

A66 Northern Trans-Pennine Project

TR010062

7.48 Applicant's Response to Deadline 8 Submissions

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Deadline 9

26 May 2023

Infrastructure Planning

Planning Act 2008

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

A66 Northern Trans-Pennine Project
Development Consent Order 202x

**7.48 APPLICANT'S RESPONSE TO DEADLINE 8
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 8 of the Examination of the A66 Northern Trans-Pennine Project (the Project).
- 1.1.2. National Highways has reviewed the submissions made at Deadline 8 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 submission made by Dr Boswell on behalf of CEPP and has provided a separate response, which is also submitted at Deadline 9 of the Examination.
- 1.1.4. This document also includes further detail on the Applicant's response to the submission made by British Horse Society ('BHS') at Deadline 7 (REP7-205). The Applicant acknowledges that this is a Deadline 7 submission reference and provided an initial response to this at Deadline 8 at pages 52-55 of [REP8-075]. This additional response should be read alongside this and provides further detail and signposting on the points made by the BHS in relation to equality and discrimination for clarity in relation to this specific submission. This additional response is provided at the end of Table 5 of 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 8 submissions made by Local Authorities.
 - Section 3: Applicant's response to Deadline 8 submissions made by Statutory Environmental Bodies.
 - Section 4: Applicant's response to Deadline 8 submissions made by Affected Persons.
 - Section 5: Applicant's response to Deadline 7 and 8 submissions made by other Interested Parties.

2. Applicant's response to Deadline 8 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 8 Submissions made by local authorities.

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
REP8-077	Durham County Council Comments on any further information/submissions received by Deadline 8	General DCC would reiterate that it does not object to the proposed junction at Rokeby; however, given the lesser impact of the "Blue" route, referred to in the Statutory Consultation, in relation to increased traffic on the B6277 The Sills, the strong preference of the Council remains for the "Blue" route. The reasons for this are set out in Appendix 1 of the Council's Relevant Representation to PNS dated 31 August 2022 (Application Document RR-073) and in subsequent documents submitted to the ExA by the Council. DCC considers that there continues to be a need for the Applicant to liaise with DCC regarding the ongoing and final highway design of the scheme as well as other related matters.	The Applicant will continue to engage with Durham County Council, including in accordance with the signed Statement of Common Ground submitted at Deadline 8 of the Examination.
REP8-079	Westmorland and Furness Council Cover Letter	Statement of Common Ground (SoCG) between the Council and the Applicant The Council has devoted considerable time and resources in recent weeks to preparing the SoCG with the Applicant. Further drafts of the document were exchanged today, but unfortunately the parties are unable to sign off the SoCG for Deadline 8 as there are still some outstanding issues to be resolved. We will continue to work	Please refer to the signed SoCG submitted at Deadline 9.

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
		<p>closely with the Applicant over the next few days, with a view to finalising the SOCG for signature as soon as possible and by no later than Deadline 9.</p> <p>Brough Hill Fair</p> <p>In response to the Applicant's Summary Statement on Brough Hill Fair, the Council is keen to ensure that any replacement site is of the same size as the current provision and can accommodate the same level of visitors to allow the fair to operate in a similar manner to the current arrangements. Ongoing maintenance of the site has been raised and the Council would not want to see a responsibility placed on it to service the site in terms of providing utilities (electric, water, drainage, etc.), ongoing cleaning after the fair and the provision of a safe environment for those attending the fair e.g. through supporting policing costs or highway management arrangements. The arrangements to include consultation with the local planning authority and the local highway authority on the detail of any alternative provision site is welcomed.</p>	<p>The Applicant notes the Council's position regarding provision of a replacement site for the Brough Hill Fair and management of this and refers to Section 5 of its Deadline 7 Submission --7.37 Summary Statement on Brough Hill Fair Relocation (Rev 2) [Document Reference 7.37, REP7-157]. Within this, the Applicant notes at paragraph 5.1.3. that "details in relation to ongoing management and maintenance will also need to be provided to the Secretary of State as part of the process of securing approval of the Project required by article 36, so that the Secretary of State can be informed as to how the replacement BHF site will be managed and maintained in the future."</p> <p>The Applicant notes that this Summary Statement [REP7-157] refers to the draft DCO submitted at Deadline 5 [REP5-012] of the Examination, as this was the latest available version at the time of preparing this document. However, the Applicant encourages the Council to instead consider the final version of the DCO submitted by the Applicant at Deadline 9 of the Examination (Document Reference 5.1, Rev 6) when considering the points made in the Summary Statement. The key differences in relation to article 36 of the DCO that are reflected in the updated version submitted at Deadline 9 (when compared to the version at Deadline 5) of the Examination) are that:</p> <p>(a) the Secretary of State must certify that the replacement Brough Hill Fair site is suitable and available for use by the persons who enjoy the Brough Hill Fair rights;</p>

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		<p>Draft DCO</p> <p>With regard to the Applicant's comments on and Schedule of Changes to the Draft DCO, the Council maintains its position that the ExA's wording suggested at Deadline 6 provides greater certainty of the nature and degree of the environmental effects associated with any amendments captured by the process that these articles will permit.</p> <p>Further Comment on Deadline 7 submissions</p> <p>The Council has not yet completed its review of the Applicant's Deadline 7 submissions, due to the volume of submissions and the limited time available to review. The Council reserves its position to submit further responses prior to Deadline 9. The Council is in discussion with the Applicant to finalise a legal side agreement which will cover a number of matters including, but not limited to, detrunking, protective provisions for drainage, and assurance that the Applicant will not permanently acquire land at Skirsgill Depot. It is</p>	<p>(b) the details of the scheme for the provision of the replacement Brough Hill Fair site must set out management arrangements, as well as maintenance; and</p> <p>(c) those details must also have regard to safety and security considerations.</p> <p>The Applicant welcomes the Council's comments regarding consultation with the local planning authority and the local highway authority on the detail of alternative provision for the Brough Hill Fair.</p> <p>Noted.</p> <p>Please refer to the signed SoCG submitted at Deadline 9.</p>

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		vital to the Council that this agreement is progressed as a matter of urgency to provide it with certainty on matters that sit outside the DCO itself. The terms of the side agreement should be agreed before the end of the Examination.	

3. Applicant's response to Deadline 8 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 8 Submissions submitted by Statutory Environmental Bodies.

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
REP8-078	Historic England Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010	Final Principal Areas of Disagreement Summary Statement	Please see the final Statement of Common Ground between National Highways and Historic England, submitted at Deadline 8 of the Examination. Refer to the Applicant's Response to the Rule 17 Request, submitted at Deadline 9, which includes a Joint Position Statement with Historic England at Appendix C.

4. Applicant's response to Deadline 8 submissions made by Affected Persons

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

Table 4. Response to Deadline 8 Submissions submitted by Affected Persons

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
REP8-082	Dr Mary Clare Martin	<p>My representation is in relation to information received at Deadline 7.</p> <p>I agree completely with the points made by Benjamin Thompson at deadline 7, approving the removal of the Langrigg Junction (DC-25) from the DCO, but asking why the dialling could not go north of the current A66.</p> <p>I also agree with the concerns expressed by differing groups about the harmful effects on the gypsy community about the relocation of the Brough Hill Fair site. I have consulted the amendments to the ES in relation to the removal of the Langrigg Junction.</p> <p>Although the amendments to the DCO are claimed to have fewer adverse effects than the original DCO, the original baseline was very low. The construction works alone will have a significant effect on noise pollution, air quality, wildlife, carbon emissions, as well as visually, on the ability of local residents and visitors to enjoy the landscape. As recent reports (such as those by Greg Marsden at CRED) indicate, the government seems unlikely to meet its targets for the Paris Agreement in 2030, and road-building has a significant impact on carbon</p>	<p>The rationale for the selection of the chosen route over a northern option can be found within Environmental Statement Chapter 2 The Project (APP-045). Further to this, and as outlined in response to both Dr Martin and Benjamin Thompson in the Applicant's Deadline 8 Submission – 7.46 Applicant's Response to Deadline 7 Submissions [Document Reference 7.46, REP8-075], the Applicant notes that it has previously set out its position in respect to routes through the AONB to the north of the A66 and refers 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>Regarding Dr Martin's concerns about the relocation of the Brough Hill Fair site, the Applicant would refer to their Deadline 7 Submission -7.37 Summary Statement on Brough Hill Fair Relocation (Rev 2) [Document Reference 7.37, REP7-156] and the Statement of Common Ground with the Gypsy and Travellers Representatives (Rev 4) [Document Reference 4.5, REP8-023] which relate the latest position with regards the replacement site for the Fair and engagement relevant to this. In addition, further information can be found in Section 4.6 of the Applicant's Closing Submissions, submitted at Deadline 8 [Document Reference 7.45, REP8-074].</p>

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
		<p>emissions. Overall, the dual carriageway would be better placed north of the current A66. I gather further technical information about the implications of these works on carbon emissions and climate change will be submitted shortly by Dr Boswell and hope the ExA will take account of this in making their decision.</p>	<p>An assessment of the differences in environmental impacts and effects between design change DC-25 and the original ES design is provided within Table 2-17 of Environmental Statement Addendum Volume 1 (REP7-167). No new or different likely significant effects were identified in the Addendum when comparing the original ES design and DC-25.</p> <p>From a noise and vibration perspective, the design change DC-25 is not anticipated to result in any new significant adverse effects different to those reported in the ES Chapter 12 Noise and Vibration (APP-055) during construction or operation of the Project, as set out in table 2.17 of the Environmental Statement Addendum Volume 1 (Rep7-167). Further clarification of the adverse likely significant effects identified within the ES, is presented in Appendix C of the Applicant's Deadline 5 Submission – 7.30 Issue Specific Hearing 3 (ISH3) Post Hearing Submissions (including written submission of oral case) [Document Reference 7.30, REP5-024]. In this appendix, information about the noise impacts associated with the construction of the Project at the Low Broomrigg property is presented.</p> <p>The change DC-25 would not prevent the DCO from meeting the mitigation requirements outlined within the Noise and Vibration Management Plan (NVMP Rev) (REP8-013) as set out in the first iteration of the Environmental Management Plan (EMP Rev 4) (REP8-006).</p> <p>Further assessment of air quality, biodiversity and landscape and visual impact is also scoped out within Table 2.17 of the Environmental Statement Addendum Volume 1 (REP7-167).</p> <p>Air quality – The modelled construction phase NO₂ is not anticipated to change for any human sensitive receptor in the Langrigg area. It is not currently anticipated that any change in construction will be of the scale to result in any new or different</p>

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			<p>likely significant effects in construction emissions. Therefore, it is not anticipated that this change would result in any new or different likely significant effects as compared to those reported in the ES for construction. No additional construction impacts would arise which could not be effectively mitigated via the construction dust mitigation measures outlined in the EMP (REP8-005) and the Air Quality and Dust Management Plan (REP8-011)</p> <p>To provide further detail relating to Biodiversity and the change DC-25, the removal of the Langrigg junction results in less land take and the relocation of a large balancing pond from an area of marshy grassland/fen habitat to an area dominated by arable and improved grassland habitats. It is therefore not anticipated that the change will result in any significant changes to the impacts that would result in a change in the outcomes of the assessment of likely significant effects during the construction or operational phase of the Project already reported in Chapter 6 Biodiversity of the ES (Document Reference 3.2, APP-049) (Document Reference 8.3, REP7-167, Pg 71). Further details on the Biodiversity surveys and assessment specific to the Langrigg area is provided in Appendix C of the Applicant's Deadline 5 Submission – 7.30 Issue Specific Hearing 3 (ISH3) Post Hearing Submissions (including written submission of oral case) [Document Reference 7.30, REP5-024].</p> <p>Landscape and visual: In respect of the landscape and visual impact, the design change DC-25 would not create any new or additional effects to those reported in document 3.2 Environmental Statement Chapter 10 Landscape and Visual (APP-053). The effects of the DCO design are reported in the assessment of viewpoint 6.9 in document 3.4 Environmental Statement Appendix 10.6 Schedule of Visual Effects (APP-202) which notes that the proposed mitigation measures,</p>

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			<p>including woodland planting, would, by year 15, visually screen road traffic to a greater extent than exists currently.</p> <p>Climate response – please see the Applicant's document submitted alongside this response, titled: Deadline 9 Submission on Climate Matters</p>
REP8-085	WHT Salvin MRICS on behalf of Mortham Estates	<p>We attach the plan detailing the agricultural holdings as plotted by the applicant and submitted by them at Deadline 7 Within the "Study Area" reference to Mortham Estates includes: These areas should be shown separately:</p> <ul style="list-style-type: none"> • Rokeby Park – in hand • Rokeby Grange & Abbey Farm – John Weighell • Brignall Farm – Andrew Watson • Birk Hall Farm – Frank Wallis • Birk House Farm – In hand • Land at Cross Lanes – in hand • Smithy Fields – in hand • Land at Princess Charlotte – in hand • Land at Greta Bridge – in hand <p>The Holdings shown separately and distinct all form part of the Mortham Estate:</p> <p>These should retain their distinct boundaries on the Holdings Plan but be shown to form part of the Mortham Estate to demonstrate the overall impact of the A66 NTP proposal</p> <ul style="list-style-type: none"> • Thorsgill Farm – Thomas Smith • Streetside Farm – Stuart Harrison • Trees House Farm – Simon Hare 	<p>The Applicant can confirm that the impact on the named agricultural land holdings was assessed and reported in Chapter 13: Population and Human Health of the Environmental Statement (ES) [Document Reference 3.2, APP-056 and ES Figure 13.5 (APP-125)]. The Applicant can confirm that the five named land holdings have all been assessed within Chapter 13 of the ES and are reported in the baseline section (Table 13-37) and the assessment of likely significant effects (Table 13-53). The assessment was undertaken in accordance with applicable Design Manual for Roads and Bridges guidance. Under this guidance the assessment considered the characteristics of the land itself (i.e. farming practices such as arable or pastoral) and any associated infrastructure for the purpose of agricultural production, amongst other parameters such as location and accessibility. The baseline parameters are set out in Appendix 13.2 Agricultural land holding baseline summary (REP3-029). Robust worst-case assumptions were utilised, which resulted in the impact on each of the holdings being reported as significant adverse effect (see Table 13-53 of the Chapter 13 of the ES). This inherently took into account any impacts on the agricultural business operations taking place on the land. As such, the Applicant maintains that an appropriate, precautionary assessment of the impacts of the Project on the agricultural land holdings has been undertaken, with a worst-case reported. The resulting significant adverse effect, alongside all others reported in the ES, will need to be taken into account by the Secretary of State in determining whether</p>

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		<ul style="list-style-type: none"> Ewebank Farm – Peter Moss Tuta Beck Farm – Andrew Newton <p>We have requested agricultural impact assessments for all the 14 holdings affected by the applicants A66 proposal but none have been forthcoming.</p>	<p>or not to grant the DCO having regard to the requirements of the National Networks National Policy Statement and the overall balancing exercise in respect of considering whether the adverse effects of the Project outweigh its benefits.</p> <p>The results of the assessment would not change if the named land holdings were all incorporated as one ownership within the wider Mortham Estate and a significant adverse effect would be reported. The Applicant understands that the document referenced as being submitted at DL7 is 3.3 Environmental Statement Figure</p> <p>13.5 Agricultural Land Holdings (Rev 2) [REP—070]. This Figure is made up of 10 sheets, only two of which (sheets 5 and 6) were amended due to changes in the DCO Order Limits. The sheet associated with the comments raised was unchanged from the DCO application.</p>
REP8-086	<p>United Utilities Water Limited (UUW)</p> <p>Comments on any further information/submissions received by Deadline 7</p>	<p>Further to our letter sent to the Examining Authority on 25th April 2023 [REP7-207], which outlined our concerns with DC-05 change request to the access to our wastewater treatment works at Penrith (Scheme 0405), United Utilities Water Limited ('United Utilities') wishes to provide further comment in respect of Deadline 8.</p> <p>We have now met with the Applicant to discuss the proposed access changes. These meetings occurred on 21st April and 4th May. We have also now met with their Principal Contractor on 9th May. Subsequent to this latest meeting, we received more detailed information on the afternoon of 10th May to better illustrate the</p>	<p>[The Applicant is in ongoing discussions with United Utilities both in terms of responding to specific matters relating to the design of the new access and negotiating a side agreement and protective provisions to address some of the concerns raised.</p> <p>In respect of concerns relating to the proposed passing bays, the Applicant notes that the proposed access has been designed so that vehicles will be able to see approaching vehicles well in advance, in order to facilitate safe passing.</p> <p>The two proposed passing bays have been provided in locations that allow vehicles to safely pull over, on approach to the overbridge if they see oncoming traffic crossing. The Applicant is willing to discuss alternative locations for passing bays, or the need for any additional passing bays, with United Utilities as part of the detailed design process in order to</p>

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		<p>changes that are proposed to our access arrangements.</p> <p>Prior to receiving this information, we only had sight of very basic information from the Applicant's consultation brochure in February 2023 to illustrate the changes to our proposed access arrangements. As a result, we are now in the process of reviewing this information in detail with our advising highways consultants.</p> <p>From our initial review of information, our concerns that require further consideration include (amongst others):</p> <ul style="list-style-type: none"> • Concerns with the proposed passing bay arrangements both in terms of the location and number; • Concerns over whether the access is designed for large enough vehicles bearing in mind recent legislative changes which will allow HGVs to be greater than 16.5m in length; • Concerns with the weight allowances in the design of the access arrangements, especially in terms of the bridge design and the measures for protection of existing services crossed by the access; • Concerns with access arrangements for future construction traffic associated with future capital investment at Penrith Wastewater Treatment Works. This is on the basis that our draft investment plan, which we are in the process of preparing, currently proposes a significant capital project at the wastewater treatment works as part of the Water Industry 	<p>facilitate their operational requirements and to further improve the safety of the route.</p> <p>In respect of concerns relating to ability of the access to accommodate large vehicles, including HGVs with a length of more than 16.5m, the Applicant confirms that the new access and overbridge have been designed to accommodate the vehicle sizes and loading of currently accepted normal highway vehicles. The Applicant is willing to discuss any additional operational needs United Utilities may have, including the need to accommodate larger vehicles, and is confident that such needs can be accommodated at the detailed design stage.</p> <p>In respect of concerns relating to the weight allowances in the design of the access arrangements, the Brougham Accommodation Bridge has been designed for load class LM1, which covers normal traffic HGVs up to 40/44t permitted on the UK's public roads under the Road Vehicles C&U Regulations. As set out in CS 454, the maximum axle load of 40/44t HGVs is 113kN. In addition, the bridge will be design to carry Special Vehicle SV80, which has a gross weight of 780kN (approximately 78) and has a maximum axle load of 130kN.</p> <p>The Applicant confirms that the Brougham Accommodation Bridge is designed for normal highway loadings, as detailed in the Approval in Principle (AIP) that was provided on 10 May 2023.</p> <p>Existing services will be protected in accordance with the relevant utility company requirements, which will take into account the same vehicle specifications catered for, within the overall design.</p> <p>In respect of concerns relating to future construction works at the Penrith Wastewater Treatment Works and potential interactions with the construction of the Project, the Applicant</p>

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		<p>National Environment Your ref: TR010062 Date: 16-MAY-2023 United Utilities Water Limited Registered in England & Wales No. 2366678 Registered Office: Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington, WA5 3LP Programme (WINEP) with a significant risk that the two construction projects could align which would need to be carefully considered and managed to facilitate construction activities and normal operation of our treatment works. This would include heavy plant and could include abnormal loads and therefore access to the treatment works for these types of vehicles needs to be accommodated in the detailed design;</p> <ul style="list-style-type: none"> • Arrangements to access the treatment works in any emergency. For example, we are concerned at the arrangements for accessing the treatment works in the event of a tanker breaking down on a single track access road; • Future arrangements for classification of the access track for management and maintenance of the proposed access including a winter gritting service which will be essential to ensure that our HGV tankers can safely access the site during all weather conditions; • Clarity on the rights that are afforded to other users of the access (vehicular, cyclist and pedestrian); • Safety concerns over whether there is adequate segregation between users e.g. pedestrian / cyclist and our operational traffic. 	<p>has requested details of the types of heavy plant and abnormal loads that could potentially be using the new access road during the anticipated construction works from United Utilities. The Applicant is confident that United Utilities' construction works can be accommodated within the detailed design of the access. The Applicant notes that the proposed width of the new access road (3.5m) is wider than the existing access road (approx. 3m) to the Penrith Wastewater Treatment Works. The Applicant confirms that access will be provided at all times to the Penrith Wastewater Treatment Works. Ongoing discussions between parties will ensure works are aligned in the event that both projects are being constructed simultaneously.</p> <p>In respect of concerns relating to emergency access works, the Applicant confirms that the new access is fundamentally no different from the existing route, which is a single access road, approximately 3m wide.</p> <p>Whilst the proposed new access is wider (3.5m), once it ties into the existing access it will be constrained by the existing access width. Therefore, access in emergencies and breakdowns will be no different from the existing situation.</p> <p>In respect of concerns relating to the future management and maintenance of the new access track, the Applicant confirms that management and maintenance will be the responsibility of the landowner.</p> <p>At this point, it is anticipated that management and maintenance will be conducted by National Highways, as well as winter gritting along the full length of the private means of access road up until the point it ties into the existing access to the Penrith Wastewater Treatment Works. The Applicant notes that the local highways authority does not currently grit the</p>

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		<p>In this regard, we note that there is no intention to illuminate or positively drain the road which will increase the risk of hazards to our operational traffic and any other road users; and</p> <ul style="list-style-type: none"> Concerns over the potential for other users to cross our access road and what controls will be in place to manage this? <p>Therefore at the current time we maintain a position of OBJECTION to the proposed changes to the access to Penrith Wastewater Treatment Works. However, we may be able to remove this objection if the Applicant enters into a separate Side Agreement, expanding on the Protective Provisions. The Side Agreement will need to address our concerns including the above bulleted list of requirements that the detailed design must take into account, with approval of United Utilities throughout the iterative design process.</p>	<p>B6262, but it is expected that the junction of the B6262 with the A66 will be maintained as part of the A66 itself.</p> <p>In respect of concerns relating to rights afforded to other users, the Applicant confirms that the new access is intended to be used by United Utilities, National Grid Electricity Transmission plc (access to overhead line and tower maintenance), nearby landowners (for example, residential and farm access, Llama Karma Kafe), public visitors (for example to Countess Pillar and the Llama Karma Kafe) and National Highways (access for pond maintenance).</p> <p>A separate shared use combined footway/cycleway will be provided for cyclists and pedestrians, and designated rights clearly indicated for public and private access portions.</p> <p>In respect of safety concerns relating to the segregation between users e.g. pedestrian /cyclist and operational traffic, the Applicant confirms that a 1m buffer zone is to be provided between the access road and the combined footway/cycleway – which exceeds the minimum recommended separation for the designed speed of the access. Paragraph E/3.5.1 in CD 143 states that on segregated and unsegregated shared use routes for pedestrians and cyclists, the separation from the carriageway should be a minimum of: (1) 1.5 metres on roads with a speed limit greater than 40mph; (or 2) 0.5 metres on roads with speed limits of 40mph or less. Given the design speed of the new access road (i.e., 30kph), the 1m proposed buffer zone is considered appropriate. The Applicant notes that neither the adjacent A66 and B6262 are presently illuminated and there are no plans to change this as part of the Project. Given the low predicted usage of the new access road and adjacent combined footway/cycleway, and the rural nature of the general surroundings, it is not currently proposed to illuminate the new access road. However, the Applicant will keep the position under review and make the necessary</p>

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			<p>amendments should a design risk assessment or road safety audit at the detailed design stage confirm that illumination is required. The Applicant does not consider it necessary for the new access road to be positively drained, except at the overbridge. A cross fall will be applied to the access road such that water will be directed towards the verge to avoid standing water on the access road.</p> <p>In respect of concerns over users crossing the access road, the Applicant confirms that pedestrians and cyclists will be joining the new shared use footway/cycleway heading in a north easterly direction from the B6262.</p> <p>Pedestrians and cyclists will only cross the access road to the south of the proposed overbridge at the designated crossing point. A further crossing is to be located to the east of the junction with the existing access road to the Penrith Wastewater Treatment Works, this has been designed to minimise interaction with vehicles accessing the Penrith Wastewater Treatment Works. Usage of the new access road will be discussed with the relevant stakeholders at the detailed design stage.</p> <p>In summary, the Applicant's position is that the design of the new access is suitable for United Utilities operational requirements and the Applicant remains confident that any outstanding concerns can be satisfactorily addressed at the detailed design stage.</p>

5. Applicant's response to Deadline 7 and 8 Submissions from other Interested Parties

5.1.1. Table 5 sets out the Applicant's response to the submissions made by other Interested Parties.

Table 5. Response to Deadline 7 and 8 Submissions submitted by other Interested Parties

Examination Library Reference	Interested Party and Title of Submission	Issues Raised	Applicant's Response
REP8-081	Anne Ridley Comments on proposed detrunking and change in speed limits	<p>A66NTP - SCHEME 0405: TEMPLE SOWERBY TO APPLEBY TR010062 5.23 TRAFFIC REGULATION MEASURES (SPEED LIMITS) PLANS (REV2) Submission Deadline 7. 11/05/2023 DCO Application PINS Reference TR010062/APP/5.23 SHEETS 1-7 of 7</p> <p>It is noted the proposals for detrunking the present A66 include a reduction of the speed limit from the current 40mph to 30mph. This is supported. However, it is noted from the document mentioned above that the area of restriction is to be reduced with the new limit being from just east of Piper Lane junction to just east of the Filling Station. The reasons for this are unclear and, as a resident living within the current restricted area, it is felt unjustified.</p> <p>Moving the commencement/termination of the restricted area to just west of Piper Lane, is questionable particularly as the well-used Piper Lane junction and two properties will be outside the restricted area. Within the proposed extended 60mph limit, there will be slow moving farm vehicles manoeuvring in and out of Street House Farm, Glenfield where there are 5 children and Piper Lane junction where vehicles entering the minor road must reduce their speed to a minimum to negotiate the corner. All creating a higher road safety risk. With the reduction in length of restricted area (100 to 150m at both eastern and western end), the existing average speed limit cameras will become obsolete. Removal of the cameras would</p>	<p>The 30mph limit was introduced to suit the residential housing south of the A66, bus stops and potential road narrowing over the existing Trout Beck bridge.</p> <p>There will be a significant reduction in traffic flows on this section of the A66 following the construction of the new dual carriageway, which will reduce the likelihood of incidents. Extending the reduced speed limit to the north would provide long lengths of rural road with an inappropriately low speed limit which drivers are unlikely to observe.</p> <p>Many farms and properties currently have and will continue to have direct access onto sections of carriageway with a 60mph speed limit. Our proposal is therefore in keeping with these and other rural roads for local traffic in the area.</p> <p>The introduction of a 30mph speed limit on Sleastonhow Lane is primarily because we are introducing significant changes to the geometry of the road on the approach to an overbridge, which is more in accordance with a 30mph speed limit.</p> <p>The existing poor road geometry of much of Priest Lane is such that it limits the speed of vehicles using it. It is therefore intended to retain the 60mph speed limit on the new realigned section as this is in keeping with the remainder of Priest Lane.</p>

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		<p>have a deterrent impact on vehicle speeds, road, and pedestrian safety. Surely, maintaining the current area of restriction would allow retention of the speed cameras updated to deal with the new speed limit. Transfer of ownership of the cameras from National Highways to the local authority would surely be possible.</p> <p>One further Item, it is noted that it is proposed to impose a 30mph speed limit along single carriageway Sleastonhow Lane. This proposal is not replicated for the new section of Priest Lane from Station Road. Our understanding is that this new section of road is to be wider than the existing Priest Lane so there is the expectation that vehicle speeds will be higher than on the narrow Sleastonhow Lane. Surely there is a need for the new wider Priest Lane to be restricted to 30mph too on the grounds of safety of walkers, cyclists, and horse riders. Similarly, if speed limits in the village are being addressed as part of this project, perhaps it is opportune to include a 30mph restriction on Piper Lane.</p>	<p>Piper Lane is outside of the scope of this Project.</p>
<p>REP8-087 REP8-088 REP8-089</p>	<p>Dr Andrew Boswell on behalf of Climate Emergency Policy and Planning (CEPP)</p> <p>Comments on any further information/submissions received by Deadline 7</p> <p>Reverse gear: The reality and implications of national transport emission reduction policies</p>		<p>The Applicant has responded to these submissions in a separate document titled, "Applicant's Deadline 9 Submission on Climate Matters", submitted at Deadline 9 of the Examination.</p>

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	Principal Areas of Disagreement Summary Statements (PADSS)		
REP8-083	<p>Kirkby Thore Parish Council</p> <p>Comments on any further information/submissions received by Deadline 7</p>	<p>Document REP7-142 Scheme 0405: Temple Sowerby to Appleby, TR010062, 5.23 Traffic Regulation Measures (Speed Limits) Plans (Rev 2) was submitted to Deadline 7 on 9th May.</p> <p>Kirkby Thore Parish Council (KTPC) notes that the majority of the length of the current 40mph speed limit along the existing A66 is proposed to be reduced to a 30mph limit. However, as shown on the attached Sheet 2 of the document, a short length to the west will be raised to a 60mph limit. This length includes the access to a working farm, Street House Farm, a junction with a road into Kirkby Thore along Piper Lane and a dwelling adjacent to the Piper Lane junction. KTPC requests that the current 40mph limit along this short length be retained, in order to maintain the same level of safety for ingress/exit of tractors to the farm and to provide a more natural slowing of the traffic from 60mph to 30mph as it approaches the village.</p> <p>In addition, KTPC understood that the DCO proposed the designation of Priest Lane as a Quiet Lane, a mixed-use road suitable for the use of walkers, cyclists and horse riders as well as vehicles and was very supportive of this change owing to the current poor provision of off-road PRow in this area. Linked to this suggestion, KTPC also thus very much supported the proposal in the recent National Highways proposal re. DC-10 (which is not now being taken forward) to reduce the speed limit from 60 to 30mph along Priest Lane in the same way that is still proposed in DC-14 for Sleastonhow. KTPC still considers</p>	<p>The 30mph limit was introduced to suit the residential housing south of the A66, bus stops and potential road narrowing over the existing Trout Beck bridge.</p> <p>It is worth taking into consideration that there will be a significant reduction in traffic flows on this section of the A66 following the construction of the new dual carriageway, which will reduce the likelihood of incidents. Extending the speed limit to the north would provide long lengths of rural road with an inappropriately low speed limit which drivers are unlikely to observe.</p> <p>Many farms and properties currently have and will continue to have direct access onto sections of carriageway with a 60mph speed limit. Our proposal is therefore in keeping with these and other rural roads for local traffic in the area</p> <p>The introduction of a 30mph speed limit on Sleastonhow Lane is primarily because we are introducing significant changes to the geometry of the road on the approach to an overbridge, which is more in accordance with a 30mph speed limit.</p> <p>The existing poor road geometry along much of Priest Lane is such that it limits the speed of vehicles using it. It is therefore intended to retain the 60mph speed limit on the new realigned section as this is in keeping with the remainder of Priest Lane.</p>

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		<p>that a reduction in the speed limit to 30mph is necessary along Priest Lane, as well as along Sleastonhow, and that this suggestion is consistent with the approach Highways are taking along Sleastonhow in DC-14 which shares similar issues. Priest Lane is the main route taken for people walking from the village to the Health Centre in Temple Sowerby, it is also much used for circular walks from both Temple Sowerby and Kirkby Thore villages, with routes running along Priest Lane to Temple Sowerby and back round via Newbiggin village, returning to Cross Street. Priest Lane is also part of the promoted long distance walking route called Lady Anne's Way which runs from Skipton to Penrith and has become very popular in recent years and brings many walkers from all over the country into Kirkby Thore and Temple Sowerby along this ancient routeway with its well-known associations with Lady Ann Clifford. Priest Lane is a much-cherished walking route with magnificent views along its length of the striking and highly distinctive scarp face of the North Pennines AONB, and it deserves highly sensitive treatment in the proposals, including a reduction in the speed limit to 30mph. This would ensure that this popular route became far safer than it is currently for the many walkers who use this road. In addition, KTPC wishes to see the Rural Road Design Guide being used for Priest Lane in the same way that is proposed for Sleastonhow. We do not wish to see a design which would result in widening and the loss of the current rural character of this ancient route, or the introduction of inappropriate urbanising infrastructure.</p>	<p>It is not mandated that a quiet lane should have a speed limit of 30mph. However, it is worth noting that there will likely be a reduction in vehicular traffic on Priest Lane following the construction of the new dual carriageway. This coupled with the existing poor alignment along a large portion of the existing route (which effectively reduces traffic speeds) should help create and reinforce the quiet lane categorisation.</p>
REP8-084	Lesley Kelly	<p>It is concerning to see the amount of time, maps, brochures and attention to detailed information that has gone in to the February 2023 consultation regarding the</p>	<p>National Highways note that Ms Kelly's submission reflects a submission previously submitted at Deadline 6 by her as a representative of</p>

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	<p>Comments on any further information/submissions received by Deadline 7</p>	<p>minor changes to the dualling of the A66. It is concerning because the same amount was not put in to the major change made in February 2022, despite it having a huge impact on a greater number of people and the impact on open countryside. That is the removal of the westbound access road from Appleby and creating a full movement junction at Powis, 2.6 MILES away. (NB I use miles as opposed to kilometres). In February 2022 there was no consultation, just a flimsy brochure full of incorrect information. The reasons given by National Highways, not to have a junction at Appleby were 'not enough room', 'it's uphill', also there was a 'strong campaign' by twelve local councils to have a junction at Powis. I would like to make clear, Crackenthorpe Parish Meeting was unaware of any such 'campaign' and in fact strongly opposed the change. The new road is long overdue and greatly welcomed, but local accessibility and safety was one of National Highways key points for improvement. Traffic from and through Appleby will still need to travel through Crackenthorpe, 2.6 miles, to access the A66 westbound. Putting a full movement junction at Powis (Pop 4) in the middle of open countryside, seems ludicrous, as at Sandford, (Pop 40). There is no westbound access road between Sandford and Powis, approximately 7 Miles, and yet three new full movement junctions between Powis and Center Parcs, 6 miles. Within that 6 miles, Temple Sowerby by pass already has east west access on and off at each end, no such convenience for Appleby. Two of the new junctions are for the benefit of private companies, hopefully permanent but not guaranteed. It would appear Appleby, (Pop almost 4,000) the largest permanent settlement in the Eden Valley, former County town, is of no consequence. Traffic to and from the industrial estate and local businesses, commuting workers and the</p>	<p>Crackenthorpe Parish Council (refer to REP6-038). Therefore, the Applicant considers these points addressed across pages 42 and 43 of its Deadline 7 Submission – 7.40 Applicant's Response to Deadline 6 Submissions – Rev 1 [Document Reference 7.40, REP7-160].</p>

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		<p>emergency services, all face poor local access. Not great for attracting new businesses or tourism. The residents of Crackenthorpe were happy with National Highways plans for the de-trunked A66, to be made safe and suitable for pedestrians, cyclists, horse riders and farm traffic with a 30 mph speed limit. We can only hope, at least, this plan is adhered to.</p>	
<p>REP7-205</p>	<p>The British Horse Society Comments on the Applicant's Change Requests and/or ExA's Procedural Decision set out in the letter dated 18 April 2023</p>	<p>"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, 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."</p>	<p>The Applicant notes that, in a response to a previous submission from the BHS (please see pages 100-103 of [PDL-011]), it has drawn attention to and referenced the Equalities Impact Assessment [APP-243] that supports it in meeting its statutory requirements under the Public Sector Equality Duty, as set out in the Equality Act 2010. The assessment for this Project was undertaken and integrated into the design and development of the Project to ensure that the Project did not discriminate against or disadvantage people, and also considered how equality could be advanced. This response also detailed that equestrians are not a protected characteristic group under the Equality Act 2010.</p> <p>The Applicant refers to pages 52-55 of [REP8-075] for its response in relation to the NPPF.</p> <p>The Applicant has received correspondence from the BHS which suggests that the Applicant is a body under s.94(4) of the Countryside and Rights of Way Act ('CROW') 2000, which would mean it is subject to Defra's Guidance on Local Access Forums in England ('LAF Guidance') and the function of the LAFs to advise on specified issues relating to public access to land, including not discriminating against any one particular group. However, the Applicant</p>

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			<p>notes that it is not listed in the legislation as a s.94(4) body, and in any event the only obligation that would be placed on the Applicant is that it <i>"shall have regard, in carrying out their functions, to any relevant advice given to them by a local access forum"</i> in respect of public access to land for open-air recreation and enjoyment or any other lawful purpose. It is not bound to follow the LAF's advice, rather it must ensure that the advice has been considered and taken into account. In addition, the LAF Guidance acknowledges that <i>"forums will often advise on matters where public access is just one of a number of considerations, and perhaps not the most important consideration. This means that a section 94(4) body may understand the forum's advice but decide not to follow it because other factors carry more weight"</i>.</p> <p>The requirement for a LAF's advice under the CROW 2000 to be <i>"inclusive"</i> is set out in the LAF Guidance. However, this guidance is very broad, taking in all users of access land, which is not just walkers, cyclists and equestrians, but potentially (depending on the location and purpose of the land) cavers and climbers, etc. It is also a consideration that only the LAF must have regard when carrying out its functions under section 94(6) CROW 2000, not for the Applicant as the body receiving the advice.</p> <p>The Applicant notes that there is nothing else in the CROW 2000, associated regulations or the LAF Guidance which places an additional burden on the Applicant in respect of how it provides facilities for equestrian users, in the context of the current approach explained in [REP8-075] and throughout</p>

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			<p>the Examination. There is therefore no discrimination from the Applicant against equestrians and the Applicant's approach of only proposing alternative provisions for equestrians where the Project impacts on the existing equestrian provisions at that location, which it has set out extensively throughout the Examination, is appropriate and proportionate, still maintaining and facilitating access for equestrian users.</p> <p>The Applicant also notes that, as detailed in Table 3.13 of the Consultation Report [APP-252], the LAFs were invited to and attended various focus groups to discuss WCH provisions before the Application was submitted. The Applicant fully considered the outcome of these discussions as part of the Project's ongoing development and design.</p>