

A66 Northern Trans-Pennine Project

TR010062

7.46 Applicant's Response to Deadline 7 Submissions

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Deadline 8

16 May 2023

Infrastructure Planning

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

A66 Northern Trans-Pennine Project
Development Consent Order 202x

**7.46 APPLICANT'S RESPONSE TO DEADLINE 7
SUBMISSIONS**

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1. Introduction

1.1. Purpose of this document

- 1.1.1. This document sets out the National Highways' response to some of the submissions made at Deadline 7 of the Examination of the A66 Northern Trans-Pennine Project (the Project).
- 1.1.2. National Highways has reviewed the submissions made at Deadline 7 of the Examination and considers that some submissions require a response, where new matters have been raised or where a clarification of a point would be beneficial. Where a matter has been addressed previously it is not responded to in this document, although references are provided in the document to where the response can be found.
- 1.1.3. National Highways has reviewed the submissions made in relation to the proposed replacement of the Brough Hill Fair site, made by the Brough Hill Fair Community Association and Messrs Heron. National Highways has already responded to the submissions by the Brough Hill Fair Community Association in an update to the Summary Statement on the Brough Hill Fair Replacement Site submitted at Deadline 7 of the Examination [REP7-156], and that update also covers the same matters as the submissions made at Deadline 7 by George F White on behalf of Messrs Heron. National Highways has not therefore responded to those submissions in this document

1.2. Structure of this document

- 1.2.1. This document is therefore set out as follows.
 - Section 2: Applicant's response to Deadline 7 submissions made by Local Authorities.
 - Section 3: Applicant's response to Deadline 7 submissions made by Statutory Environmental Bodies.
 - Section 4: Applicant's response to Deadline 7 submissions made by Affected Persons.
 - Section 5: Applicant's response to Deadline 7 submissions made by other Interested Parties.

2. Applicant's response to Deadline 7 submissions made by Local Authorities

2.1.1. Table 2 sets out the Applicant's response to submissions made by Local Authorities

Table 2. Response to Deadline 7 Submissions made by local authorities.

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
REP7-188	<p>Westmorland and Furness Council</p> <p>Response to the Applicant's response to the Examining Authority's Further Written Questions submitted at Deadline 6</p>	<p>Air Quality</p> <p>AQ 2.1 – Design Manual for Roads and Bridges (DMRB) LA105 Assessment.</p> <p>The Council would value a copy of the Technical Note that is referenced by the Applicant so that they can likewise be reassured on the process and assessment that has been undertaken. If necessary, the Council will provide a further response once it has received and reviewed that Technical Note.</p> <p>Compulsory Acquisitions</p> <p>CA 2.4 Skirsgill Depot Cumbria County Council</p> <p>The Council is still in negotiations with the Applicant in relation to Skirsgill Depot on a number of issues relating to land acquisition, temporary possession (and maintenance following use of that land as a compound) and issues relating to ongoing access to its operational land. The Council is hopeful that all issues can be resolved in the legal side agreement currently in negotiation and that this will be able to be agreed before the close of the Examination.</p> <p>Draft Development Consent Order (draft DCO)</p> <p>DCO 2.1</p> <p>Article 53 (4)(a) and (7)(a)(ii) Environmental Management Plan (EMP).</p>	<p>AQ 2.1</p> <p>National Highways are in the process of discussing the technical note with Natural England as the relevant authority for the Habitats Regulation Assessment, given that is the focus of the note. An update on the outcomes of this will be provided to the ExA including in the Statement of Common Ground between National Highways and Natural England, which will be submitted at Deadlines 8 and 9. In parallel, the Applicant will engage with Westmorland and Furness Council directly on this point.</p> <p>CA 2.4</p> <p>The Applicant notes and agrees with the Council's comments regarding arrangements for the use by the Applicant of land at Skirsgill Depot in connection with the Project. Negotiations are progressing well and the Applicant shares the Council's hope that all issues will be resolved in the legal side agreement which is being negotiated currently. Both the Applicant and the Council are aiming to settle the side agreement before the close of the Examination.</p> <p>DCO 2.1</p> <p>The Applicant has set out its position in its response to Further Written Question DCO 2.1 [Document Reference 7.34, REP6-020]. In summary, it is adopting the</p>

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		<p>The Council suggests that the wording 'materially different' is sufficient as anything 'new' would also be 'different' to what was previously concluded. The words 'or a positive environmental effect' need to be omitted. Their inclusion would allow a positive environmental effect to be avoided, removed or reduced, which is clearly not the intention. (The final part of the sentence referring to 'the increase of an assessed positive environmental effect' is supported)</p> <p>Traffic and Access</p> <p>TA 2.1 Penrith Traffic Modelling</p> <p>The Council welcomes the additional modelling undertaken, both in microsimulation software VISSIM, and junction signal software LinSig, to help inform the understanding of the potential impacts.</p> <p>Following the review to date, the Council is more confident that the proposed design will cope with the forecasted traffic growth to an acceptable level. The Vissim modelling results show reductions in traffic queuing compared to the without scheme option, and the LinSig shows that the junction can operate with the expected flows in 2044.</p> <p>There are some outstanding issues identified that require resolution both to:</p> <p>1) provide further confidence that the Proposed Scheme operates efficiently and safely for all modes, and</p> <p>2) to improve the design evolution process of the Proposed Scheme itself so that the signal control at M6 J40 and Kemplay Bank is optimised.</p>	<p>"materially new or materially different" formulation which is consistent with other made DCOs. The interpretative provision ensures the Applicant is not precluded from reducing the severity of adverse effects or increasing the magnitude of positive effects.</p> <p>TA 2.1</p> <p>The Applicant has responded to the traffic and access queries as part of ongoing engagement. This is recorded at table 3-1.24 and Appendix A of the Statement of Common Ground (SoCG) with Westmorland and Furness Council (WFC), submitted at deadline 8. The approach to traffic modelling has been discussed with WFC and its Consultant, WSP, and is agreed. This is subject to ongoing dialogue with the Applicant and its Delivery Integration Partners (DIPs) during the detailed design phase following the conclusion of the Examination.</p> <p>TA2.2</p> <p>Surfacing details will be developed as part of the detailed design as individual Private Means of Access, rights of way, bridleways and cycleways will have differing requirements. Further engagement will continue with the DIPs and Local Authorities on the detailed design.</p> <p>In relation to maintenance, the Applicant responded to this point in its response to Deadline 6 Submissions [Document Reference 7.40, REP7-160], pages 2 & 3 under the heading TA 2.2. In summary, the provisions of the draft DCO set out which highway authority is liable to maintain each highway.</p>

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		<p>The Council has set out a detailed breakdown of these issues in a Technical Note issued to the Applicant on 18th April 2023 in Appendix A to C. Some of these issues can be addressed during the Examination for example, providing further information about assumptions used, and other issues are likely to need progressing after the Examination closes, where further design input is needed to optimise the future operation of the proposed Scheme.</p> <p>The main issues from this Technical Note were discussed with Applicant and Arup on 17th April 2023, and it was agreed that the issues in this Technical Note would be reviewed, with commentary to be provided in response to the issues set out in Appendix A-C before the end of the Examination so that the Council can record its expectation for further refinements to the design during the Detailed Design process post Examination.</p> <p>The Applicant has responded to these issues and we now have a record of the design elements that require development post Examination which are contained in two Technical Notes submitted into the Examination alongside the Council's Covering Letter at Deadline 7:</p> <ol style="list-style-type: none"> 1. A66 Traffic Modelling Review Technical Note - Response from the Applicant 27.04.23 2. A66 Traffic Modelling Councils' Review of Applicant Responses Technical Note 04.05.23 	

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		<p>TA 2.2</p> <p>Private Means of Access (PMA) and Public Rights of Way (PROW)</p> <p>The Council welcomes confirmation that the PMA and PROW will be delineated or segregated. However, there is still insufficient clarity relating to the adopted status of the PMA and associated PROW. The highway status of each element (or combined) and associated maintenance liability for the Council needs to be made clear.</p> <p>The Council still has concerns in this regard and has not yet had any engagement from the Applicant to discuss the arrangements.</p>	
REP7-193	<p>Westmorland and Furness Council</p> <p>Comments on the Applicant's Change Requests and/or ExA's Procedural Decision set out in the letter dated 18 April 2023</p>	<p>DC-01 – Change in speed limit west of M6 Junction 40</p> <p>It is acknowledged that the proposed 50mph speed limit will enable the design of the auction site junction to comply with DMRB that matches more closely with the current access arrangements. The proposal reduces speeds approaching the auction site junction and J40.</p> <p>The Road Safety Audit will identify key concerns, and representatives from the Council need to be present when this is undertaken.</p> <p>DC-03 – Reorientation of Kemplay Bank junction</p> <p>Details of the impacts upon the walking and cycling routes through this junction are required. The Council still maintains that provision of a more direct route to travel across the junction is required for non-motorised users. Signal control of the pedestrian and cycle crossings is required.</p>	<p>DC-01 Noted</p> <p>DC-03</p> <p>The current preliminary design proposes signal controls on the roundabout, primarily to help pedestrian and cycle movements, and do not consider that a 'more direct' route provides any significant advantages for these users.</p> <p>The Applicant has carried out traffic modelling of Kemplay Bank roundabout which indicated that the proposed lane arrangements on the slip roads are adequate, and that there is a potential for further capacity gains to be made from the traffic signals during the detailed design phase following the conclusion of the Examination. This modelling can be shared with WFC and its consultant at this time.</p> <p>The approach to traffic modelling has been discussed with WFC and its Consultant, WSP, and is agreed. This</p>

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		<p>The Council is concerned that there is event-related congestion on the A6 at Eamont Bridge that is related to the direct linkage of signal operation with Kemplay Bank roundabout.</p> <p>There are further discussions required on the signalling of the roundabout and the ownership and control of the signals.</p> <p>The Council has made previous representations that the 'on' slip roads to the roundabout should be two lanes to increase capacity. The Council is awaiting detailed modelling information from the Applicant before further comments can be made.</p> <p>DC-04- Separation of, and greater flexibility for, shared public rights of way (PRoW) and private access track provision on the Penrith to Temple Sowerby scheme.</p> <p>Separation of the PRoW and private means of access (PMA) is clarified for the section shown in Figures DC-04(a) and DC-04(b).</p> <p>The assumption is that the separation of the two entities will mean that maintenance liability for the PMA will not fall to the Council. However, this question is not resolved for other sections of the route where the PMA and PRoW is shared.</p> <p>DC-05 – Removal of junction for Sewage Treatment Works (and private residence) from A66, and provision of an alternative access from B6262</p> <p>It is not clear whether the PMA and cycle track will be physically separated as with the DC-04 proposal. This should be done given the greater levels of motorised</p>	<p>is subject to ongoing dialogue with the Applicant and its Delivery Integration Partners (DIPs) during the detailed design phase following the conclusion of the Examination, as set out in 3-1.24 of the Statement of Common Ground submitted at Deadline 8. This will provide an opportunity to continue discussions regarding details such as the design of the traffic signals the need for direct linkage between the signals at Kemplay Bank and Eamont Bridge, and the ownership and control of these signals.</p> <p>DC-04</p> <p>In relation to maintenance, the Applicant responded to this point in its response to Deadline 6 Submissions [Document Reference 7.40, REP7-160], pages 2 & 3 under the heading TA 2.2. In summary, the provisions of the draft DCO set out which highway authority is liable to maintain each highway.</p> <p>DC-05</p> <p>There is scope within the DCO to allow separation of the PMA and cycle track, and the format of this will be developed further during detailed design.</p> <p>Access to the sewage works (and adjacent private residence) will be maintained during construction. In relation to maintenance, the Applicant responded to this point in its response to Deadline 6 Submissions [Document Reference 7.40, REP7-160], pages 2 & 3 under the heading TA 2.2. In summary, the provisions of the draft DCO set out which highway authority is liable to maintain each highway.</p> <p>DC-19 this is noted and will be considered further during detailed design. In addition, the proposals will be</p>

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		<p>traffic and HGVs that will access the Countess Pillar, former Llama Karma Kafe and Sewage Treatment Works.</p> <p>Given that the road from the B6262 to the former Llama Karma Kafe is marked as a PMA, the assumption is that the Council is not responsible for maintenance as such. Access must be maintained to the sewage works during construction at all times</p> <p>DC-06 – Increase in vertical Limits of Deviation local to Shell Pipeline</p> <p>No further comments</p> <p>DC-08 – Inversion of the mainline alignment at the junction at Center Parcs</p> <p>No further comments</p> <p>DC-09 – Flexibility to reuse the existing A66 carriageway.</p> <p>No further comments</p> <p>DC-11 – Earlier tie-in of Cross Street to the existing road</p> <p>No further comments</p> <p>DC-13 – Realignment of Main Street</p> <p>No further comments</p> <p>DC-14 – Realignment of Sleastonhow Lane</p> <p>No further comments</p> <p>DC-15 – Realignment of Crackenthorpe underpass</p> <p>No further comments</p>	<p>subject to Road Safety Audits (following detailed design and completion of the works).</p> <p>DC-26 PROW connectivity is maintained across the new accommodation overbridge which links into the current provision north and south of the A66.</p>

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		<p>DC-19 – Realignment of cycleway local to Cringle and Moor Beck</p> <p>Given that the proposed route will need to cross a 50mph road at a corner, the design will need to be amended to incorporate a safe crossing for non-motorised users. Compliance with LTN 1/20 crossing types is required (signals or grade-separation), given the likely speed and volume of traffic.</p> <p>DC-24 – Reuse of existing A66 (north of Flitholme)</p> <p>No further comments</p> <p>DC-26 - Revision to West View Farm accommodation bridge and removal of West View Farm underpass</p> <p>The Council is still concerned that overall connectivity for PRow users is not maintained.</p> <p>Latest plans clarify that the new bridleway (marked as 309/031) is retained with the changes.</p> <p>DC-27 – Construction of noise barrier south of Brough</p> <p>No further comments</p>	
REP7-189	Response to the Examining Authority's Schedule of recommended amendments to the Applicant's draft DCO submitted at Deadline 5	<p>Part 5 Article 53(2) Environmental Management Plan (EMP)</p> <p>The Council supports the additional wording suggested by the ExA.</p> <p>Part 5 Article 53(4)(a) and (7)(a)(ii)</p> <p>Article 54(2)</p> <p>The Council supports the amendment suggested by the ExA.</p>	The Applicant's position in relation to these matters is set out in its Response to the Examining Authority's Procedural Decision PD-014 (Document Reference 7.39, REP7-159).

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		<p>Part 5 Article 54(1) The Council supports the amendment suggested by the ExA.</p> <p>Part 5 Article 54(4) Detailed Design The Applicant welcomes the suggestion by the ExA of including this additional wording in Article 54 to secure Secretary of State approval to the detailed design of the viaducts.</p> <p>Part 5 Article 54(5) Detailed Design The Council supports the insertion of new paragraph in Article 54 as suggested by the ExA.</p> <p>Schedule 1 Ancillary Works The Council supports the amendments suggested by the ExA.</p>	
REP7-190	Westmorland and Furness Council		See SoCG submitted at Deadline 8.

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	Final Principal Areas of Disagreement Summary Statements		
REP7-191	Westmorland and Furness Council Technical Note 1: A66 NTP Noise and Vibration Queries	<p>Introduction</p> <p>Further to information provided by National Highways (the Applicant) at Deadline 6 of the Development Consent Order (DCO) Examination, Westmorland and Furness Council (the Council) have carefully considered the information that has been provided. A presentation by the Applicant on the 21st of April 2023 was also very informative and has allowed a deeper understanding of the rationale behind the mitigation proposals in the Kirkby Thore area.</p> <p>This Technical Note identifies the areas where there is agreement between the Council and the Applicant with regard to the assessment and where further information and clarity is still required before the Council is able to reach a position of 'all matters agreed' within the Statement of Common Ground (SoCG).</p> <p>Noise modelling at Kirkby Thore</p> <p>The Council agrees with the Applicant that the appropriate mitigation at Sanderson Croft needs to be a balance between achieving an appropriate level of noise attenuation without generating an unacceptable visual impact. The Councils request that the Applicant provides further information on the relative height of the modelled noise barriers that were presented in the Kirkby Thore Technical Note issued on the 20th of April 2023 so that the Council can understand the extent to which each section of modelled barrier contributes to the visual constraints that the Applicant identifies.</p>	<p>Noise modelling at Kirkby Thore</p> <p>A response to these issues was provided in a technical note entitled "Kirkby Thore Technical Note Response" via e-mail on 10 May 2023. The Applicant requested confirmation of acceptance of this note in a meeting on 10 May 2023. At the time of writing the Applicant is yet to have received comments on the technical note. The Applicant and their DIPS will continue to work with W&FC and their consultants during the detailed design stage in relation to the delivery of noise mitigation. The Applicant considers that the noise mitigation proposed as set out in Chapter 12 of the Environmental Statement (APP-055) and included in the EMP (Rev) is sufficient and proportionate to the impacts and effects reported.</p> <p>Noise and Vibration Management Plan</p> <p>The amendments requested at Paragraph B5.1.4 are accepted and have been made in the revised version of the Noise and Vibration Management plan submitted at Deadline 8.</p> <p>The amendments requested at Paragraph 5.8.1 have been largely accepted and have been made in the revised version of the plan submitted at Deadline 8, other than the inclusion of the term 'and agreed'. It is National Highways intent that should noise issues be identified by complaints or monitoring, remedial action will be implemented quickly. National Highways agrees that consultation with the Local Authority is important in this instance to ensure the remedial action is appropriate</p>

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		<p>The Councils would like clarification as to whether the inclusion of the barrier as marked in red in Figure 1 is delivering any additional attenuation above that which the bund surrounding the slip road is providing, or whether the barrier shown in dark blue and cyan is delivering the predicted reduction (~-2dB). The Councils would therefore like a more detailed understanding of the source of the resulting noise increase (e.g. partial levels to understand the noise levels from the segments of road(s)) at Sanderson Croft as well as information on the relative heights of the bunds on the southern side of the carriageway where barriers have been modelled.</p> <p>This is of importance to the Council as the Applicant has demonstrated in their Technical note that the inclusion of a barrier would bring resulting noise levels at Sanderson Croft below the Lowest Observed Adverse Effect Level (LOAEL) and hence compliant with the Noise Policy Statement for England (NPSE). As such an opportunity is available, the Councils believe that it is important to ensure that it is investigated and implemented if found to be practicable.</p> <p>Noise and Vibration Management Plan</p> <p>The Council acknowledges the inclusion of Kirkby Thore Primary School within Paragraph B5.1.4 Annex B5 Noise and Vibration Management Plan (Rev 2) (Tracked). However, the Councils request the following change to the wording:</p> <p><i>The Principal Contractor Noise and Vibration Specialist will prepare applications for 'Section 61' Consent including, but not limited to, Kirkby Thore Primary School if required. Applications will detail the activities and methods to be used during the Project with a prediction</i></p>	<p>and that all parties are aware of the situation, but considers an approval mechanism does not sit consistently with the overall approach taken to mitigation in the first iteration EMP. The Plan will be consulted on and submitted to the Secretary of State for approval.</p> <p>Environmental Management Plan</p> <p>The design changes now accepted into the Examination by the ExA have changed the works in the vicinity of Skirsgill Lodge and updated modelling has shown there is no longer a need for noise mitigation (see ES addendum submitted). The requirement for this barrier was therefore removed from the EMP in the updated design change version submitted at Deadline 7 (Document Reference 2.7, REP7-007).</p> <p>'Authority' as referenced in that particular REAC commitment is as defined in section 1 of the EMP and relates to the National Highways self-approval/SoS approval so the term Authority is correct and should not read Local Authority.</p>

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		<p><i>of noise and vibration levels at appropriate receptors agreed with the Environmental Health Office (including, but not limited to, Kirkby Thore Primary School). Details of construction activities, prediction methods, locations of sensitive receptors, noise and vibration monitoring and mitigation (if required) should be presented.</i></p> <p>The Council also requests the following minor amendments to Paragraph 5.8.1 of Annex B5 Noise and Vibration Management Plan (Rev 2) (Tracked). <i>The relevant local planning authority will be invited to visit the site to view and validate the success or otherwise of the remedial action. Should further mitigation, which is implementable be appropriate to prevent a re-occurrence, this will be discussed and agreed with the relevant local planning authority and implemented accordingly where reasonably practicable."</i></p> <p>Environmental Management Plan</p> <p>Noise related comments:</p> <p>The Council acknowledges the Applicant's comments and is agreeable to deferring the design of any mitigation as the Applicant suggests but would like explicit inclusion in REAC commitment D-NV-02 in the first bullet to allow the consideration of a stone barrier that is in keeping with the architectural merit of Skirsgill Lodge. The first bullet would therefore read as follows with additional text in red:</p> <p>"The PC must engage with the residents of Skirsgill Lodge to establish whether they would support the implementation of the Barrier (which could be made of stone in consistent style to the existing boundary wall)."</p> <p>The Council is agreeable to the revised wording of REAC commitment D-NV-04 but requires clarification if the word 'Authority' in the final paragraph should read</p>	

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		<p>'Local Authority' and if so would like this amendment to be made.</p>	
<p>REP7-192</p>	<p>Westmorland and Furness Council</p> <p>Response to Applicant's response to Deadline 5 submissions at Deadline 6, for Deadline 7.</p>	<p>AQ 1.1: Castlegate; logic of changing routes, further evidence and analysis is required as well as updates to the Environmental Management Plan [EMP].</p> <p>[REP5-036] Principal issues to be addressed with the Environmental Statement.</p> <p>Traffic Routing</p> <p>As the 'flipping' of traffic between Ullswater and Victoria Road is finely balanced, monitoring of impacts would be sensible.</p> <p>This issue is also more likely to be prominent during construction of the proposed Scheme and will need to be appropriately mitigated through the Construction Traffic Management Plan.</p> <p>It is therefore requested that future monitoring (both during construction and operation) of traffic flows through Penrith is undertaken, by ANPR or equivalent means, and appropriate mitigation is provided to reduce the potential impacts of this issue. The Council is in discussion with the Applicant on how to secure this.</p> <p>There is an opportunity to improve Penrith Town Centre if the capacity improvement at J40 is realised. The latest Vissim results show an improvement in journey times for A66 east to M6 north, in future years with the scheme compared to current conditions, so using the A66 instead of local roads appears logical.</p>	<p>AQ 1.1</p> <p>The Construction Phase traffic monitoring, including methodology and duration, will be addressed by the Construction Traffic Management Plan (CTMP). It is not appropriate at this current time to identify the type, timing, location, or duration of the traffic monitoring. This detail will be developed by the DIPs and their designers based on their proposed traffic management scheme(s) which will be developed from the detailed design, construction plan and programme.</p> <p>Traffic Routing</p> <p>Comments in respect to the Vissim model are welcomed by the Applicant.</p> <p>CA 1.2</p> <p>The Applicants position on Biodiversity Net Gain is set out within the SoCG with WFC submitted at Deadline 8.</p> <p>Biodiversity net gain is not currently a requirement for Nationally Significant Infrastructure Projects; however, National Highways are committed to maximising biodiversity delivery achieved by the Project.</p> <p>The environmental mitigation design has been developed to provide mitigation for adverse impacts on protected species and to replace habitats where those are lost, achieving a minimum of no net loss. This is in accordance with one of the Project objectives and the Project Design Principles measures BNG01 and BNG02, which are secured under the dDCO in accordance with Articles 49 and 54, the latter of which requires that the</p>

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		<p>Compulsory Acquisition</p> <p>CA 1.2: Councils do not see how enhancement of biodiversity is not a requirement for the Project. The Councils have raised in their LIR opportunities for this.</p> <p>The Council remains concerned about the degree of net gain that is to be delivered through the project and continue to seek reassurance from the Applicant on what additional mitigation and compensation can be provided. Should agreement not be reached through the DCO process, then the Council will continue these discussions with the Delivery Integration Partners and with the Applicant through the Designated Funds process</p> <p>Draft EMP</p> <p>EMP 1.1: ES assessments not progressed so significant effects are not mitigated, due to absence of survey and design information.</p> <p>Substantial progress has been made on the issues raised by the Council at Deadline 5. There are, however, some requests that have not been addressed and dialogue continues between the Council and the Applicant to resolve what is outstanding.</p> <p>Specifically, the Council has concerns about the following that are provided in greater detail later in this document, but in summary:</p> <ul style="list-style-type: none"> • Whether a suitable degree of noise mitigation has been provided to the residents of Kirkby Thore or whether incremental or partial elements of barrier could be provided that deliver significant benefits. 	<p>authorised development must be designed in detail and carried out so that it is in substantial accordance with the design principles (among others). Achieving no net loss is therefore an objective that has been secured by the Project Impacts and proposed mitigation are detailed within Chapter 6 (Biodiversity) of the ES (Document Reference 3.2, APP-049) and underpinned by detailed assessments within separate appendices (Appendix 6) within Volume 3 of the ES (Document Reference 3.4, APP-154 – APP-175).</p> <p>EMP1.1 – The Applicant has been engaging with WFC and other stakeholders extensively on the draft EMP. Where comments have not been addressed to date, this is due to the Applicant not accepting them for various reasons, which have been communicated with WFC where relevant. However, the Applicant is content to engage with WFC further on this with a view to seeking agreement on the minor outstanding points. Turning specifically to the comments raised on noise and vibration and red squirrel:</p> <p>Noise and vibration</p> <p>Further modelling and analysis has been undertaken as requested by the Council in the “Principal issues to be addressed with the Environmental Statement [REP5-036]” at deadline 5. A technical note was provided to respond to the request on 20 April 2023, and a meeting held on 21 April 2023 to discuss the outcomes of the technical note. The Council consequently sent further comments via e-mail on 27 April 2023, which were responded to via e-mail on 10 May 2023.</p> <p>The technical notes concluded that the proposed design of the Kirkby Thore earth bunds submitted as part of the DCO application is optimal in terms of balancing the</p>

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		<p>The Council has provided detailed comment to the Applicant on this matter.</p> <ul style="list-style-type: none"> • Minor changes to the wording of the EMP that the Council is aware have not been accepted by the Applicant. • Whether the animex bridges proposed as red squirrel mitigation measures deliver the optimum benefit to this species of concern as compared to mitigation and enhancement measures outwith the Order Limits. 	<p>needs of the Project as a whole including noise and landscape and visual impacts.</p> <p>With regards to the minor changes of the EMP regarding noise and vibration issues, the following has been communicated to the Council via e-mail on 10 May 2023:</p> <ul style="list-style-type: none"> • The design changes now accepted by the Examining Authority (see Rules 9 and 17 – The ExA Procedural Decision in response to the Applicant's proposed changes and the ExA request for further information published on 18 April 2023) have changed speed limits in the vicinity of Skirsgill Lodge and updated modelling has shown there is no longer a need for noise mitigation (further details are presented in 8.4 Change Application – Environmental Statement Addendum Volume II [Document Reference 8.4, CR1-017]). The requirement for this barrier is therefore being removed from the EMP in the updated design change version to be submitted at Deadline 7 <p>The final drafts of the NVMP and EMP have been shared for final review/comment by the Local Authorities and SEBs and are now agreed on this point.</p> <p>Red Squirrel mitigation</p> <p>As set out in the Applicants Response to Deadline 5 Submissions, [Document Reference 7.35,REP6-021], pg 17 -18 text has been included within EMP Annex B1 Landscape and Ecological Management Plan (refer paragraph B1.21.30) to allow for consultation with the Councils and relevant parties including Penrith Red Squirrel Group to determine whether appropriate grey</p>

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		<p>Flooding and Drainage</p> <p>FDW 1.7.</p> <p>FDW 1.11</p> <p>The legal side agreement is still being negotiated between the parties in relation to drainage assets and the Council is hopeful that agreement can be reached on all issues prior to the close of the Examination.</p> <p>People and Communities</p> <p>PC 1.3</p> <p>The Council notes the discussions taking place about the potential sale of Brough Hill Fair site, to which Fair rights would be attached. Whilst there is a current private landowner interest in purchasing the site the situation may change. The Council would like to understand how the site would be managed in the future if there were no purchasers of the site.</p> <p>The Applicant's intention to include management measures to the Secretary of State as required under Article 36 of the DCO is noted. The Council would like to consider these as soon as they are available.</p>	<p>squirrel control can be appropriately incorporated as part of the red squirrel mitigation for the Project.</p> <p>Regarding the effectiveness of Animex bridges as mitigation – this point has been responded to in REP6-021 as set out above. Responding to the point on cost effectiveness and the recommendation that Animex bridges be installed only on the larger structures, the Applicant notes that it is not intended to provide free standing Animex bridge structures rather these will be erected on existing or new infrastructure.</p> <p>FDW 1.7 and FDW 1.11</p> <p>The Applicant notes the position as described and refers to the Final Statement of Common Ground submitted at Deadline 8.</p> <p>PC 1.3</p> <p>The Applicant notes that, as detailed in its updated Summary Statement on Brough Hill Fair Relocation submitted at Deadline 7 [Document Reference 7.37, REP7-156], the scheme that the Applicant is required to provide to the Secretary of State as part of the process of securing approval of the Project required by Article 36 of the draft DCO must include details in relation to ongoing management and maintenance, so that the Secretary of State can be informed as to how the replacement BHF site will be managed and maintained in the future. The Secretary of State must approve these proposals and these, alongside the BHF rights, are irrespective of the ownership of the land.</p>

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		<p>Traffic and access</p> <p>TA 1.1 – De-trunking arrangements No further comment.</p> <p>TA 1.2 - Active Travel England The Council welcomes this engagement, particularly as the Active Travel Schemes' detailed design has not yet commenced. Active Travel England's technical review and input into that process will provide significant benefits in ensuring that the design is coherent and that interfaces and routes along the SRN and Local Highway network are designed to appropriate standards, including the proposed sections of de-trunked A66 where the current proposals need significant evolution in their design to comply with LTN1/20.</p> <p>TA 1.6 - Diversion routes The Council welcomes that details listed by the Applicant to be included within the traffic and WCH plans will be developed in consultation with the Council. The Council also welcomes any changes to assessment are reflected in future iterations of the EMP, once the best practice mitigation is confirmed and the detailed construction plans are finalised.</p> <p>TA 1.8 - operational models for J40 and Kemplay Bank See response to "Agenda Item 6.1 – Traffic modelling in Penrith" in the following question.</p>	<p>TA1.1 The parties are continuing to negotiate the terms of an agreement covering de-trunking matters. A draft is in circulation and the parties are working together with a view to completing this before the end of the Examination.</p> <p>TA 1.2 – TA 1.8 The Applicant has responded to the traffic and access queries as part of ongoing engagement. This is recorded at table 3-1.26 and Appendix A of the Statement of Common Ground (SoCG) submitted at deadline 8. The approach to traffic modelling has been discussed with WFC and their Consultant WSP and accepted, subject to ongoing dialogue with National Highways and their Delivery Integration Partners (DIPs) within the Detailed Design development.</p>

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		<p>TA 1.10 - freight study</p> <p>A meeting was held on 08.03.2023 in which the issue of HGV facilities was discussed in the context of the A66. The Applicant and its consultants provided an update on the Nationwide Freight Study, with particular focus on the A66. It was recognised that there was a specific need to meet the future demand of freight along the A66 corridor, and consultation feedback from hauliers was presented which supported this issue. The Councils support the study and will continue discussions with the Applicant to identify appropriate solutions on the A66 corridor. The impact of increased demand of HGV parking expected as a result of the Project is currently unmitigated by the Applicant, and this will result in a worsening of issues caused by indiscriminate HGV parking in Penrith, other settlements, and laybys along the A66. The Councils understand that this issue will not be resolved by the determination of the Examination but support the parallel workstream to deliver an optimal solution. National Highways will need to make a written binding commitment to implementing the recommendations of the freight study.</p> <p>ISH3</p> <p>Agenda Item 2.6 Design and Landscape</p> <p>The Council's latest position is set out below in the response to the Landscape and visual Draft EMP.</p>	<p>TA 1.10</p> <p>As previously noted by National Highways through ongoing engagement and in the Applicant's comments on the Local Impact Report (Document Reference 7.9, REP2-018) (page 33 and 34), the Freight Study referred to is a separate from the A66 NTP Project. Any commitments made, linked to the Study are also separate from the Project. The Freight study is now complete, and the Applicant is considering the impact and potential actions to be undertaken. The results of the study will be released mid-summer 2023.</p> <p>ISH3</p> <p>Agenda Item 2.6 Design and Landscape</p> <p>Environmental Management Plan Annex B1 – the WFC suggested wording of paragraph B.1.7.6 of EMP Annex B1 Outline Landscape and Ecological Management Plan has been accepted and is reflected in the latest version of this document submitted at this Deadline 8.</p>

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		<p>Agenda Item 3.1 Biodiversity</p> <p>Issues relating to biodiversity are generally agreed, however detailed responses are set out below in reference to the Draft EMP section.</p> <p>Agenda Item 6.1 – Private means of access and public rights of way arrangements</p> <p>The Council welcomes confirmation that the PMA and PRow will be delineated or segregated. However, there is still insufficient clarity related to the adopted status of the PMA and associated PRow. The highway status and associated maintenance liability for the council needs to be made clear.</p> <p>Agenda Item 6.1 – Traffic modelling in Penrith</p> <p>The Council welcomes the additional modelling undertaken, both in microsimulation software VISSIM, and junction signal software LinSig, to help inform the understanding of the potential impacts.</p> <p>Following the review to date, the Council is more confident that the proposed design will cope with the forecasted traffic growth to an acceptable level. The Vissim modelling results show reductions in traffic queuing compared to the without scheme option, and the LinSig shows that the junction can operate with the expected flows in 2044.</p> <p>There are some outstanding issues identified that require resolution both to 1) provide further confidence that the Proposed Scheme operates efficiently and safely for all modes, and 2) to improve the design evolution process of the Proposed Scheme itself so that the signal control at</p>	<p>Agenda Item 3.1 Biodiversity</p> <p>See response under EMP1.1 'Red Squirrel Mitigation' above.</p> <p>Further consultation will be undertaken at detailed design with the Councils and relevant parties including Penrith Red Squirrel Group to determine whether appropriate grey squirrel control can be appropriately incorporated as part of the red squirrel mitigation for the Project.</p> <p>In response to the Councils' concerns relating to the use of the Animex wildlife bridge (or equivalent) as part of the proposed mitigation specified to connect red squirrel habitat severed by the Project, evidence does exist to suggest the success in reducing isolating/fragmentation impacts on mammals species (White, IC., Hughes, S.A., 2019); however there is no evidence base as yet to suggest the success of Animex wildlife bridges on the scale required for the A66 so the use of the bridge as part of the mitigation proposals for the A66 will act as a pilot scheme to inform further research in this area. It should also be noted that the second iteration EMP will include detailed design information relating to the proposed red squirrel crossings, and there will therefore be an opportunity at this stage for WFC to provide further input/consultation if concerns remain regarding these proposals.</p> <p>Agenda Item 6.1 Traffic Modelling in Penrith</p> <p>This issue arises due to the representation of traffic loading within the strategic transport model.</p> <p>The increase in traffic on Wetheriggs Lane/Clifford Road (south of Kilgour Street) is due to traffic from Junction 40</p>

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		<p>M6 J40 and Kemplay Bank is optimised. We have set out a detailed breakdown of these issues a Technical Note Issued to the Applicant on 18th April 2023 in Appendix A to C. Some of these issues can be addressed during the examination period, for example, providing further information about assumptions used, and other issues are likely to need progressing after the examination closes, where further design input is needed to optimise the future operation of the proposed Scheme.</p> <p>The main issues from this Technical Note were discussed with the Applicant and Arup on 17th April 2023, and it was agreed that the issues in this Technical Note would be reviewed, with commentary to be provided in response to the issues set out in Appendix A-C before the end of the examination so that the Council can record their expectation for further refinements to the design during the Detailed Design process post examination.</p> <p>The Applicant has responded to these issues and we now have a record of the design elements that require development post examination which are contained in two Technical Notes submitted alongside our Covering Letter at Deadline 7:</p> <ol style="list-style-type: none"> 1. A66 Traffic Modelling Review Technical Note - Response from the Applicant 27.04.23; and 2. A66 Traffic Modelling Councils' Review of Applicant Responses Technical Note 04.05.23 <p>Response to Applicant's traffic data screening Traffic Routing</p>	<p>accessing the model zone which represents Penrith New Squares Multi Storey car park. With the Project in place, and due to the 50mph speed limit on the A66, the model assumes this traffic uses Clifford Road and Wetheriggs Lane to access the car park, leading to an increase of 1284 vehicles. Without the Project in place this traffic uses the A66 and the A6 Victoria Road. This effect is an inaccuracy within the Strategic traffic model, as the A66, Junction 40 and Kemplay Bank junctions would be less congested with the Project in place. It is therefore likely that traffic from Junction 40 would remain on the A66 / A6 Victoria Road route to access the multi storey car park. If this additional 1284 vehicles was rerouted within the strategic traffic model onto the A6 Victoria Road, then there would still be an overall modelled decrease on this road as the model currently shows traffic would decrease by 2390 vehicles. Therefore, rerouting the traffic from Wetheriggs Lane/Clifford Road would not impact upon the Air Quality assessment made to date.</p> <p>The Applicant has responded to the traffic and access queries as part of ongoing engagement. This is recorded at table 3-1.26 and Appendix A of the Statement of Common Ground (SoCG) submitted at deadline 8. The approach to traffic modelling has been discussed with WFC and their Consultant WSP and accepted, subject to ongoing dialogue with National Highways and their Delivery Integration Partners (DIPs) within the Detailed Design development.</p> <p>Cultural Heritage</p> <p>The template for a SSWSI provided by the Council has been incorporated into the Outline Heritage Mitigation Strategy at B3.3.9, by way of a list of bullet points setting out what the SSWSI must include (in so far as they are</p>

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		<p>It is unclear why there are increases in Annual Average Daily Traffic (AADT) along Wetheriggs Lane/Clifford Road which is a residential street that is traffic calmed with cars parked either side of the road (highlighted in dotted blue below). There does not appear to be equivalent reductions on Kilgour Street or Castle Hill Road (highlighted in black dotted line).</p> <p>If this is a misrepresentation of traffic flow caused by the limitations of the Strategic Transport Model, then this additional traffic may be more appropriately route via the main roads in Penrith, such as Ullswater Road, Victoria Road, and Castlegate, for which the latter is potentially a future AQMA site. Further explanation is sought on this issue, and any potential impacts this may have on the Air Quality assessment made to date.</p> <p>Environmental Management Plan Annex B1</p> <p>The Council notes and appreciates the changes that have been made or, where not possible, justified accordingly. The Council, however, has concerns still on the following:</p> <p>Paragraph B1.7.6 – The Council proposes this alternative text which they believe better ensures the delivery of this planting <i>“The PC will take a pro-active approach, where species rich grassland is included as ecological mitigation (i.e. function code EFD) to demonstrate their understanding of this LE, e.g. through the use of advance seeding / test plots that promote best practice in ground preparation and wildflower seeding establishment.”</i></p>	<p>all applicable to the part of the project that the SSWSI relates to).</p> <p>The proposed amendment to B3.1.12 has been considered by the Applicant but has not been adopted in the form proposed. The EMP would require a clear definition of the circumstances around whether the 20 day period applied or not and it is difficult at this stage to determine what would constitute an unreasonable workload or a staged submission as this may vary depending on the resource availability at the Local Authority and the size and breadth of documents submitted for approval. Instead an amendment has been made at B3.1.13, which includes the number and scale of submissions as a material consideration in whether National Highways would agree to an extension to the approval period following a request from the Local Authority.</p> <p>Landscape and Visual</p> <p>Noted.</p> <p>Noise and vibration</p> <p>Further modelling and analysis has been undertaken as requested by the Council in the “Principal issues to be addressed with the Environmental Statement [REP5-036]” at deadline 5. A technical note has been provided to respond to the request on 20 April 2023 (before deadline 7 of the 7 May 2023), and a meeting held on 21 April 2023 to discuss the outcomes of the technical note. The Council consequently sent further comments via e-mail on 27 April 2023, which were responded to via e-mail on 10 May 2023.</p>

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		<p>Biodiversity</p> <p>With regard to Species, the Councils request that red squirrel mitigation include grey squirrel control and suggest that the cost of Animex wildlife bridges would be more effectively used in supporting red squirrel elsewhere in the district.</p> <p>The Councils are awaiting confidential species reports.</p> <p>The Council is still concerned that, by the Applicant's own admission, that this mitigation measure is in effect a trial. Therefore, there is the strong possibility that it may not be effective.</p> <p>In the opinion of the Council, following liaison with the Wildlife Trust and the Red Squirrel Group, the most favourable and effective mitigation for red squirrel is to fund mitigation and enhancement out with the Order Limits on projects that the Council, Wildlife Trust and Red Squirrel Group can support. This mitigation could be funded through the cost saving associated with removing the Animex bridges from the design.</p> <p>For the avoidance of doubt, the Council does not object to the installation of the Animex bridges, but this should only be in parallel with a red squirrel mitigation programme in the wider area of similar value. The Animex bridges that are proposed to be installed upon larger structures could fulfil this trial for a much smaller sum than the stand-alone structures.</p> <p>Cultural Heritage</p> <p>The Council has provided a template for a SSWSI to the Applicant that they would like to be appended to the EMP. This would ensure that eventual SSWSI's that are</p>	<p>National Highways have worked with the Environment Agency and Lead Local Flood Authorities to agree the approach to flood modelling and to flood mitigation that has been included within the DCO scheme. This has been reviewed and is considered to address flood risk measures that result from the A66NTP Project.</p> <p>A meeting was held with WFC on 12 May 2023 to discuss the issue raised in the Deadline 7 PADSS. At the meeting it was agreed that modelling information provided to the EA would be provided to WFC to identify the mechanisms and flood mitigation measures specified within the EMP. This information has been provided in advance of Deadline 8.</p> <p>Traffic</p> <p>The Applicant has responded to the traffic and access queries as part of ongoing engagement. This is recorded at table 3-1.26 and Appendix A of the Statement of Common Ground (SoCG) submitted at deadline 8. The approach to traffic modelling has been discussed with WFC and their Consultant WSP and accepted, subject to ongoing dialogue with National Highways and their Delivery Integration Partners (DIPs) within the Detailed Design development.</p> <p>Walking, cycling and horse-riding</p> <p>Public open space (Wetheriggs Country Park, Penrith)</p> <p>The Applicant has agreed to a Work Package with WFC on the creation of a masterplan for Wetheriggs Country Park via the Designated Funds route as this is outside of</p>

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		<p>submitted to the Council for approval would capture the information that would typically be expected to be included.</p> <p>The Council would also request the additional red text to the Outline Heritage Mitigation Strategy Paragraph B3.1.12:</p> <p><i>The Local Authority Curatorial Archaeologists (and Historic England where work within Scheduled Monuments is proposed) will be responsible for the sign off (acting reasonably) of SSWSIs in advance of any excavations or other activities as part of the main works which 'break ground' in the area relating to that SSWSI. The Local Authority Curatorial Archaeologists or Historic England (as appropriate) will be given five days' notice of the intent to submit a SSWSI for approval, and a minimum defined period of 20 working days to review and approve the SSWSI (assuming staged submissions of SSWSIS and that the Local Authority is not being asked to review multiple SSWSI's concurrently that would result in an unreasonable workload). If the relevant party does not notify a decision whether or not to approve the SSWSI during the defined periods, then it shall be deemed that approval is granted for the proposed SSWSI. The Local Authority Curatorial Archaeologists (and Historic England where relevant) will monitor the archaeological mitigation undertaken pursuant to a SSWSI and review and approve reports produced by the Archaeological Contractor following the completion of archaeological works. The SSWSIs will also identify the museum where the archive will be deposited, in line with the process outlined in this document. Further detail will be added to this document as it is developed through the DCO process. A dispute</i></p>	<p>the A66 NTP scope. The Council will be leading the preparation of the masterplan with their appointed consultants. National Highways will continue to engage with WFC on this masterplan. The Applicant does not consider that a legal side agreement is required on this matter.</p> <p>Design, engineering, and construction</p> <p>These points are noted by the Applicant.</p> <p>HGVs</p> <p>As previously noted by National Highways through ongoing engagement and in the Applicant's comments on the Local Impact Report (Document Reference 7.9, REP2-018) (page 33 and 34), the Freight Study referred to is separate to the A66 NTP Project. Any commitments made, linked to the Study are also separate from the Project. The Freight study is now complete, and the Applicant is considering the impact and potential actions to be undertaken. The results of the study will be released mid-summer 2023.</p> <p>Drainage and flooding</p> <p>Noted.</p> <p>Walking Cycling and horse-riding</p> <p>The Applicant agrees that these matters can be addressed at the detailed design stage.</p> <p>Draft EMP</p> <p>Appleby Horse Fair</p> <p>Appleby Horse Fair will be duly considered in the preparation of the Construction Traffic Management Plan (CTMP), as per REAC commitment MW-PH-03 of</p>

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		<p><i>resolution process will be included to deal with the unlikely event of disagreement between parties in respect of any matter under the Detailed Heritage Mitigation Strategy.</i></p> <p>Landscape and visual</p> <p>Arboricultural Assessment</p> <p>The Council has received additional text regarding protection of trees outwith the Order limits that National Highways will be including within an updated Environmental Management Plan, that is anticipated at Deadline 7.</p> <p>Noise and Vibration</p> <p>The Council and the Applicant have had continued engagement and await further information on an iterative barrier arrangement.</p> <p>Noise and Vibration, Draft EMP</p> <p>The Council will review the updated EMP assumed to be submitted by the Applicant at Deadline 7, together with appropriate annexes and reserves its position to comment accordingly.</p> <p>Traffic</p> <p>The Council welcomes the additional modelling undertaken, both in microsimulation software VISSIM, and junction signal software LinSig, to help inform the understanding of the potential impacts.</p> <p>Following the review to date, the Council is more confident that the proposed design will cope with the forecasted traffic growth to an acceptable level. The Vissim modelling results show reductions in traffic</p>	<p>the first iteration EMP. Specific measures will be considered and consulted upon, prior to the CTMP being submitted to the Secretary of State for approval as part of a second iteration EMP.</p>

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		<p>queuing compared to the 'without scheme' option, and the LinSig shows that the junction can operate with the expected flows in 2044.</p> <p>There are some outstanding issues identified that require resolution both to 1) provide further confidence that the Proposed Scheme operates efficiently and safely for all modes, and 2) to improve the design evolution process of the Proposed Scheme itself so that the signal control at M6 J40 and Kemplay Bank is optimised. We have set out a detailed breakdown of these issues a Technical Note Issued to the Applicant on 18th April 2023 in Appendix A to C. Some of these issues can be addressed during the examination period, for example, providing further information about assumptions used, and other issues are likely to need progressing after the examination closes, where further design input is needed to optimise the future operation of the proposed Scheme.</p> <p>The main issues from this Technical Note were discussed with the Applicant and Arup on 17th April 2023, and it was agreed that the issues in this Technical Note would be reviewed, with commentary to be provided in response to the issues set out in Appendix A-C before the end of the examination so that the Council can record their expectation for further refinements to the design during the Detailed Design process post examination.</p> <p>The Applicant has responded to these issues and the Council now have a record of the design elements that require development post examination which are contained in two Technical Notes submitted alongside the Council's Covering Letter at Deadline 7:</p>	

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		<p>1. A66 Traffic Modelling Review Technical Note – Response from the Applicant 27.04.23; and</p> <p>2. A66 Traffic Modelling Councils' Review of Applicant Responses Technical Note 04.05.23</p> <p>Walking, cycling and horse-riding</p> <p>Public open space (Wetheriggs Country Park, Penrith)</p> <p>In order that the current order limits and proposed design, as it relates to the country park, is acceptable the Council needs to be reassured that the country park /public open space can continue to function and provide an equivalent facility for local residents.</p> <p>To do this the Applicant needs to ensure that:</p> <ul style="list-style-type: none"> • the tree belt between the road and the park to be retained or as far as possible and replacement tree planting provided/ replaced as early as possible. Without this the attractiveness of the location to users is severely damaged; • replacement and retention of the tree belt should take into account the impact on residential properties including the sensitive receptor of the adjoining sheltered housing; • the existing sports facilities need to be able to continue at similar quality including space around the sports pitches; • the noise impact on the park minimised so that its current role as a peaceful oasis between the residential area and the well screened road is not destroyed; 	

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		<ul style="list-style-type: none"> • the drainage on the lower part of the park is resolved as part of the works as it would be difficult to do at any other time; • that sufficient replacement open space land is provided of at least equivalent quality; and • that both the capital and ongoing maintenance costs of achieving the alterations to this area will be met by the Applicant. <p>The Council believes that the existing proposal to provide the cycleway along the side of the A66 is not a good solution for its users or for the impact of land take from Wetheriggs Country Park. The potential to bring the Cycleway within the Country Park away from the road should be explored.</p> <p>To achieve this the Council is collaborating with the Applicant to produce the best possible arrangement for the Country Park. The Council and the Applicant are working on a master plan that sets this out and upon which agreement can be reached. This work is well advanced and a preferred option is now being discussed with the relevant parties.</p> <p>The Country Park itself is outside the order limits and many of the changes and the work required to make the land take and design of the A66 acceptable are outside the order limits. However, unless they are carried out the current A66 design proposals in relation to the park are unacceptable to the Council.</p> <p>The actions required to create an acceptable situation go beyond the DCO design itself. During the Examination process the Council would expect to receive a firm assurance through a legal side agreement that the additional proposals related to the park will be</p>	

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		<p>delivered where part of the Project Design and, where they are not they will be fully funded by the Applicant. This would make the DCO proposals in this locality acceptable.</p> <p>Design, engineering and construction</p> <p>The Council continues to discuss the de-trunking proposals with the Applicant and is satisfied with their latest proposal for Walk Mill High to provide a commuted sum for replacement by the Council, given its remaining serviceable life.</p> <p><u>New structures; New structures and impact of those upon drainage</u></p> <p>The Council awaits the detail design proposals for new structures, further setting out the principles outlined in the Project Design Principles Report [REP3-040].</p> <p><u>Diversions and construction impacts</u></p> <p>The Council welcomes that details listed by the Applicant to be included within the traffic and WCH plans will be developed in consultation with the Council. The Council also welcomes any changes to assessment are reflected in future iterations of the EMP, once the best practice mitigation is confirmed and the detailed construction plans are finalised.</p> <p><u>Soil Storage and noise nuisance</u></p> <p>The Council awaits the updates to the EMP at Deadline 7 that they hope will address their concerns with regard to the control of noise during construction.</p>	

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
		<p>HGVs</p> <p>The Council remains concerned until they have seen and are satisfied with the final freight study and have received assurances from the Applicant that the study recommendations will be implemented in conjunction with the construction of the A66 dualling.</p> <p>Drainage and flooding</p> <p>Protective provisions in draft DCO will be subject of ongoing discussions.</p> <p>The detail of the Protective Provisions within the draft DCO are still to be agreed.</p> <p>Walking Cycling and horse-riding</p> <p>Awaiting plan of the complete WCH route.</p> <p>Awaiting details of safety audit/risk assessment for Penrith</p> <p>The Council is satisfied that this can addressed through detailed design.</p> <p>Draft EMP</p> <p>Appleby Horse Fair</p> <p>The Council believes, that to ensure safety, non-motorised traffic management considerations should inform the design to ensure adequate provision is made for signage and the provision of information. This must include temporary measures to protect non-motorised users on the inside lane of the A66 during AHF activity.</p>	

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
REP7-174 and REP7-175	<p>Durham County Council</p> <p>Deadline 7 Submission - Final Principal Areas of Disagreement Summary Statements</p> <p>Cover Letter</p>		Please refer to the Statement of Common Ground submitted at Deadline 8.
REP7-182	<p>North Yorkshire Council</p> <p>Comments on ExA's commentary on, or schedule of changes to, the draft DCO</p>	<p>The Authorities submit as part of our deadline 7 submissions. Final Principal Areas of Disagreement Summary Statement Please see final PADSS submitted separately at deadline 7. Comment on the ExAs recommended amendments to the DCO The Council supports the Examining Authority's (ExA) Schedule of recommended amendments to the Applicant's draft DCO submitted at Deadline 5 [REP5-012], covering Articles 53 and 54. Schedule of Changes to the Draft DCO The Authority acknowledges the ExA procedural decision, dated 18th April 2023, of the Applicant's change request, there are now two accepted changes (DC-30 & DC-31) to Scheme 09 Stephen Bank to Carkin Moor. The Authority acknowledges the ExA decision and supports the proposed changes.</p>	Noted.
REP7-183	<p>North Yorkshire Council</p> <p>Final Principal Areas of Disagreement Summary Statements</p>		Please refer to the Statement of Common Ground submitted at Deadline 8.

3. Applicant's response to Deadline 7 submissions made by Statutory Environmental Bodies.

3.1. Purpose of this section

3.1.1. Table 3 sets out the Applicant's response to the submissions made by Statutory Environmental Bodies.

Table 3. Responses to Deadline 6 Submissions submitted by Statutory Environmental Bodies.

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
REP7-176	Environment Agency Deadline 7 Submission - Final Principal Areas of Disagreement Summary Statements		Please refer to the SoCG with the Environment Agency submitted at DL 8 for the Applicant's position on issues contained with the PADSS.
REP7-117	Historic England Cover Letter	Historic England wish to advise the A66 Examining Authority that we are still in final discussions with National Highways. Consequently, we are unable to provide a FINAL version of our Principle Areas of Disagreements Summary Statement (PADSS) at Deadline 7 (9th May 2023). Therefore, as advised by the Case Officer (K. O'Loan by email dated 26/04/23), we have submitted a copy of the draft PADSS dated 9/05/23 to show that we are still in discussion. It is our intention to be a position to submit the FINAL PADSS into the examination at Deadline 8 (16th May 2023).	Noted.
REP7-178	Historic England Updated Principal Areas of Disagreement Summary Statement		Please refer to the SoCG with Historic England submitted at DL 8 for the Applicant's position on issues contained with the PADSS.

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
REP7-180	Natural England Final Principal Areas of Disagreement Summary Statements		Please refer to the SoCG with Natural England submitted at DL 8 for the Applicant's position on issues contained with the PADSS.
REP7-181	Natural England Comments on the RIES	<p>2.3.1. Helbeck and Swindale Woods SAC Tilio-Acerion forests of slopes, screes and ravines – air quality impacts during operation</p> <p>The air quality technical note was submitted to NE in April 2023. NE agree that the SAC is more than 200m away from the affected road network and can therefore be screened out.</p> <p>2.3.2. River Eden SAC. All features</p> <p>NE do not dispute this - there is a misunderstanding in terminology. The HRA technical note states that there are pathways to the River Eden SAC, therefore there is the potential for LSE. However, if all carried out according to the EMP and design principles, then NE agree that a conclusion of no adverse effect on integrity can be reached. The technical note needs to be an addendum of the HRA, which should be an iterative document.</p> <p>3.1.1 – River Eden SAC</p> <p>Natural England do not provide timescales or provide mitigation, we can only comment / provide advice on what is made available to us. We will continue to engage with the future iterations of the EMP.</p> <p>3.1.2 – River Eden SAC</p> <p>NE do not dispute the HRA conclusions for the River Eden SAC, given the mitigation and design principles set</p>	<p>2.31. It is noted that Natural England agree that Helbeck and Swindale Woods SAC can be screened out.</p> <p>2.3.2. Noted.</p> <p>3.1.1. Noted. The Applicant understands Natural England to be content with the measures contained in the first iteration EMP and the mechanics around the preparation of a second iteration EMP.</p> <p>Noted.</p> <p>3.1.3. The applicant notes Natural England outstanding concerns with respect to the AQ assessment, which have since been discussed further with local Natural England representatives and national air quality specialists on a call on 11 May 2023. Further engagement is on-going with Natural England with a view to reaching agreement by the end of the Examination.</p> <p>3.1.6</p> <p>The Applicant has provided further clarification regarding wintering SPA birds as part of ongoing engagement. This is recorded at issue 3-2.7 of the Statement of Common Ground (SoCG) with Natural England submitted at deadline 8.</p>

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
		<p>out in the EMP. We do however believe that the HRA should be an iterative document as the project develops post DCO.</p> <p>3.1.3 – 3.1.5 Air Quality</p> <p>Natural England received the ammonia technical note in April 2023. We have attached our most recent air quality response below, detailing our outstanding concerns. As detailed in Natural England's PADS statement it is not possible at this time for NE to agree with the HRA conclusions for the North Pennine Moors SAC. Please see our PADSS letter and our advice below for more information on this.</p> <p>3.1.6 – North Pennines Moors SPA. Bird Features</p> <p>The assessment has taken into account wintering SPA birds in the DCO area, in addition to breeding birds. It is the wintering birds that our comments relate to, not breeding birds. There are flocks of golden plover in the DCO boundary over winter, many of which will be the birds breeding in the SPA. Can National Highways confirm that the EMP and mitigation measures will not result in a loss of wintering habitat or disturbance.</p>	

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4. Applicant's response to Deadline 6 submissions made by Affected Persons

4.1.1. Table 4 sets out the Applicant's response to the submission made by Affected Persons

Table 4. Response to Deadline 6 Submissions submitted by Affected Persons

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
REP7-194	Benjamin Thompson Comments on ExA's commentary on, or schedule of changes to, the draft DCO	As a family-member of the inhabitants of (and potential trustee of it in due course), I welcome the changes outlined at DC-25 to reduce the amount of new road near and all around the house. I assume for these purposes that the hard-standing to the SW of the house, which was to be a service area for the pond, will no longer be planned, as the pond will also be moved. (But the document outlining the proposed changes isn't explicit about these consequential changes.) There remains the question of what landscaping there will be on the field in which the house is located: if this is planted as a wood, it will remove the views from the house in due course. Nevertheless, it would still be beneficial not only for these residents but also for others for the whole new dual carriageway in this section to go north of the current road, not south. This would: take the road further away from this cluster of dwellings and many others; mean that the new road was not going through beautiful landscape (as that to the north is much scrubbier than the lovely farmland to the south); reduce the need for complicated junctions; make access much easier for everyone. Since the AONB is being used for this road elsewhere, the argument that it needs to be preserved is no longer relevant. And in any case, the land in the AONB at this point is in fact not at all beautiful.	<p>The support for the acceptance of DC-25 is noted. The accepted change includes amendments to the alignment of Flitholme Road, the Langrigg Link and Langrigg Lane. The detail in relation to ancillary works, including attenuation ponds and associated accesses will be developed at detailed design stage.</p> <p>The ExA, via the Schedule of recommended amendments to the Applicant's draft DCO [PD-015], recommended an amendment to article 54 of the draft DCO in respect to the approval process for <i>'The detailed designs of the positioning of the access road and the associated Ancillary Works'</i>.</p> <p>The Applicant, via Deadline 7 Submission - 7.44 Applicant's Response to the ExA's Comments on and Schedule of Changes to the Draft DCO [REP7-166], confirmed its position in this regard as follows:</p> <p><i>'Construction of Work No. 06-7 must not start until the relevant planning authority has been consulted (in accordance with the provisions of Chapter 1 of the EMP) on:</i></p> <ul style="list-style-type: none"> <i>• the proposed final alignments of any highway comprised in that work (where the lateral or vertical limits of deviation are proposed to be utilised in accordance with article 7 of the DCO); and</i> <i>• the proposed final positioning of any attenuation pond required for that work.'</i>

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
			<p>This commitment has been included in the Project Design Principles document submitted at Deadline 8. The Applicant has previously set out its position in respect to routes through the AONB to the north of the A66. Please refer to Agenda Item 2.2 (pages 17-18) of the Applicant's Deadline 1 Submission - 7.3 Issues Specific Hearing 1 (ISH1) Post Hearing Submissions [Document Reference 7.3, REP1-006], which responds to the ExA's wish "to better understand the reasons why the alternative route north of the existing A66 into the land owned by the MoD and into the AONB was discounted".</p>
REP7-195	Brough Hill Fair Community Association Deadline 7 Submission - Comments on ExA's commentary on, or schedule of changes to, the draft DCO		Please see Paragraph 1.1.3 above.
REP7-196	Brough Hill Fair Community Association Deadline 7 Submission - Comments on any further information/submissions received by Deadline 6		
REP7-200	Dr Mary Claire Martin Deadline 7 Submission - Comments on the Applicant's Change	Comments have been invited on the ExA's response to the changes proposed by National Highways. Change number DC-25 (removal of the Langrigg Junction), is very welcome to the inhabitants of , as it will (l	The support for the acceptance of DC-25 is noted and the Applicant is grateful for this. The accepted change includes amendments to the alignment of Flitholme Road, the Langrigg Link and Langrigg Lane. The detail

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
	<p>Requests and/or ExA's Procedural Decision set out in the letter dated 18 April 2023</p>	<p>understand) mean the new roads will be 50 metres away from the house rather than 15 metres. It is definitely an improvement on the original DCO application. Thanks to the parish councils, the ExA and National Highways for the work that has gone into this. Nevertheless, I continue to be concerned about the impact of the building of the dual carriageway and associated roads on two vulnerable old people, in terms of noise, disruption, air pollution, loss of the current beautiful views, and loss of value to their property. It is also not clear what will happen to the areas round the house. Will the concrete areas behind remain? Will the field become a wood? What are the projected noise levels during the period of construction? As one of the current residents of stated, "It's a pity it is not the northern route". Since there have been a number of incursions into the AONB in the revised designs, it is hard for residents to understand why a route north of the current A66 has not been selected for the dual carriageway. On other matters, we continue to be concerned about the proposed relocation of the site for Brough Hill Fair, and the safety risks this creates for animals and humans alike. The issues raised by the very high carbon emissions predicted for the Appleby-Brough sections, also continue to be of great concern, both for the environment more generally, and for local residents.</p>	<p>in relation to ancillary works, including attenuation ponds and associated accesses will be developed at detailed design stage.</p> <p>The ExA via the Schedule of recommended amendments to the Applicant's draft DCO [PD-015] recommended an amendment to article 54 of the draft DCO in respect to the approval process for <i>'The detailed designs of the positioning of the access road and the associated Ancillary Works'</i>.</p> <p>The Applicant in its Deadline 7 Submission – 7.44 Applicant's Response to the ExA's Comments on and Schedule of Changes to the Draft DCO [REP7-166] confirmed its position in this regard as follows:</p> <p><i>'Construction of Work No. 06-7 must not start until the relevant planning authority has been consulted (in accordance with the provisions of Chapter 1 of the EMP) on:</i></p> <ul style="list-style-type: none"> • <i>the proposed final alignments of any highway comprised in that work (where the lateral or vertical limits of deviation are proposed to be utilised in accordance with article 7 of the DCO); and</i> • <i>the proposed final positioning of any attenuation pond required for that work.'</i> <p>This commitment has been included in the Project Design Principles document submitted at Deadline 8.</p> <p>The detail of the environmental mitigation, including any woodland planting and noise bunding, will be developed during the detailed design stage of the Project.</p> <p>Regarding concerns raised by Dr Martin about the impact of building the dual carriageway and associated roads on residents, the Applicant refers to pages 50-53</p>

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
			<p>of their Deadline 6 Submission - 7.35 Applicant's Response to Deadline 5 Submissions [Document Reference 7.35, REP6-021]. National Highways has been engaging with Dr Martin throughout the Preliminary Design and Examination of the Project, and this will continue throughout future phases of the Project.</p> <p>The Applicant has previously set out its position in respect to routes through the AONB to the north of the A66. Please refer to Agenda Item 2.2 (pages 17-18) of the Applicant's Deadline 1 Submission – 7.3 Issues Specific Hearing 1 (ISH1) Post Hearing Submissions [Document Reference 7.3, REP1-006], which responds to the ExA's wish "to better understand the reasons why the alternative route north of the existing A66 into the land owned by the MoD and into the AONB was discounted".</p> <p>Further detail in respect to Brough Hill Fair can be found in the document submitted by the Applicant at Deadline 7: – 7.37 Summary Statement on Brough Hill Fair Relocation (Rev 2) [Document Reference REP7-156].</p>
REP7-203	<p>George F White LLP Mr and Mrs Hayllar</p> <p>Comments on the Applicant's Change Requests and/or ExA's Procedural Decision set out in the letter dated 18 April 2023.</p>	<p>Deadline 7 Submissions on the A66 Northern Trans-Pennine Project Submitted on Behalf of Mr & Mrs Hayllar 9th May 2023</p> <p>1. Introduction</p> <p>1.1 We are instructed to submissions on behalf of Mr & Mrs Hayllar of</p> <p>1.2 We have previously submitted on behalf of Mr & Mrs Hayllar written submissions for deadlines 1,2,3, and 5. We do not propose to repeat those representations, but would stress that the issues raised remain unresolved.</p> <p>2. Deadline 7 Submission – Removal of West View Farm underpass</p> <p>2.1 The Applicant proposes to remove from the Scheme the underpass at West View Farm as part of</p>	<p>The Applicant recognises the impact that the Project and the design change has on West View Farm and has sought to engage with Mr and Mrs Hayllar and their agents, most recently at the meeting and site visit undertaken on Thursday 27 April 2023.</p> <p>The crossing of the A66 and connectivity for residential and agricultural premises is all via private means of access (PMA) infrastructure at the eastern end of S06. The proposed overbridge is a PMA for the farm and the neighbouring residential buildings and a route for walking and cycling, whilst Musgrave Lane is also a PMA and bridleway.</p>

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
		<p>their revisions to the scheme. Mr & Mrs Hayllar set out their objections to this proposed change in a Consultation Submission dated 27th February 2023 and we reiterate some of the key points below: 2.2 We must state that the proposed removal of the underpass is disappointing and undermines the (limited) information and assurances that the Applicant has provided to Mr & Mrs Hayllar throughout the process to date.</p> <p>2.3 The proposed requirement to move stock across the bridge rather than the private underpass presents a security and safety risk. Inevitably at some point, other users (given numerous users will be using the bridge) will leave gates open for example. Stock can escape and cause harm to themselves of other members of the general public. 2.4 There are also significant safety concerns that would arise from moving stock across a bridge alongside other users. Some livestock may also be spooked and simply refuse to walk across the bridge. Changing conditions, for example wet weather and the increased road noise may also give rise to unpredictable reactions from livestock. 2.5 With the removal of the underpass it is unclear how Mr & Mrs Hayllar would access all of their retained land without tracking across crops; which ignoring the economic impact may not be possible depending upon the time of year and weather. 2.6 Where previously an umbilical cord could have been used through the underpass to allow efficient slurry spreading, this will not be possible. The lengthy diversion created by the removal of the access described above also means that it would be unviable to transport the slurry in tankers. This change therefore further undermines the farm business carried out by Mr & Mrs Hayllar. This also will create a hygiene and health and safety issue to other road users. 2.7 No access is</p>	<p>Likewise, the underpass proposed in the DCO application (and subsequently removed in the accepted change) would have been a PMA for the farm only.</p> <p>The PMA proposals in the DCO application will continue to be developed through engagement with the landowner and their agent as well as local residents, as the detailed design is progressed. The Applicant confirms its intention to address Mr and Mrs Hayllar's concerns around safety, biosecurity, movement of farmstock, shared access for the farm and the neighbouring homes, and the potential conflict between walkers and cyclists and the farmstock and vehicle movements.</p> <p>Specifically, in relation to the slurry umbilical and the associated tanker movements, the Applicant has communicated to the landowner that provision can be made for an umbilical channel to be passed beneath the road with or without an underpass in that location.</p>

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
		<p>shown to Mr & Mrs Hayllar's Land at Musgrave Lane. It is not feasible to rely on over their retained fields to reach this land; and the loss of direct access would mean a far more substantial journey for even the simplest of stock movements. 2.8 The proposed changes to the access and underpass also give rise to bio-security issues on the steading at West View Farm. Currently there are 'dirty' and 'clean' ends. The proposed changes would mean that there is no way of keeping dirty and clean ends separate i.e. slurry and stock would have to be moved through the clean end to the other side. The clean end is where milk is picked up and hygiene must be maintained. Walking the stock on alternative routes is not feasible and would give rise to welfare issues including foot problems for example. 2.9 Any Dairy will not collect milk from holdings where the necessary standards of cleanliness cannot be maintained, and the current agreement with Paynes Dairy sets this out along with punitive price reductions for minor failings. At the very least Mr & Mrs Hayllar would stand to lose milk-price premiums that they are currently able to obtain from the Dairy. 2.10 We have previously requested¹ that the Applicant carry out a Farm Impact Assessment to ensure that the detrimental effect of the scheme is fully understood and taken into account as part of this Examination. We would respectfully suggest that carrying out this exercise with and without the underpass would also show that the underpass would in fact be cost effective when compared with the potential disturbance claim arising; and it is of course incumbent on the Applicant to ensure the best use of public monies. 3. Conclusion 3.1 In conclusion, Mr & Mrs Hayllar strongly object to the proposed revision to the scheme to remove the underpass at West View Farm on the grounds of safety,</p>	

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
		<p>security, animal welfare, and the increased losses that their existing Farm Business will incur. 3.2 We have previously asked that the Applicant carry out detailed Farm Impact Assessments, and submit that this would assist in demonstrating the value of retaining the underpass.</p>	
<p>REP7-204</p>	<p>George F White LLP on behalf of Mr and Mrs Henshaw</p> <p>Deadline 7 Submission - Comments on any further information/submissions received by Deadline 6</p> <p>Appendix D7-1, attached to the above submission, is not copied in this document.</p>	<p>Deadline 7 Submissions on the A66 Northern Trans-Pennine Project Submitted on Behalf of Mr & Mrs Henshaw 9th May 2023</p> <p>1. Introduction</p> <p>1.1 We are instructed to make these submissions on behalf of Mr and Mrs Henshaw of 'Mr & Mrs Henshaw'.</p> <p>1.2 We have previously submitted on behalf of Mr & Mrs Henshaw written submissions for deadlines 1,2, 3, 5 and 6. We do not propose to repeat those representations, but would stress that the issues raised remain unresolved.</p> <p>2. Applicant's Proposal to Relocate Temporary Roundabout from adjacent to Mainsgill Farm Shop</p> <p>2.1 We have previously understood, (and made representation for it to be a permanent feature) that a temporary roundabout was proposed to be built to the west of the realigned Warrener Lane adjacent to Mainsgill Farm Shop.</p> <p>2.2 We now understand that the Applicant proposes to move the location of the temporary roundabout around 400m to the west.</p> <p>2.3 We enclose as Appendix D7-1 a letter dated 4th May 2023 from Nick Calder of Bryan G Hall setting out the information that we believe the Applicant should reasonably be required to disclose and/or consult on in relation to this proposed change; and also raising concerns on;</p> <p>Page 2 of 2</p> <p>i) Safety</p> <p>ii) The impact on Mainsgill Farm Shop</p> <p>iii) Traffic Flow including in relation to the quarry north of the A66 which is accessed from Moor Lane</p> <p>2.4 We remain concerned that there has been a lack of transparency, or any consultation</p>	<p>This representation relates to an issue which is not part of the Applicant's DCO application. National Highways was previously exploring a potential emerging opportunity to expediate works by looking to utilise land within its ownership at Monks Rest Farm as a site compound, through a Town and Country Planning Act 1990 (TCPA) planning application. This would have potentially involved the construction of a temporary roundabout at the junction by Mainsgill Farm Shop to enable safe access. National Highways engaged with Mr and Mrs Henshaw and their agents about this potential opportunity and communicated with them again subsequently when deciding not to pursue it as a potential option. Most recently the Applicant met with Mr and Mrs Henshaw and their agents at Mainsgill Farm Shop on Monday 24 April 2023 to reaffirm this decision.</p> <p>The Applicant is no longer pursuing this opportunity; the intention is to proceed with the compound proposals included in the DCO application, which show the proposed location for the compound, 400m to the west.</p> <p>This is therefore not a change to the DCO and no additional consultation is required.</p> <p>The compound location in the DCO documentation (400m to the west of Mainsgill Farm Shop) has been subject to consultation undertaken in relation to the DCO design including statutory consultation and the</p>

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
		<p>throughout in respect of the location of this proposed junction. 2.5 It is respectfully submitted that it would be inequitable to allow this process to continue without giving Land-owners, Businesses and other affected parties the opportunity to make representations on safety or other matters with the benefit of all the necessary information (such as that requested in the letter from Mr Calder at Appendix D7-1). The Applicant appears to be short-cutting the process and proceeding in way that minimises scrutiny of their plans in regard to this element of the Scheme. 3. Conclusion 3.1 We ask that the Examining Authority require that the proposed compound location and roundabout adjacent to, or to the west of Mainsgill Farm Shop is properly consulted on, and considered as part of this examination.</p>	<p>opportunities afforded through the DCO process. This process has given landowners, businesses and other affected parties the opportunity to make representations.</p>
	<p>United Utilities Comments on ExA's commentary on, or schedule of changes to, the draft DCO</p>	<p>Further to our letter sent to the Examining Authority on 24th March 2023, United Utilities Water Limited ('United Utilities') wishes to provide further comment. National Highways hosted a meeting with United Utilities on Friday 21st April 2023 to discuss United Utilities' letter regarding changes to the proposed scheme namely the proposed change to the access design to Penrith Wastewater Treatment Works. At the current time, we have significant concerns with the new proposals for the amended access to our treatment works and we have not been provided with sufficient detail to confirm important details of the design. We understand that more information is in the process of being prepared which we hope to receive on Thursday 27th April. On receipt of this information we will aim to provide further comment. In interim, the position of United Utilities is to OBJECT to the proposed changes to the access to Penrith Wastewater Treatment Works.</p>	<p>The Applicant is of the view that the design which has been accepted into the Examination is appropriate, safe and complies with all relevant standards. The Applicant is also confident that the issues United Utilities have raised can be addressed during the detailed design stage, and is committed to continuing to work with United Utilities post-examination.</p> <p>Since the letter from United Utilities on 25 April, the Applicant has held several additional meetings with United Utilities to further understand their feedback and to explore opportunities to address the concerns raised in respect of access design during the detailed design stage.</p> <p>Meetings held on 27 April and 4 May provided United Utilities the opportunity to discuss the emerging detailed designs with the Applicant's delivery partner, Keltbray, and their design partner Jacobs. During the latter meeting, United Utilities advised the Applicant that they</p>

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
			<p>have appointed WSP to provide comment on these emerging detailed designs. An additional meeting, held on 9 May, provided an opportunity for Keltbray and Jacobs to provide more information about the project constraints that led to the access design.</p> <p>The Applicant has provided reasonable detail of the proposed designs, including CAD design data, and now awaits additional feedback from United Utilities and WSP.</p>

5. Applicant's response to Deadline 7 Submissions from other Interested Parties

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
REP7-197	<p>Brougham Parish Council</p> <p>Comments on the Applicant's Change Requests and/or ExA's Procedural Decision set out in the letter dated 18 April 2023</p>	<p>BPC are against the proposal DC-05 'Removal of junction for Sewage Treatment Works (and private residence) from A66, and provision of an alternative access from B6262.' We are particularly concerned about this newly changed road layout, whereby lorries going to and from the Sewage Works use a new junction with the B6262 close to its junction with A66. In particular the STP lorries travelling west to east – two councillors were informed at the Temple Sowerby Consultation that these lorries would have the option of turning back at Centre Parcs OR Coming back through Eamont Bridge and Brougham. BPC are concerned for ALL roads in Brougham during the five year construction period. The volume of traffic and the safety of pedestrians in the B6262 in particular have been discussed at an on-site meeting in Sept 2020 with Traffic Maintenance Officer , Julian MacLaine. Indeed, Brougham parish Council have a further meeting this month with Laura McClellan, Traffic Management Team Leader, Westmorland & Furness Highways Department, as this is an issue which only appears to be getting worse. Pedestrians numbers have increased and this road has become a dangerous rat run. It has become part of an established Penrith walking loop for Jubilee House, Lowther Caravan Park, a mother and toddler group and a ramblers over 60 group, visitors to 3 Historic Tourist Attractions – Brougham Hall, Brougham Castle and is St Wilfrids, Chapel. Brougham is also on The Lady Ann Way - a walk from Skipton to Brougham. It is also widely used by horse riders from stables at Clifton and Eamont Bridge. The road is also heavily used for Penrith Show , Pony Club and WW2 weekend at Brougham Hall. In addition, all roads around Brougham have farm businesses operating, which obviously adds heavy farm traffic to the roads. BPC would like to work with Highways to discuss minimising the impact on all Brougham roads during this construction period, particularly with weight, height, speed signage and perhaps</p>	<p>The Applicant is confident that the design for the Sewage Treatment Works (and private residence) that has been accepted into the Examination is appropriate, safe and complies with all relevant standards. The Applicant is also confident that issues that have been raised can be addressed during the detailed design stage and is committed to continuing to work with Brougham Parish Council post-examination.</p> <p>The Applicant met with Brougham Parish Council representatives on 28 February 2023 in relation to this change (DC-05). The Applicant has also undertaken site visits to fully understand the concerns shared in this representation.</p> <p>The Applicant has also held several additional meetings with United Utilities to further understand their feedback and to explore opportunities to address the concerns raised in respect of access during the detailed design stage.</p> <p>The accepted change does not seek to encourage extra traffic to use the B6262 via Brougham. The B6262 is not suitable for HGVs and as such signage will be installed to direct drivers onto the A66 for all onward journeys. The Applicant is working closely with Westmorland & Furness Council and parish councils during the detailed design stage to review existing prohibitions as well as consider further restrictions that limit movements southwards on the B6262.</p>

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
		<p>reduced access. A major concern however that BPC wish to highlight, is something that was raised in the National Highways A66 NTP Meeting Minutes of 30/03/23. Item 6.0 of these minutes state: "It was noted that due to the high pressure pipe and avoiding safety issues as a result of the scheme, we will need to divert traffic." Brougham Parish Council feel the need to stress with great importance that a diversion of traffic along the B6262 through Brougham is simply not acceptable, sustainable or safe for both residents and other road users in the area.</p>	<p>The Applicant will further engage with United Utilities and explore prohibitions that organisation may impose in vehicles on its supply chain visiting the site to ensure they are not using the B6262 for access or egress. This type of restriction works successfully locally, for example the British Gypsum's restrictions placed on vehicles entering and leaving their site at Kirkby Thore.</p> <p>The Applicant acknowledges the level of concern in respect to the use of the B6262 and the suitability of the road network for the traffic and pedestrians that utilise it. The design will be subject to further technical work during the detailed design stage of the Project, and this will include the specification of the road network. This includes, but is not limited to, pavement construction, design standards, road widths, passing facilities and how shared road space will be delineated.</p> <p>The Applicant will continue to engage with user groups via the established Community Liaison Groups and Technical Working Groups as well as individual landowners and stakeholders.</p>
REP7-198	<p>Dr Boswell on behalf of CEPP Deadline 7 Submission</p>	<p>The CEPP document submitted at Deadline 7 sets out the intention to defer their submission to a subsequent deadline.</p>	<p>See 'Applicant's Response on Climate Matters' submitted at Deadline 8 of the Examination.</p>
RE7-199	<p>Cycling UK and the British Horse Society Deadline 7 Submission -</p>	<p>Subject - formal complaint - A66 NTP walking, cycling & horse riding provision.</p>	<p>Throughout the design process, the Applicant has considered the impacts of proposals on walking, cycling and horse riding (WCH) provision including working with our design teams, WCH</p>

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	<p>Comments on any further information/submissions received by Deadline 6</p>	<p>Dear National Highways A66 project manager</p> <p>We are writing to you to express our concern and raise a formal complaint over the current active travel proposals for the A66 Northern Trans-Pennine dualling scheme proposals, currently being developed by National Highways and awaiting a decision on the development consent order via the Planning Inspectorate. Our concerns are as follows: i)within the development of the WCHAR proposals, National Highways have failed to fully embrace the concept of a continuous east to west safe cycling corridor along the course of the dualled A66. As a result the proposals do not currently provide for provision of a safe route between Brough and Bowes - an area of high moorland with limited alternative options and no alternative traffic-free provision. We note most particularly that at this point the existing dual carriageway is located close to a disused railway line that could be brought into service as a safe route for minimal cost, and that if formally dedicated as Restricted Byway would have the significant additional benefit of providing a safe route for non-mechanically propelled traffic to travel to the annual Appleby Horse Fair without travelling on busy roads (an issue which has led to fatalities in the past. ii)As a result of the failure to adopt a 'full route' approach, we have been repeatedly told that the scheme boundaries extend only to the limits of the current dualling proposals, and not to the existing sections that have already been dualled in the past, with poor inclusion of walking, cycling and horse riding facilities. As a result, the 'new' route will have partial provision built in as part of the new stretches, but not on the old stretches. This undermines the efficiency and value of any active travel provision by providing a disjointed and patchy route with significant gaps. iii)National Highways have failed to fully embrace safe provision for horse riders in the development of the proposals. Numerous stretches of the 'new' provision are for walking and cycling only. As these sections of the route are in predominantly rural areas we see no reason why provision cannot be included for safe horse riding</p>	<p>Focus Group, Community Liaison Groups, local authorities and with local communities through consultation events to ensure the design reconnects severed routes.</p> <p>The Applicant has engaged and consulted with Cycling UK and the British Horse Society for a number of years on the project.</p> <p>A key principle of the Project has been to ensure that any existing severed routes are reconnected via underpasses or overbridges, to provide the same level of provision as that being affected by the route. This ensures continuity of provision.</p> <p>With respect of connectivity and a continuous east west cycling corridor, the scope for the A66 NTP Project, as set out by Department for Transport is within the corridors of the single carriageway sections of the route. Following our statutory consultation, the Applicant made a range of improvements to the WCH provision by working with local authorities and landowners to introduce additional east west connectivity where possible within the single carriageway corridor.</p> <p>Across the Project, the pedestrian, cyclist, and horse-rider facilities that would be severed by the dualling works are proposed to be reconnected via grade-separated crossings to provide the same level of provision as that being affected by the route. In the case of where provision for horses is not proposed, this is where the Project does not impact upon the existing horse-riding provision at that location. This is in accordance</p>

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		<p>facilities, particularly where the only alternative is for riders to use currently unsafe sections of busy road. iv)In addition we raise the issue that a number of accommodation roads running alongside the new route, and several bridges and underpasses will have no right of public access, even where this could serve huge benefits to local communities. We believe that accommodation roads, bridges and underpasses should be made available for public access and linked to the existing rights of way network. v)We express concern over the proximity of the proposed NMU provision to the carriageway and seek assurances over appropriate segregation and/or traffic calming measures and speed limits. We believe this is particularly important along areas where, currently, the proposals seek to utilise 'detrunked' sections of the existing A66 route. We suggest that in areas it may be appropriate to narrow the existing carriageway to provide safe, segregated routes and reduce the risk of speeding along these detrunked sections of highway. Whilst we recognise that, overall, the rural nature of these routes lends to the likelihood that the predominant active travel uses will be recreational rather than utility. We feel that there are still important reasons to connect towns and their outlying villages, along with important heritage destinations, and that as such the current proposals for the A66 project have somewhat failed to fully embrace the opportunities for active travel, and to build it in as a design feature for the future. As a result, we are writing to you to to ask you to review the current plans in order to develop greater facility for vulnerable road users along this route, particularly by securing a commitment to a continuous safe east-west route along the A66 corridor (via both dedicated provision and alternative low-traffic minor routes. We would also seek your assurances that you have sought direct input from Active travel England into the design of cycle facilities along this corridor.</p>	<p>with Table 1 of the Walking, Cycling and Horse-Riding (WCH) Proposals APP-010.</p> <p>As such, with regard to the suggestion that the disused railway track across Bowes Moor should be brought within the project as a restricted byway; this has not been considered as it is outside of the scope of the proposed dualling of the single carriageway sections of the A66.</p> <p>The Applicant and their delivery partner works through the detailed design stage of the project, we will look the design of the WCH routes, including boundary treatments. The WCH focus groups, that have been taking place for several years, will also continue to ensure we have both national and local input. We are already in discussions, for example, with British Horse Society regional representatives regarding barriers and boundary treatments.</p> <p>The Applicant has valued the input from Cycling UK and the British Horse Society on the A66 NTP project to date and look forward continuing to work with them during detailed design stage.</p> <p>In recent correspondence with Cycling UK and the British Horse Society, the Applicant has encouraged the British Horse Society to consider a designated funds application for provision which sits outside the scope of this DCO application. The Applicant has offered to set up a discussion on this matter.</p> <p>The Applicant has engaged with Active Travel England and the Applicant will continue that</p>

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			engagement at Project level during the detailed design stage.
REP7-179	Homes England Comments on ExA's commentary on, or schedule of changes to, the draft DCO	I would firstly like to thank you for the opportunity to comment on the above consultation. Homes England is the government's housing accelerator. We have the appetite, influence, expertise, and resources to drive positive market change. By releasing more land to developers who want to make a difference, we're making possible the new homes England needs, helping to improve neighbourhoods and grow communities. Homes England does not wish to make any representations on the above consultation. We will however continue to engage with you as appropriate.	Noted.
REP7-201	Kirkby Thore Parish Council Comments on any further information/submissions received by Deadline 6	<p>Kirkby Thore Parish Council thanks National Highways for the production of the 6 Engineering Sections through the works contained in the document REP5-025. These make it much easier to see the physical size and effect of the acoustic bunding around the village. It would have been helpful if the levels for the crests of the bunds had been noted in the same way as the levels of the carriageway as our comments below would have been able to reference these levels rather than those that we have scaled for the sections.</p> <p>We comment on each section as follows: Section 1- from Dunfell View looking north-easterly. The ground level at Dunfell View is shown as 119.5mOD at the Order Limit but we believe that the ground continues to rise beyond this. And we also note that the first floor of the houses would be 3m above that [at least 122.5mOD]. However, the bund between Dunfell View and the A66 is shown as approximately 127mOD with the carriageway noted at 117.14mOD thus the visual and acoustic screen appears to be adequate for this direction.</p> <p>Section 2 Priest Lane junction with Dunfell View looking westerly along Priest Lane. Priest Lane runs for about 150m at 120mOD before dropping then rising to the bridle way and then the A66,</p>	<p>The engineering sections show ground level only. The mitigation effects of tree planting, hedges and walls which are indicated on document 2.8 Environmental Mitigation Maps (Document Reference 2.8, APP-041) are not shown on the sections. The mitigation measures appropriate for each section are noted below. In all cases the design seeks to balance the requirements of mitigation screening with the aspiration to maintain open views to the North Pennines AONB.</p> <p>Section 1</p> <p>The Applicant notes that the proposed solution is considered appropriate in this location.</p> <p>Landscape and Visual</p> <p>The Applicant notes the comment regarding the height of first floor windows. The assessment has been undertaken, in accordance with the DMRB guidance, from publicly accessible land at a normal viewing height. The contours shown on the</p>

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		<p>which are both at 120.3mOD. The bund before the A66 has a crest of about 123mOD so HGVs, being between 4 and 5m tall, would be visible to the bungalows at the western edge of Dunfell View. Tree planting on the eastern slope of the bund would provide visual screening to these dwellings and to the bridleway as it passes close to the A66. There are two dwellings to the south of this area that may have their view to the Northern Fells impacted by this tree planting but they are some distance away on the line of the existing A66 and we believe that there would be little impact.</p> <p>Section 3 Existing A66 to Sleastonhow Lane. The A66 is at 117.82mOD, some 9 metres above the Trout Beck flood plain, and in only 1 metre of cut. There is no bunding. The ground rises to the north-east up to the bungalow and farm of Sleastonhow 200m away at 133mOD. There is no bunding or other acoustic or visual protection for these dwellings. We believe that there will be significant impact on Sleastonhow and that mitigation for noise and visual impact is required. This section also serves to emphasize the height of the A66 above the flood plain and thus the uninterrupted sight/sound lines from the houses along Main Street in Kirkby Thore.</p> <p>Section 4 From Sandersons Croft through the compact grade separated junction. The ground at Sandersons Croft is at 125mOD, thus the first floors of the houses are at 128mOD. The slip road of the junction is 83m away at 123mOD. There is a bund crest of about 127mOD between the road and Sanderson's Croft. Hence at this section the bund appears to be 4m which is not adequate to screen all HGVs in the UK and the slip road will continue to rise to ground level at the existing Fell Lane thus the bunding of 4m will not continue along the full length. The A66 is in at least 4m cut at this section but the slip road to the north of the junction, at 322m away, is at existing ground level, which is 128.37mOD. Thus, this northern slip road has no screening for</p>	<p>OS 1:25000 map show land rising beyond the houses at Dunfell View with a high point in the field behind the houses. The mitigation measures include pockets of woodland edge planting and a dry stone wall on the high point of the cutting. The slopes on the village side of the cutting have been eased to prevent the earthworks drawing attention to the route.</p> <p>Section 2</p> <p>The Applicant notes the comments and advise that edge tree planting is proposed for the eastern slopes of the bund, angled to provide visual screening for the properties without creating a linear strip that would appear unnatural in the landscape. This woodland edge planting tapers out as the proposed road emerges from the cutting but mitigation measures, including hedges along Priest Lane, stone walls on the high point of the cutting on the village side and some pockets of tree planting on the western side of the cutting are retained.</p> <p>Section 3</p> <p>The landscape and visual impacts are reported in document 3.2 Environmental Statement Chapter 10 Landscape and Visual (Document Reference 3.2, APP-053) and 3.4 Environmental Statement Appendix 10.6 Schedule of Visual Effects (Document Reference 3.4, APP-202). For VP4.9 at Sleastonhow Farm the assessment notes a significant adverse effect during construction and at year 1, reducing to a slight and not significant effect at year 15. The impact is mitigated by</p>

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		<p>Sanderson's Croft. We believe that the screening for Sanderson's Croft is inadequate and further mitigation measures should be taken.</p> <p>Section 5 From Priest Lane junction with Dunfell View looking in a north-westerly direction. The ground level at the junction is 120mOD. The road at this section is at 114.6mOD and has a screening bund with a crest of 121mOD. Hence the cut is 6.4m and adequate to screen all traffic.</p> <p>Section 6 From Kirkby Thore School looking in a north-westerly direction. The ground level at the school is 116mOD and the ground drops towards the north-westerly school playing field boundary 120m away at 112.6mOD. The A66 is a further 90m beyond the school boundary at level 113.17mOD. There is a bund with crest level 116mOD between the road and the school thus the road is only in effective cut of 3m, which is not adequate to screen HGVs, additionally the top of the bund is at the same level as the school buildings. Further to the north-west of the road there is an embankment to 120.36mOD that is carrying the diverted Priest Lane. Hence for the length of the A66 behind the school we do not believe that there is adequate screening and further mitigation measures are required. As the Priest Lane embankment already blocks the views to the north then higher embankments and/or a block planting of trees on the school side of the road would not provide any adverse impact and would significantly benefit the school. We also note that the first floors at Dunfell View at 123mOd will overlook the school and have a direct sight/noise line to the A66 at this section so additional mitigation will also benefit Dunfell View.</p>	<p>landform, hedge planting and pockets of woodland planting. The views from Main Street will change as most of the heavy traffic will be routed away from the existing A66 which is currently visible. HGV's accessing the Gypsum works will no longer pass along Main Street and through the village, which will be a benefit.</p> <p>Section 4</p> <p>The Applicant notes the comment regarding the height of first floor windows. The assessment has been undertaken, in accordance with the DMRB guidance, from publicly accessible land at a normal viewing height. In this case there has been a balanced approach to screening, to prevent obstruction of valued views to the skyline of the North Pennines AONB. Any HGVs using the slip road to access the Gypsum works would ordinarily have approached the works by passing within 10m of the houses at Sandersons Croft along Norman Lane after passing through the village.</p> <p>Section 5</p> <p>The Applicant notes the comments and confirms this is the case.</p> <p>Section 6</p> <p>The Applicant notes the comment regarding the height of buildings. The assessment has been undertaken, in accordance with the DMRB guidance, from publicly accessible land at a normal viewing height. The engineering sections do not show the additional mitigation measures which at this point includes hedgerows along the</p>

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			<p>realigned access road, dry stone walling along the crest of the cutting, pockets of woodland planting on both east and west slopes of the cutting and additional woodland planting around the junction and balancing ponds. A representative photomontage has been produced from VP 4.5 across from the school. This is presented in document 3.3 Environmental Statement Figure 10.9 Viewpoint Photomontages (Document Reference 3.3, APP-110) and shows the balance between screening and retaining longer views.</p> <p>Noise and vibration</p> <p>With regards to noise effects (within and around Kirkby Thore) associated with the operation of the Project, these are presented in Chapter 12 Noise and Vibration of the Environmental Statement (Document Reference 3.2, APP-055). Paragraph 12.10.79 presents the residential receptors predicted to be subject to significant adverse effects because of the scheme which includes Sleastonhow. It is also noted that due to engineering constraints and other sustainable development considerations, the noise barrier could not be designed to mitigate the residual effect.</p> <p>As noted in "7.6 Applicant's Response to Written Representations made by the Affected Persons at Deadline 1" [Document Reference 7.6, REP2-015], for individual scattered receptors, e.g., those not within the residential area of Kirkby Thore, mitigation measures in the form of additional barriers have been investigated as noted in section 12.9 of the ES (Document Reference 3.2,</p>

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			<p>APP-055). The scattered nature of the receptors means that any barrier would only benefit a very small number of properties. Furthermore, in general, the distance of receptors from the road means that, to be effective, barriers would need to be very long and tall. Other resulting adverse impacts that could arise from their provision have been considered and assessed as not sustainable by reference to the value for money assessment, i.e., comparison of the monetised noise benefit of the mitigation measure against the cost for installing and maintaining the scale of measures required. Additionally, and in part also related to the cost, to be effective, a barrier to protect some of the receptors would require substantial additional engineering to be included in the design of the viaduct over Trout Beck to accommodate the effects of wind loading.</p> <p>Further information about the value for money assessment is presented in section 2.19 of "7.9 Applicant's Comments on Local Impact Report" [Document Reference 7.9, REP2-018].</p> <p>With regards to receptors at Sanderson's Croft and the proposed earth bunds, two technical notes have been issued to the Council: 1) Technical note: Kirkby Thore issued 20 April 2023, and 2) Kirkby Thore Technical Note Response issued 10 May 2023. A meeting was held with the WFC and WSP on the 21 April 2023 to go through the first technical note.</p> <p>The conclusion of the further modelling and assessment is that the proposed design of the Kirkby Thore earth bunds submitted for DCO is</p>

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			<p>optimised in terms of balancing the needs of the Project as a whole including noise and landscape and visual impacts.</p> <p>With regards to Kirkby Thore Primary School, no adverse likely significant effects associated with the operation of the Project have been identified.</p>
REP7-184	<p>Operations Yorkshire, North East and Humberside, National Highways</p> <p>Comments on ExA's commentary on, or schedule of changes to, the draft DCO</p>	<p>Thank you for consulting the YNE Planning Team on the Examining Authority [ExA] published schedule of recommended amendments to the draft Development Consent Order [DCO] (Revision 3 March 2023). Following our review, we can confirm that these amendments are acceptable and do not require any further assessment or consideration from the YNE Planning Team.</p>	Noted
REP7-205	<p>The British Horse Society</p> <p>Comments on the Applicant's Change Requests and/or ExA's Procedural Decision set out in the letter dated 18 April 2023.</p>	<p>A66 Northern Trans-Pennine project: DCO design changes I am writing on behalf of the British Horse Society (BHS) a membership charity with over 119,000 members representing the UK's 3 million regular riders and carriage drivers, in response to the current A66 Northern Trans-Pennine plans. The BHS is the largest and most influential equestrian charity in the country, working to improve the lives of horses and their owners through its four core foundations of education, welfare, safety and access. The BHS objects to the DCO design changes. The BHS objects to this application on the grounds that the application does not meet the tests of NPPF Paragraph 100. The BHS objects on the grounds that equestrians are being marginalised in the scheme with walkers and cyclists are being favoured. Throughout this scheme equestrians are excluded, the arguments for inclusivity of walkers and cyclists can be extended to equestrians using the mechanism of the Equality Duty. This is a form of discrimination,</p>	<p>The Applicant has responded to some of these matters in the Applicant's Response to Relevant Representations Part 2 of 4, in response to the previous submission by the British Horse Society (see response to RR-005 in PDL-011).</p> <p>Throughout the design process, the Project has considered the impacts of our proposals on walking, cycling and horse riding (WCH) provision. We have worked with our design teams, WCH Focus Group, Community Liaison Groups, local authorities and with local communities through consultation events to ensure we have a design which reconnects severed routes.</p> <p>We have engaged and consulted with the British Horse Society for a number of years on the</p>

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		<p>and the Equality Act 2010 created a Public Sector Equality Duty for authorities to provide equal opportunities for all, which means that an authority needs a cogent reason for excluding equestrians. For the scheme to be the best use of public money and greatest public benefit the following: • Equestrians use all roads as well as bridleways. National Highways appeared to only consider horses where there was an existing bridleway but are providing routes for cyclists where there are no bridleways. • Under passes with rights of way and agricultural traffic are far safer and therefore preferable for equestrians than road over bridges. • Traveling community being discriminated against if they are not allowed access to Appleby fair, which has existed as a fair for horse trading since 1685. • All linear routes must be all inclusive that is preferably restricted byway or bridleway. • All structures crossing scheme routes, that is under passes or bridges must also be for all users. They are erected at vast public expense and should not just be for the private use of a landholder. In an ideal world even if an under pass or bridge is erected as an accommodation facility, as it does not currently join a public highway, it should be future proofed and made as a public right of way for it to be connected when in improving the network in the future.</p> <p>There are a number of Definitive Map Modification Orders (applications can be found on the relevant authorities registers) which have been submitted by the BHS, these routes must be protected and not subsumed within the proposed A66 scheme. DC-02, DC-12, DC-16, DC18, DC-04 exclude horse riders, this is unacceptable. Equestrianism is a popular activity in this part of the country, and one which contributes significantly to the local economy. The equestrian community currently has many difficulties in finding safe access within the area. Many of these issues could be addressed and resolved through good planning of future routes. We hope therefore that National Highways will support this, and local equestrians affected by the proposals. The British Horse Society welcomes any queries about our response</p>	<p>Project and will continue to do so during the detailed design stage of the Project.</p> <p>Regarding policy compliance, the National Networks National Policy Statement (NNNPS) is the primary basis for decision making (Section 104 Planning Act 2008) for the Project. Paragraph 5.184 of the NNNPS sets the requirement for Applicants <i>“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. 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.”</i> The Applicant's compliance with this policy and other relevant policies is set out in Appendix A of the Legislation and Policy Compliance Statement (LPCS) submitted with the DCO application (See page 201) (Document Reference 3.9, APP-242). The Applicant has also considered the compliance of the Project with the NPPF at section 3.2 of the LPCS. Paragraph 100 of the NPPF echoes the NPPS states that: <i>“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”</i> The Project complies with this policy as set out above.</p> <p>With the proposed upgrade to dual carriageway standard, we would expect lower traffic volumes</p>

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		<p>and would like to continue to engage with the applicant and PINs to ensure the inclusion of equestrians in these plans.</p>	<p>on the detrunked sections west of Appleby, which will improve access for local traffic and Fair attendees. In addition, a dual carriageway will provide an increased opportunity to overtake horse-drawn vehicles thus reducing delay to other road users and it is hoped that the route of the old A66 (detrunked) could be utilised as it will have significantly lower traffic volumes and thereby be more suitable for horse drawn vehicles.</p> <p>Nonetheless, we will continue to engage with the Local Authorities on these issues and seek agreement that our proposals represent the optimal solution and that any adverse effects of the scheme such as those identified at Appleby Fair have been appropriately mitigated. Continued engagement with LA's and the British Horse Society (among others) will continue during detailed design.</p> <p>The Applicant is aware of the Definitive Map Modification Order (DMMO) application and is of the view that the Project does not prohibit that proceeding.</p> <p>The Applicant will continue to work with the British Horse Society on detailed design matters, such as design of overbridges. We are already in discussions with members of the WCH focus group on this matter.</p> <p>In recent correspondence with the British Horse Society, the Applicant has encouraged The British Horse Society to consider a designated funds application for provision which sits outside the</p>

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			scope of this DCO application. The Applicant has offered to set up a discussion on this matter.
REP7-206	<p>The British Horse Society North Yorkshire</p> <p>Comments on the Applicant's Change Requests and/or ExA's Procedural Decision set out in the letter dated 18 April 2023.</p>	<p>This is a response to the "Consultation" by National Highways on the changes to submitted DCO for the A66NTP Scheme as follows on behalf of the BRITISH HORSE SOCIETY for NORTH YORKSHIRE SECTION - Stephen Bank to Carkin Moor 1. DC-29 " Realignment of A66 mainline and Collier Lane This change is not acceptable to the British Horse Society as it will involve a lengthy diversion an additional 0.96km on top of 0.5km making a total of 1.46 km just to get to the Collier Lane overbridge, on an unpleasant route shoved up against the A66 Motorway. Then it will be necessary to cross the overbridge with the vehicular traffic before a return ride back along the de-trunked A66 "Local Access Road" next to speeding traffic for 0.96km. This makes the total diversion close 1.85 km, nearly twice the 1 km in the DMRB and is a longer diversion than is acceptable. Riding close to the LAR puts horse riders at risk as the road will have a 60mph speed limit, it will be a wide straight road with narrow verges and motorists will be doing 60mph or greater (from experience of the LAR on the A1M). We were assured the provision would be grade separated bridleway and PMA crossing linking the Hutton Moor Bridleway into the minor road network (Dick Scot Lane) which leads directly into a bridleway south of the A66. This does not deliver it and is an unsafe and unpleasant route. The British Horse Society OBJECTS TO THIS CHANGE DC-29 2. DC-32 " Lower the A66 mainline levels east of Carkin Moor and change an underpass to an overbridge An underpass is preferable to an overbridge. If an overbridge is provided then it needs to have a carriage way of at least 4m wide, the parapets need to be 1.8m high and the infill needs to be 1m high, the surface must be non slip for the shod horse and the gradient leading up and down from the bridge must not be more than 1 in 12 to make it safe for equestrian users and other users not in a motor vehicle. BHS guidance "Bridges, Gradients and Steps" should be consulted. Caroline Bradley</p>	<p>The Applicant has responded to some of these matters in the Applicant's Response to Relevant Representations Part 2 of 4, in response to the previous submission by the British Horse Society (see response to RR-005 in PDL-011).</p> <p>As a result of consultation feedback, the proposed Change DC-29 referred to by the British Horse Society North Yorkshire was not taken forward and as such was not part of the Change Application considered by the Examining Authority.</p> <p>As a result of consultation feedback the proposed Change DC-32 was also not taken forward. The proposed crossing of the bridleway remains an underpass.</p> <p>With the proposed upgrade to dual carriageway standard, we would expect lower traffic volumes on the detrunked sections west of Appleby, which will improve access for local traffic and Fair attendees. In addition, a dual carriageway will provide an increased opportunity to overtake horse-drawn vehicles thus reducing delay to other road users and it is hoped that the route of the old A66 (detrunked) could be utilised as it will have significantly lower traffic volumes and thereby be more suitable for horse drawn vehicles.</p> <p>Nonetheless, we will continue to engage with the Local Authorities on these issues and seek agreement that our proposals represent the optimal solution and that any adverse effects of</p>

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		<p>British Horse Society, CABO North Yorkshire, Western Area Further the following RESPONSE IS ON BEHALF OF THE BRITISH HORSE SOCIETY FOR THE SCHEME IN IN CUMBRIA AND COUNTY DURHAM SECTIONS, The provision of cycleways which exclude equestrians is unacceptable and we OBJECT. We want to see bridleways provided which can be used by all those not in a motor vehicle and not just cyclist and walkers. The BHS objects to the DCO design consultation proposed changes. The BHS objects to this application on the grounds that the application does not meet the tests of NPPF Paragraph 100. The BHS objects on the grounds that equestrians are being marginalised in the scheme with walkers and cyclists are being favoured. Throughout this scheme equestrians are excluded, the arguments for inclusivity of walkers and cyclists can be extended to equestrians using the mechanism of the Equality Duty. This is a form of discrimination, and the Equality Act 2010 created a Public Sector Equality Duty for authorities to provide equal opportunities for all, which means that an authority needs a cogent reason for excluding equestrians. For the scheme to be the best use of public money and greatest public benefit the following: <ul style="list-style-type: none"> • Equestrians use all roads as well as bridleways. National Highways appeared to only consider horses where there was an existing bridleway but are providing routes for cyclists where there are no bridleways. • Under passes with rights of way and agricultural traffic are far safer and therefore preferable for equestrians than road over bridges. • Traveling community being discriminated against if they are not allowed access to Appleby fair, which has existed as a fair for horse trading since 1685. • All linear routes must be all inclusive that is preferably restricted byway or bridleway. • All structures crossing scheme routes, that is under passes or bridges must also be for all users. They are erected at vast public expense and should not just be for the private use of a landholder. In an ideal world even if an under pass or bridge is erected as an accommodation facility, as it does </p>	<p>the scheme such as those identified at Appleby Fair have been appropriately mitigated. Continued engagement with LA's and the British Horse Society (among others) will continue during detailed design.</p> <p>The Applicant is aware of the DMMO application and are of the view that the Project does not prohibit that proceeding.</p> <p>Responses to feedback regarding change are detailed in the 8.2 Change Application: Consultation Report [Document Reference 8.2, CR1-007].</p> <p>As a result of consultation feedback the proposed Change DC-02 was not taken forward.</p> <p>Regarding Change DC-05, across the Project, the pedestrian, cyclist, and horse-rider facilities that would be severed by the dualling works are proposed to be reconnected via grade-separated crossings to provide the same level of provision as that being affected by the route. In the case of DC05, provision for horses is not proposed nor does the change impact upon any existing horse-riding provision at this location. This is in accordance with Table 1 of the Walking, Cycling and Horse-riding (WCH) Proposals [Document Reference 2.4, APP-010].</p> <p>As a result of consultation feedback, including responses from the British Horse Society, the proposed Changes DC-10, DC-12, DC-16, DC-18, DC-29, DC-32 referred to were not taken forward.</p>

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		<p>not currently join a public highway, it should be future proofed and made as a public right of way for it to be connected when in improving the network in the future. The documentation provided by National Highways for the DCO design change consultation uses inconsistent terminology so it is unclear which routes are definitive public rights of way and which WCH routes are for which category of user. There are a number of Definitive Map Modification Orders (applications can be found on the relevant authorities registers) which have been submitted by the BHS, these routes must be protected and not subsumed within the proposed A66 scheme. DC-02 "Realignment of walking and cycling route at Skirsgill: The BHS objects to this change due to the fact that the Society believes historical evidence indicates Skirsgill Lane being incorrectly recorded, this route can be reasonably alleged to subsist at a minimum of bridleway status. These public rights should be asserted and not be allowed to be subsumed within this development or anything beyond it. An application to record this has been registered on Cumbria County Councils Definitive Map Modification Register ref 358000-448-WCA81. If this proposed change is implemented there is a high chance there would be 2 routes once the DMMO is determined this would create a dead end route whereas the DCO design creates a link for horse riders, walkers and cyclists from the end of Skirsgill Lane to the other side of the Skirsgill Depot. DC-05 "Removal of junction for Sewage Treatment Works (and private residence) from A66, and provision of an alternative access from B6262 The BHS objects to providing a private access track, shared with a cycle track, from the north side of the A66, this should be a bridleway of multiuser route for walkers, horse riders and cyclists. DC-10 "Removal of Priest Lane underpass The BHS objects to this proposed change, this should be a bridleway of multiuser route for walkers, horse riders and cyclists. As the condition of the proposed new route should be substantially as convenient as the original route and the proposed new route must</p>	<p>Regarding DC-19 and DC-04, across the Project, the pedestrian, cyclist, and horse-rider facilities that would be severed by the dualling works are proposed to be reconnected via grade-separated crossings to provide the same level of provision as that being affected by the route. DC-19 includes the retention of the old A66 over the length which will be wide enough for horse drawn vehicles. In the case of DC-19 and DC-04, additional provision for horses is not proposed nor does the change impact upon any existing horse-riding provision at this location. This is in accordance with Table 1 of the Walking, Cycling and Horse-riding (WCH) Proposals [Document Reference 2.4, APP-010].</p> <p>Support for DC-25 is welcomed.</p> <p>For DC-26, there is no change to the provision of footpaths or bridleways as a result of the planned change. The overbridge will provide a footpath, whilst a bridleway has been provided that runs parallel to the southern side of the A66 to tie into Musgrave Lane and provides a means for horses to cross the A66 in to Brough. National Highways acknowledge that the drawings presented in the consultation brochure were not clear in this regard.</p> <p>For DC-14, across the Project, the pedestrian, cyclist, and horse-rider facilities that would be severed by the dualling works are proposed to be reconnected via grade-separated crossings to provide the same level of provision as that being affected by the Project. The Applicant is not proposing to make any changes to the</p>

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		<p>not subject users to any significant dangers or hazards. By sending non-motorised users from a segregated route onto Cross Street they would be exposed to much higher risk on the road compared to Green Lane bridge. DC-12 " Green Lane bridge realignment The BHS objects to this proposed change this should be a bridleway of multiuser route for walkers, horse riders and cyclists. As the condition of the proposed new route should be substantially as convenient as the original route and the proposed new route must not subject users to any significant dangers or hazards. By sending non-motorised users from a segregated route onto Cross Street or Fell Lane they would be exposed to much higher risk on the road compared to Green Lane bridge. DC-16 " Removal of Roger Head Farm overbridge The BHS objects to this proposed change as it means there is no connectivity for BW317012 over the A66. DC-18 " Revision to access for New Hall Farm and Far Bank End The BHS objects to this proposed change as this should be a bridleway of multiuser route for walkers, horse riders and cyclists. Creating a private underpass is not an acceptable use of public money. DC-19 " Realignment of cycleway local to Cringle and Moor Beck The BHS objects to this proposed change as this should be a bridleway of multiuser route for walkers, horse riders and cyclists. The proposed new route must not subject users to any significant dangers or hazards. By sending non-motorised users from a segregated route onto the de-trunked A66 they would be exposed to much higher risk on the road compared to Green Lane bridge. DC-25 " Removal of Langrigg westbound junction, revision to Langrigg Lane link, and shortening of Flitholme Road The BHS supports the proposed designated equestrian track, providing segregated access for equestrians away from motorised vehicles, walkers and cyclists is welcomed by the equestrian community. DC-26 " Revision to West View Farm accommodation bridge and removal of West View Farm underpass The BHS objects to this proposed change as this should be a bridleway of multiuser</p>	<p>designation of Sleastonhow Lane as part of the DCO, meaning that the rights of existing users are maintained. The Applicant is aware of the DMMO application and are of the view that the scheme does not prohibit that proceeding.</p> <p>Support for DC-15 is welcomed.</p> <p>For DC-22, this change was not accepted by the Examining Authority.</p>

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		<p>route for walkers, horse riders and cyclists. Creating a private underpass is not an acceptable use of public money. DC-29 "Realignment of A66 mainline and Collier Lane The BHS objects to this proposed change as the new route is substantially less convenient. DC-32 - Lower the A66 mainline levels east of Carkin Moor and change an underpass to an overbridge - an Underpass is preferable as to an overbridge, the route is to be a bridleway and PMA The BHS DC-04 "Separation of, and greater flexibility for, shared public rights of way and private access track provision on the Penrith to Temple Sowerby scheme The BHS objects to this proposed change as this should be a bridleway of multiuser route for walkers, horse riders and cyclists. Creating a private access and excluding equestrians is not an acceptable use of public money. DC-14 "Realignment of Sleastonhow Lane The BHS objects to this change due to the fact that the Society believes historical evidence indicates Sleastonhow Lane being incorrectly recorded, this route can be reasonably alleged to subsist at a minimum of bridleway status. These public rights should be asserted and not be allowed to be subsumed within this development or anything beyond it. An application to record this has been registered on Cumbria County Councils Definitive Map Modification Register ref 336000-447-WCA81. DC-15 "Realignment of Crackenthorpe underpass The BHS supports this proposed change as it reduces the length of the proposed public bridleway. DC-22 "Realignment of Warcop westbound junction The BHS objects to this proposed change as the proposed shared cycle</p>	
REP7-185	The Coal Authority Comments on any further information/submissions received by Deadline 6	Thank you for your notification of 18 April 2023 seeking the views of the Coal Authority on the above. I have checked the site location plan against the information held by the Coal Authority and can confirm that the proposed development site is located outside of the defined coalfield. On this basis, the Planning team at the Coal Authority have no comments to make. Please do not hesitate to contact me if you would like to discuss this matter further.	Noted.

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REP7-186	UK Health Security Agency	Thank you for your letter dated 19th April 2023 inviting the UK Health Security Agency (UKHSA) to provide comments relating to the Examining Authority's response to the applicant's request to make changes to the original application. We have no comments to make with respect to the proposed changes in addition to those already submitted.	Noted.