

The Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Date 26<sup>th</sup> May 2023

FAO: Mr Richard Allen, Lead Member of the Examining Authority (ExA)

Dear Mr Allen,

**NATIONAL HIGHWAYS' (the Applicant) A66 NORTHERN TRANS PENNINE (NTP)  
PROJECT (the Project)**

**SUBMISSION OF WESTMORLAND AND FURNESS COUNCIL (the Council) FOR  
EXAMINATION DEADLINE 9 (26<sup>TH</sup> MAY 2023)**

In further response to your ('Rule 8') letter dated 8th December 2022 (reference TRO10062) setting out the Examination timetable, I am writing to set out the Council's response to Examination Deadline 9.

The Council continues its strong support in principle for the Project, which it sees as a vital investment in infrastructure in the North of England, and which will bring considerable benefits to the area.

The Council has signed a Statement of Common Ground (SoCG) with the Applicant. This will be submitted by the Applicant at Deadline 9. Agreement has been reached on most matters, in some cases subject to satisfactory completion of a legal side agreement. This agreement will cover several matters including:

- Detrunking – matters which are set out in separate detrunking agreements covering a range of assets (pavements, vehicle restraint systems, drainage, structures and other assets). It is important for the ExA to note that the side agreement relies heavily upon the agreed detrunking agreements;
- For the avoidance of doubt the Council does not accept the transfer of Crackenthorpe retaining wall due to the uncertainty of its condition resulting in unknown liability with an unacceptable potential risk to the Council;

- Amendment to the protective provisions for drainage currently provided in Part 7, Schedule 9 of the DCO;
- An assurance that the Applicant will not permanently acquire land at Skirsgill Depot;
- An assurance that access to Skirsgill highway depot will always remain unfettered, as this is critical for the Council's performance of its statutory duty to manage highways safely. There are also critical adult and children's services delivered from this site;
- A commitment from the Applicant to ensure that the replacement private means of access (PMA) is maintained for the period that the Applicant uses the temporary compound and upon cessation of that use, that any damage to the PMA is remediated;
- The construction specification for walking, cycling and horse-riding routes, which is not provided for in the Project Design Principles document; and
- The stopping up of Main Street, Kirkby Thore, which is a direct impact of the Project and is not addressed through the DCO.

It is vital to the Council that the side agreement is progressed as a matter of urgency to provide certainty on matters that sit inside and outside the DCO. It had been hoped that the terms of the side agreement would be fully agreed before the end of the Examination. Whilst most issues have been agreed, there are some detailed matters that will take some weeks to conclude.

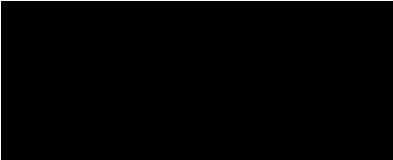
In relation to matters not agreed in the SoCG, the Council is disappointed that the Applicant has been unable to support the Council's requests, which are founded on the desire to deliver a project that minimises and mitigates impacts on the local area and maximises potential benefits.

The Applicant's unwillingness to properly mitigate the impacts of the Project on Wetheriggs Country Park and in respect of HGV parking are particularly frustrating, given that the Wetheriggs masterplan and the freight study have identified potential solutions to those issues. The reliance upon designated funds to implement some measures is a concern, because of the need to secure approval and the uncertainty of such funds being available. The final Principal Areas of Disagreement Summary Statement (REP7-190) submitted at Deadline 7 provides additional detail on the matters that are 'not agreed'.

The Council will continue to work collaboratively with the Applicant investing the time and expertise required to come to an agreed solution on the Project.

The Council will update the ExA in the coming weeks regarding progress.

Your sincerely,



Philip Greenup

Assistant Director – Sustainable Transport and Highways

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