (Annex D). This outlines that an emergency response plan would be developed in accordance with Pollution Prevention Guideline (PPG) 21: Pollution Incidence Response Planning. That plan would be communicated to all personnel. Emergency spill control equipment such as spill kits, oil booms and absorbent materials, would be held at appropriate locations on site and within site compounds.</p> <p>The Applicant will continue to liaise with the Environment Agency as set out in the Statement of Commonality and Statements of Common Ground between National Highways and the Environment Agency (Application Document 4.5).</p>
5.249	<p>Any environmental statement<u>assessment for both the construction and operational phases of the development</u> should describe:</p> <ul style="list-style-type: none"> • the existing quality of waters affected by the proposed project; <u>and how climate change will impact on this.</u> 	<p>In substance this policy is similar to the current NNNPS paragraph 5.223.</p> <p>Chapter 14 (Road Drainage and the Water Environment) of the ES (Application Documents 3.2-3.4) and its accompanying appendices include an assessment for both the construction and operational phases of the development. The Applicant notes the revisions regarding climate change impacts and has responded accordingly below.</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
	<ul style="list-style-type: none"> existing water resources affected by the proposed project and, the impacts of the proposed project on water resources; and how climate change will impact on this existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project, and any impact of physical modifications to these characteristics; any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive Regulations and source protection zones (SPZs) around potable groundwater abstractions; and how climate change will impact on this. any cumulative effects 	<p>The assessment has considered a climate change allowance within the drainage design. The design uses a 20% climate change uplift value on the 1-in-100 year event, and the flood modelling/design has used 1-in-100 year plus climate change scenarios ranging from 53%-94% dependent on the location, as described in Chapter 14 (APP-057).</p>
5.250	<p>The assessment should also identify protected areas and other water usages within the vicinity of any discharge, such as bathing waters, abstractions and fisheries at risk from proposed works and the permits/consents required. It should also identify opportunities to improve water quality, for example, through nature-based approaches or solutions, and as part of environmental and biodiversity net gain.</p>	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>Chapter 14 (Road Drainage and the Water Environment) of the ES (Application Documents 3.2-3.4) and its accompanying appendices include identification of protected areas and other water usages such as abstractions (both licenced and private), and fisheries in terms of WFD quality. The EMP secures appropriate mitigation where impacts are anticipated.</p> <p>Annex B7 of the EMP also outlines the proposed approach to gaining consent, where required, and a draft consents register is provided within the Environmental Management System.</p> <p>Opportunities to improve water quality for example through de-culverting and daylighting has been considered as a part of mitigation and enhancement. Details can be found in the DCO Application Document 3.5: Habitats Regulations Assessment Stage 1: Likely Significant Effects (HRA LSE) and 3.6: Habitats Regulation Assessment Stage 2: Statement to Inform Appropriate Assessment (HRA SIAA).</p> <p>Additionally, water quality improvement may be delivered by the Project's road drainage scheme that will discharge carriageway runoff, ensuring it meets the quality standards required by DMRB LA 113. This is likely to provide a betterment on the existing road drainage system and improve the water quality of receiving waterbodies in comparison to existing outfalls.</p>
Mitigation		
5.251	<p>The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling. If an applicant needs new water infrastructure, significant supplies or impacts other water supplies, the applicant should consult with the local water company and the Environment Agency.</p>	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>Impact on local water resources is assessed within ES Chapter 14 Road Drainage and the Water Environment and its associated technical appendices. The mitigation outlined in these documents is secured in the Environmental Management Plan and the Project Design Principles. Any impacts to water supply as a result of the Project shall result in consultation with the relevant bodies (EA, water company, source owner) and mitigation from the suite secured in the Environmental Management Plan and the Project Design Principles used to mitigate impacts and/or replace the source. Such mitigation is:</p> <p>R-RDWE-09: As additional groundwater monitoring enables identification of areas at risk of impact, additional surveying is to be undertaken at detailed design to allow refinement of the precautionary assessment of risk to unlicensed and, where sufficient information is not already available, licenced surface and ground water abstractions. Where a licensed or unlicensed supply such as a groundwater abstraction, has the potential to be impacted, a protection plan shall be developed for that well/source. If protection is not possible, a new network connection, alternative water supply or replacement well (designed to current guidance) shall be provided.</p>
5.252	<p>The Secretary of State should consider whether the mitigation measures put forward by the applicant which are needed for operation and construction (and which are over and above any which may form part of the project application) are acceptable. A construction management plan may help codify mitigation.</p>	<p>This policy is the same as the current NNNPS paragraph 5.229 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.229 provides a response to the revised paragraph (see page 224 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.253	<p>The project should adhere to any National Standards for Sustainable Drainage Systems. The Sustainable Drainage Systems Technical Standards introduced a hierarchical approach to drainage design that promotes the most sustainable approach but recognises feasibility and use of conventional drainage systems as part of a sustainable solution for any given site given its constraints</p>	<p>This policy is the same as the current NNNPS paragraph 5.230 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.230 provides a response to the revised paragraph (see page 225 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
5.254	<p>The project should identify opportunities and secure measures to protect and improve water quality and resources through green and blue infrastructure, sustainable drainage and environmental and biodiversity net gain. This will help to achieve 25 Year Environment Plan objectives and potentially provide greater capacity to support infrastructure needs.</p>	<p>The Applicant notes that this paragraph is a new addition to the draft revised NNNPS and has responded accordingly below.</p> <p>Regarding biodiversity enhancements, habitat linkages to increase connectivity to areas of semi-natural habitats within the wider area and therefore enhancing and tying into existing green and blue infrastructure networks have been sought as a result of the Project where reasonably practicable. Opportunities to link to existing initiatives including the Local Nature Recovery Networks have also been included in the Landscape and Ecological Management Plan (LEMP) where reasonably practicable within the footprint of the Project (Document Reference 2.7, REP3-004, Pg B1-4).</p> <p>As reported in Chapter 14 of the Environmental Statement (APP-057) specifically Appendix 14.1 WFD Compliance Assessment (APP-220) and Appendix 14.3 Water Quality Assessment (APP-222), the Project has been developed such that it would protect water quality and resources, including through the use of sustainable drainage which would be implemented as secured through various measures in the EMP. As set out in those documents, the Project has further resulted in water quality and resource improvements within the existing constraints of the Order limits, having regard to the extant policy and legislative framework within which the Project was developed.”</p>
5.255	<p>The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be marked clearly. This may also include the need for treatment of water, which may need a permit under the Environmental Permitting Regulations.</p>	<p>In substance this policy is similar to the first part of the current NNNPS paragraph 5.231 and therefore the Applicant’s compliance statement set out in response to the original paragraph 5.231 provides a response to this part of the revised paragraph (see pages 225 - 226 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>The project will secure authorisation for any activity defined under Schedule 25 of the Environmental Permitting (England and Wales) Regulations 2016.</p> <p>EMP Annex B7 outlines the proposed approach to gaining consent, where required, and a draft consents register is provided within the Environmental Management System.</p>
Decision-making		
5.256	<p>Activities that discharge to the water environment are subject to pollution control and potentially the Environmental Permitting Regulations. The considerations set out in paragraphs 4.48-4.56 4.42 to 4.50 on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under a controlled water.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.224 and therefore the Applicant’s compliance statement set out in response to the original paragraph 5.224 provides a response to the revised paragraph (see page 222 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.257	<p>The Secretary of State will generally need to give impacts on the water environment more weight where a project would have adverse effects on the achievement of the environmental objectives established under the Water Framework Directive Regulations.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.225 and therefore the Applicant’s compliance statement set out in response to the original paragraph 5.225 provides a response to the revised paragraph (see pages 222 - 223 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.258	<p>The Secretary of State should be satisfied that a proposal has had regard to the River Basin Management Plans and the requirements of the Water Framework Directive (including Article 4.7) and its daughter directives, including those on priority substances and groundwater Regulations. The specific objectives for particular river basins are set out in River Basin Management Plans. In terms of Water Framework Directive Regulations compliance, the overall aim of projects should be no deterioration of ecological status in watercourses, ensuring that Article 4.7 to meet the environmental objectives under regulation 13 and to avoiding derogation by use of regulation 19 of the Water Framework Directive Regulations does not need to be applied. The Secretary of State should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans, Shoreline or Estuary Management Plans and Marine Plans.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.226. The Applicant notes the additional requirement to meet environmental objectives under regulation 13 and regulation 19.</p> <p>A WFD compliance assessment has been carried out and is included at Appendix 14.1 of the ES (Application Document 3.4). This assessment considers if there is a risk of the Project impeding the ability to achieve Regulation 13 (environmental objectives).</p> <p>The WFD compliance assessment also considers the risk of the project resulting in derogation and if there is a need for a Regulation 19 exemption assessment.</p> <p>The WFD compliance assessment concluded that the project’s potential for residual adverse overall effects with the risk of causing a deterioration in status of one or more quality elements is not considered to remain at this stage.</p>
5.259	<p>The Secretary of State should consider proposals put forward by the applicant and whether appropriate requirements should be attached to any development consent and/or planning obligations if to mitigate adverse effects on the water environment. This should involve discussions with the Environment Agency continues to have concerns and objects to the grant of development consent on the grounds of</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.227 and therefore the Applicant’s compliance statement set out in response to the original paragraph 5.227 provides a response to the revised paragraph (see page 224 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
	<p>impacts on water quality/resources, the will need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the Environment Agency to try to resolve the concerns, and that the Environment Agency is satisfied with the outcome.</p>	<p>With regards to discussions with the Environment Agency, an updated Statement of Common Ground between National Highways and the Environment Agency was submitted at Deadline 3 (Application Document 4.5 Statement of Common Ground Environment Agency – Rev 2) and at Deadline 5 (Application Document 4.5 Statement of Common Ground Environment Agency – Rev 3).</p>
<p>Impacts on transport networks</p>		
<p>Applicant's assessment</p>		
<p>5.262 – 5.265</p>	<p>Applicants should have regard to the policies set out in local plans – consult the relevant highway authority, local planning authority, and Network Rail, as appropriate, on the assessment of transport impacts. This should include agreement on alignment to policies outlined in existing or emerging local plans and Local Transport Plans.</p> <p>Different transport networks may need to share space within an area, even whilst serving different travel needs. For example, bus lanes, shared cycle lanes, green lanes, or bus and rail routes on the same corridor.</p> <p>Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. As part of this, consistent with paragraph 3.19-3.22 above, the applicant should provide evidence that as part of the Project they have used reasonable endeavours to address seek to offer an integrated transport outcome, significantly considering opportunities to support other sustainable transport modes, as well as improving local connectivity and accessibility in developing infrastructure. The needs of pedestrian and other vulnerable road users should be considered, where appropriate, in line with the principles of the road user hierarchy.</p> <p><u>The applicant should provide evidence that as part of the project they have addressed any new or existing severance issues and/or safety concerns that act as a barrier to non-motorised users unless it is unsafe or unviable to do so.</u></p>	<p>In substance these policies are similar to the current NNNPS paragraph 5.203-205 and therefore the Applicant's compliance statement set out in response to these original paragraphs provides a response to the revised paragraph (see pages 3.9.215-216 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>Local Transport Plans are considered in within the Legislations and Policy Compliance Statement (APP – 242).</p> <p>With regard to Network Rail infrastructure a review of rail stations and services has been undertaken. The finding from this review is set out in section 10.4 of the Transport Assessment (REP2-003). Consultation with Network Rail has not been considered appropriate on this matter given the limited local impact that the scheme would have on access to rail services.</p>
<p>5.266</p>	<p>For road and rail developments, if a development is subject to EIA and is likely to have significant environmental impacts arising from impacts on transport networks, the applicant's environmental statement should describe those impacts and mitigating commitments. In all other cases the applicant's assessment should include an assessment of the transport impacts on other networks as part of the application, <u>based on discussions with the Local Highway Authority/Local Planning Authority.</u></p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.206 and therefore the Applicant's compliance statement set out in response to this original paragraph provides a response to the revised paragraph (see page 3.9.216 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>Discussions with the local highway authority and local planning authority have been undertaken on a one-to-one basis during the preparation of the DCO application documents as well as through a series of project-wide focus groups. The purpose of the focus groups was to:</p> <ul style="list-style-type: none"> • Share emerging information with interested groups and organisations. • Explain the background, project scope and rationale for the proposed design. • Ensure that the information is shared (where appropriate) within wider networks. • To gather feedback and test the emerging design and enable the group to input to the scheme development. <p>Details on the focus groups and the issues discussed are set out in section 3.4 of the Consultation Report (APP-252)</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
Mitigation		
5.272 – 5.274	<p>Where appropriate, the applicant should prepare a travel plan including management measures to mitigate transport impacts.</p> <p><u>Mitigation measures for schemes should be proportionate and reasonable, focused on facilitating journeys by active travel, public transport, and cleaner fuels.</u></p> <p><u>Where development would worsen accessibility, there is a strong expectation that such impacts should be mitigated. Where impacts cannot be mitigated, the applicant should also be required to provide details of proposed measures to improve access by public transport and sustainable modes where relevant, to reduce the need for any parking associated with the proposal and to mitigate transport impacts, reasoning as to why impacts cannot be mitigated.</u></p> <p><u>The applicant should provide evidence that the development improves the operation of the network and assists with capacity issues.</u></p>	<p>In substance these policies are similar to the current NNNPS paragraph 5.208 and therefore the Applicant's compliance statement set out in response to this original paragraph provides a response to the revised paragraph (see page 3.9.217 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>Some of the traffic impacts of the scheme related to additional traffic being attracted to some local roads accessing the scheme. It should be noted that the volume of attracted traffic would not be sufficient to worsen accessibility. It has not always been possible to directly mitigate these impacts using active travel specific to the local road affected and a generic improvement to Walking, Cycling and Horse-Riding routes has been taken, including improvement to the East-West WCH network, as set out the Walking Cycling and Horse-Riding Proposals (APP-010).</p> <p>With respect to the additional element of this policy, regarding providing evidence that the development improves the operation of the network this is set out in I Transport Assessment Rev 2 (REP2-003) with the conclusions on how the Project would improve network performance set out in section 12.4.</p>
Road and rail developments		
5.275	<p>For schemes impacting on the Strategic Road Network, applicants should have regard to DfT Circular 02/2013 The Strategic Road Network and the delivery of sustainable development (or prevailing policy) which sets out the way in which the highway authority for the Strategic Road Network, will engage with communities and the development industry to deliver sustainable development and, thus, economic growth, whilst safeguarding the primary function and purpose of the Strategic Road Network.</p> <p><u>Mitigation measures may relate to the design, lay-out or operation of the scheme, or any support or funding to the immediate surrounding area of the scheme.</u></p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.209 and therefore the Applicant's compliance statement set out in response to the original paragraph 5.209 provides a response to the revised paragraph (see pages 3.9- 217-218 of Appendix A NNNPS Conformity Table (APP-242)).</p> <p>The ES (APP-043 to233) contains a full and robust assessment of the relevant impacts that are likely to arise from the Project, and where significant impacts are identified, sets out ways in which it is proposed that those impacts are avoided, reduced or mitigated. Those mitigation measures also take account of relevant policy, including the promotion of sustainable development.</p> <p>The Mitigation Schedule (Rev 3) (REP3-025) summarises all the mitigation measures identified in the ES,</p> <p>Traffic Management Plans ('TMPs') that will be part of the EMP (REP6-003 will be developed as detailed design progresses to enable the safe and smooth delivery of the Project. Key traffic management principles which will be reflected in the TMPs. Key principles include:</p> <ul style="list-style-type: none"> • Formation of access points • Offline works • Traffic navigation in traffic management areas • Traffic navigation on new road lengths • Online working during less busy periods • Large activity road closures • Traffic management at junctions • Keeping traffic moving
Decision-making		
5.277	<p>The Examining Authority and the Secretary of State should give due consideration to impacts on local transport networks and policies set out in <u>existing and emerging</u> local plans, for example, policies on demand management being undertaken at the local level and Local Transport Plans, during both construction and operation.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.211 and therefore the Applicant's compliance statement set out in response to the paragraph 5.211 provides a response to the revised paragraph (see page 3.9.218 of Appendix A NNNPS Conformity Table (APP-242)).</p>
5.279	<p>Schemes should be developed, and options considered, in the light of relevant local policies and local plans, however the scheme must be decided in accordance with the NPS except to the extent that one or more of subsections 104(4) to 104(8) of the PA applies. both national and local, taking into account local models where appropriate.</p>	<p>In substance this policy is similar to the current NNNPS paragraph 5.212 and therefore the Applicant's compliance statement set out in response to the paragraph 5.212 provides a response to the revised paragraph (see page 3.9.218-219 of Appendix A NNNPS Conformity Table (APP-242)).</p>

Revised NPS Paragraph	Revised Requirement of NPS (from Consultation version)	Change required/ Update to Compliance with NN NPS column
5.280	<p>Where a development negatively impacts on surrounding transport infrastructure including connecting transport networks, the Secretary of State should ensure that the applicant has taken reasonable steps to mitigate these impacts. This could include the applicant increasing the project's scope to avoid impacts on surrounding transport infrastructure and providing resilience on the wider network. In particular, this should recognise the importance of providing adequate lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. The applicant may increase the project's scope to avoid impacts on the surrounding transport infrastructure and improve network resilience. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should expect applicants to accept requirements and/or obligations to fund infrastructure or mitigate adverse impacts on transport networks.</p>	<p>The Transport Assessment (TA) Rev 2 (REP2-003) considers the impacts on the surrounding transport infrastructure including connecting transport networks. Section 8.1 of the TA sets out the local impacts and includes a summary table of local roads in each scheme area to illustrate the changes forecast because of the project. The analysis highlights that most impacts away from the Project are small and would not result in any significant operational impacts, apart from at the following location:</p> <p>At Clifford Road in Penrith where Paragraph 8.1.8 of the TA highlights an increase in traffic flow on Clifford Road and recommends that any impact should be monitored during the operational phase.</p> <p>Additionally, the assessment considers the impact of the Project on the transport network during the construction phase.</p> <p>The traffic scenario modelled within the TA provides an over-estimate of likely traffic movements, as, while robust assumptions have been made regarding the extent of temporary traffic measures (TTM) required (see chapter 11.6 of the TA), no mitigation has been included. This is because the impacts identified within the TA will help inform the potential issues that may arise during construction such that mitigation can be considered and implemented via the Environmental Management Plan (EMP) (REP3-004), where possible.</p> <p>In order to ensure this mitigation is provided to minimise impacts, as set out in paragraph 11.7.4 of the TA, the project team will monitor the journey times on the A66 to ensure excessive delays are not occurring due to the works. If delays on the A66 are causing inappropriate local routes to be used, then the project team will consider the adjustments that can be made to the TTM with the aim of reducing the delays.</p> <p>This means that the over-estimate in the TA will not give rise to actual traffic impacts. This mitigation will be implemented through the Construction Traffic Management Plan (CTMP) as outlined within the Environmental Management Plan (EMP) (APP-033).</p> <p>With respect to lorry parking National Highways is undertaking a specific piece of work to review, understand and inform how to improve the service provided to its freight customers, including parking, facilities, information provision and customer insight all of which fall within scope of this review. At this stage the freight study has been scoped around the whole A66, including interface with the A1(M) and M6 and is the forerunner to wider national considerations. Based on progress to date National Highways is confident that the review is not likely to recommend additional infrastructure interventions within the Order limits of this Project (as confirmed in the Applicant's Response to Written Questions (page 32) (REP4-011)).</p>
5.281	<p>Provided that the applicant is willing to commit to transport planning obligations and to mitigate transport impacts identified in the Transport Appraisal Guidance Transport Assessment (including environment and social impacts), with attribution of costs calculated in accordance with the Department's guidance, then development consent should not be withheld. Where residual effects on the surrounding transport infrastructure remain, appropriately limited weight should be given.</p>	<p>Beyond the issues highlighted in 5.280 above we can confirm that there is no need for transport planning obligations to mitigate transport impacts as there is no need to provide funding for improvements to the local road network etc. – as the findings from the TAG TA are positive. There are no impacts or only minor impacts on the local road network or in some case improvements to the local road network (e.g., the use of the de-trunked sections for local traffic), including when diversions are needed/ resilience hence no funding or mitigation is required.</p>