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Date: 10 February 2026

Dear [REDACTED]

**Planning Act 2008 and The Infrastructure Planning (Changes To, and Revocation Of, Development Consent Orders) Regulations 2011**

**Application for a Non-Material Change to the A66 Northern Trans-Pennine Development Consent Order 2024 (SI 2024/360), as corrected by the A66 Northern Trans-Pennine Development Consent (Correction) Order 2025 (SI 2025/1084)**

**Applicant's response to the Department for Transport's Request for Comments dated 30 January 2026 (the RfC)**

I am writing in response to the RfC issued by the Department for Transport to National Highways ("the Applicant") on 30 January 2026 in relation to the above Application.

The RfC invites the Applicant and United Utilities Water Limited ("United Utilities") to agree a position on any impacts that the Application may have on the previously agreed access arrangements to Penrith Wastewater Treatment Works ("PWTW"). This follows United Utilities' response to consultation on the Application, which was submitted by email dated 16 January 2026 (and published on the Planning Inspectorate's website on 22 January 2026) and subsequent discussions between United Utilities and the Applicant. During these discussions, on 16 January 2026, United Utilities asked for a shapefile to show the arrangements of the scheme in which Proposed Change 7 is located, which the Applicant shared with United Utilities on 19 January 2026. However, United Utilities were not able to ascertain the information that they required from the shapefile and asked the Applicant about the private side agreement which was agreed following the end of the Examination period. On 22 January 2026, the Applicant responded and asked for a meeting to be arranged to discuss the access arrangements with United Utilities. United Utilities responded on 29 January 2026 agreeing to a meeting. The RfC was published on 30 January 2026 and following receipt of the RfC, a MS Teams meeting was held on 2 February 2026 to enable discussion about the Proposed Change 7 B6262 Public Right of Way and Private Means of Access ("Proposed Change 7") between the Applicant, its delivery partner Aureos, and United Utilities.

During the MS Teams call on 2 February 2026, the Applicant and its delivery partner Aureos explained that the consultation relates to the Application and that Proposed Change 7

involves the re-alignment of various lengths of combined Public Rights of Way (PRoW) and Private Means of Access (PMA), namely:

- On the south side of the A66, running between the B6262 and the site of the former Llama Karma Kafe, and providing access to the Countess Pillar which is located between them (comprising part of Work No. 03-7A, and both Work Nos. 03-9A and 03-9B); and
- Crossing over the A66, then running along the north side of the A66 in an easterly direction (comprising part of Work No. 03-7A and part of Work No. 03-7B).

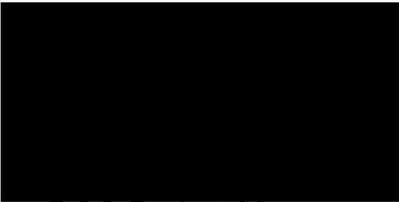
The combined PRoW and PMA route leads to the Brougham overbridge (over the A66) which United Utilities will use in the future to access the PWTW, and which will tie into the existing PMA to the PWTW on the north side of the A66. The need for Proposed Change 7 arises because in various places the proposed re-alignment of the PRoW and PMA route would lie beyond its currently approved lateral Limit of Deviation (LoD).

The Applicant and Aureos are aware of the details of the private side agreement that the Applicant and United Utilities entered into on 24 October 2023, following the DCO examination. They also note the requirement for clear segregation between the PMA for the PWTW and the PRoW provision that is being made for pedestrians and cyclists. Please find enclosed with this letter an illustrative drawing of the cross-section layout of the PMA and PRoW, showing the clear separation of the PRoW from the PMA. At this stage the Applicant anticipates that the buffer zone will remain at 1m and will not be reduced to 0.5m in the future. Proposed Change 7 does not seek to alter this segregation in any way. The Applicant is not seeking to alter the private side agreement into which it previously entered with United Utilities, nor is it seeking any change to the protective provisions from which United Utilities currently benefits as a result of that private side agreement.

The Applicant and Aureos are aware of the requirement for discussions and agreement to take place on the detailed design of accommodation works on the scheme with all stakeholders. The accommodation works on the scheme will include the provision of passing bays, at points that are to be discussed and agreed with United Utilities in conjunction with the Local Highway Authority. The positions of passing bays are independent of Proposed Change 7 which seeks approval for the proposed re-alignment of the PRoW and PMA only. The drawings submitted in support of the Application do not show any change to the position(s) of the passing bays. However, Aureos has recently spoken with Westmorland and Furness Council, in its capacity as Local Highway Authority, regarding the position of passing bays along the route of this PRoW and PMA. The Applicant is committed to undertaking discussion with United Utilities and Westmorland and Furness Council to reach agreement on the future positions of the passing bays, to ensure United Utilities' safe access to and from the PWTW and the safe operation of the local road network.

On this basis, we would be grateful for confirmation from United Utilities that the combined PRoW and PMA remains segregated to your satisfaction and that the re-alignment proposed in Proposed Change 7 meets your satisfaction. We would also be grateful for United Utilities to confirm that you do not seek to alter the private side agreement nor the protective provisions contained within it. Our commitment to the side agreement, the protective provisions and future agreement of the detailed design remains, and we would request that United Utilities' objection to the Application be withdrawn.

Yours sincerely



DCO Project Manager  
National Highways