

Economy and Infrastructure
Cumbria County Council
Parkhouse Building
Kingmoor Business Park
Baron Way
Carlisle CA6 4SJ

Bart Bartowiak
Case Manager
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol BS1 6PN

Date: 6 July 2022
PINS Project Ref: TR010062
CCC reference: A66 NTP AoC Response

SENT BY EMAIL: a66dualling@planninginspectorate.gov.uk

Dear Mr Bartkowiak

**S.55 OF THE PLANNING ACT 2008
APPLICATION BY NATIONAL HIGHWAYS FOR AN ORDER GRANTING DEVELOPMENT
CONSENT FOR THE A66 NORTHERN TRANS-PENNINE PROJECT
ADEQUACY OF CONSULTATION REQUEST**

Thank you for consulting Cumbria County Council on the “Adequacy of Consultation” for the above proposed development.

Cumbria County Council has been engaged throughout the stages of the preparation of the proposed development. This has included commenting on consultation arrangements, responding to formal and informal consultation carried out by the Applicant and commenting on drawings and documents which have been shared.

Your request is for Cumbria County Council to advise as to whether the Applicant has complied with the following duties:

- **Duty to consult – Planning Act 2008 (as amended) Section 42**
- **Duty to consult the local community - Planning Act 2008 (as amended) Section 47**
- **Duty to publicise - Planning Act 2008 (as amended) Section 48**

Duty to consult – Planning Act 2008 (as amended) Section 42

Para 5.4 – 5.7 of the Applicant’s Consultation Report sets out how the Applicant identified statutory consultees. Annex H advises that Cumbria County Council is identified as Prescribed Consultee as the relevant Highways Authority and Local Authority under s42 (1)(b) and as a person with interest in land under s42(1)(d).

It is noted that the contact details used to consult Cumbria County Council under s42(1)(d) and included in the Book of Reference (ID 9740) is The Courts, English Street, Carlisle, CA3 8LZ. This

address is no longer in use. The address should be Cumbria House, 117 Botchergate, Carlisle, CA1 1RD.

Para 5.5.2-5.5.6 outlines how the Applicant notified consultees of the statutory consultation.

Para 5.5.7 lists the information the statutory letters included, including that the formal statutory consultation would take place between 24 September until 6 November 2021 and list of consultation documents and where they would be available to view etc.

Following the statutory consultation further supplementary consultations were held between 28 January and 3 April 2022 in relation to the proposed changes to the Project. The Applicant advised that the proposed design changes were local in nature/and or related to issues which would not have resulted in a project that was fundamentally different to that which had already been consulted on and as such further statutory consultation on the entire project was not required. Affected statutory consultees and local communities were informed of the changes and had an opportunity to provide feedback.

Cumbria County Council considers that the consultation with the local authority was extensive and considers that the awareness raised was good and that the range of mediums utilised provided opportunities to understand and comment on the proposed development.

Notwithstanding the above comments, during S42 Consultation (Autumn 2021) and Supplementary Consultations (28 January – 3 April 2022) Cumbria County Council highlighted areas in which further information and details are required. Moving forward and through the Statement of Common Ground (SoCG) process we will look forward to further engagement and dialogue in these matters with the Applicant.

Duty to consult the local community - Planning Act 2008 (as amended) Section 47

Before publishing its Statement of Community Consultation (SoCC), the Applicant consulted the relevant local authorities about its content. They shared a draft SoCC for informal review on the 18th of January 2021 and a second draft on 11 June 2021. Cumbria County Council provided comments in the form of annotation to the draft document, with suggested improvements to the text to provide greater clarity, as well identifying some errors and inconsistencies.

Consultation on the SoCC under section 47 of the Planning Act 2008 was undertaken in July 2021. The SoCC detailed how and when NH would consult the local community and the channels available to respond to the pre-DCO consultation. At this stage, Cumbria County Council provided comments and suggestions for improvements to the consultation techniques in the SoCC.

Cumbria County Council is satisfied that the SoCC was appropriate. The SoCC clearly set out the consultation process and provided background information to help people understand the Project. It set out the opportunities and mechanisms for making comments on the proposals.

The DCO Consultation Report advises that the Applicant consulted with the local community in accordance with the published SoCC and that the supplementary consultations were conducted in line with the principles and methods in the Project's SoCC.

Section 47: Local Community Consultation.

Para 5.5.24 of the DCO Consultation Report confirms that the Applicant consulted the local community on the consultation documents.

Para 5.5.27 confirms that the S47 consultation was carried out at the same time as the S42 consultation.

Para 5.5.28 confirms that as well as the people who live and work in the vicinity of the proposed development, various representatives, groups and organisations were contacted and invited to participate including traditionally seldom heard groups.

Para 5.5.32 confirms that regular Community Liaison Groups were held in the lead up to statutory consultation and before the end of the statutory consultation.

Para 5.5.35 confirms a notice publishing the SoCC was published in the five newspapers circulating the vicinity of the land.

Para 5.5.39–5.5.48 outlines the additional publicity which included leaflets, posters, social media and media coverage.

Para 5.6.1–5.6.4 outlines the consultation activities and consultation events. Officers from Cumbria County Council attended a few of the consultation events, in its capacity as local highway authority to answer queries regarding the local highway network but also check that the consultation events were being managed effectively and that there was sufficient information provided to allow attendees to understand the nature and impact of the project. Cumbria County Council can confirm that the events which were attended by officers were effective.

Duty to publicise - Planning Act 2008 (as amended) Section 48

Annex M of the DCO Consultation Report includes the Notice Publicising a Proposed Application for a Development Consent Order. The Notice includes the information required. The Notice was published in two national papers for one week and six local papers for two weeks.

Adequacy of Consultation

Cumbria County Council is satisfied that the Applicant has complied with their duties under sections 42, 47 and 48 of the Planning Act 2008.

Third Parties Comments on the Adequacy of Consultation

A number of third parties have raised concerns regarding the Applicant's Adequacy of Consultation. In line with the guidance, we append copies of all representations copied to us for the SoS to consider.

Organisation	Date Received	Correspondence
Richard Buxton Solicitors	20.06.22	 FW Inadequate consultation on the A6
Becca Lush	30.06.22	 Fwd FW Inadequate consultation on the A6
Friends of the Lake District	01.02.22	 FW_ Concerns re the inadequacy of the NTI
Friends of the Lake District (2)	04.07.22	 Concerns re the inadequacy of the Nat
Mark Blackett- Ord	01.07.22	 A66 July22 letter - Mark Blackett Ord.pdf
Emma Nicolson	01.07.22	 Re Adequacy of Consultation - Emma
Emma Nicolson (2)	05.07.22	 Fwd FW Emma Nicolson 2.pdf
Emma Nicolson (3)	06.07.22	 Fwd Emma Nicolson 3.pdf
Kirkby Thore Parish Council	04.06.22	 A66 Consultation - Kirkby Thore Parish C
Mary Clare Martin	04.07.22	 Inadequacy of consultation re A66 A
Mary Clare Martin (2)	05.07.22	 inadequacy of consultation re A66 N
Rachel Pinnager	10.05.22	 FW_ concerns over inadequacy and sub-s

Yours sincerely



Guy Kenyon
Economy and Infrastructure Directorate
Cumbria County Council

[Redacted]

From: Lewis Hadler [Redacted]@richardbuxton.co.uk>
Sent: 20 June 2022 11:45
To: [Redacted]
Cc: [Redacted]
Subject: FW: Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project
Attachments: National Highways (out) 20.06.22.pdf; National Highways (out) 13.05.22.pdf; National Highways (out) 07.04.22.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr Kenyon and Ms Beverley

In response to the email below we received and out of office from David Haughian advising that he has left Cumbria County Council and suggesting that you be contacted instead. Please see below and attached correspondence with National Highways regarding the A66 NTP scheme. I also attach for reference our previous correspondence. Do not hesitate to contact me should you have any questions.

Yours sincerely

Lewis Hadler
Senior Paralegal
Richard Buxton Solicitors
Environmental Planning and Public Law
Office A, Dale's Brewery, Gwydir Street, Cambridge CB1 2LJ

[Redacted]
[Redacted]
web: [Redacted]
Authorised and regulated by the Solicitors Regulation Authority

From: Lewis Hadler
Sent: 20 June 2022 11:39

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Subject: RE: Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project

Dear Sirs

Further to National Highway's response of 9 June 2022, please find attached further correspondence on behalf of our client. Please note that a response is requested by no later than 4pm Friday 24 June 2022.

Yours faithfully

Lewis Hadler
Senior Paralegal
Richard Buxton Solicitors
Environmental Planning and Public Law
Office A, Dale's Brewery, Gwydir Street, Cambridge CB1 2LJ

[Redacted]

web: [Redacted]
Authorised and regulated by the Solicitors Regulation Authority

From: Lewis Hadler
Sent: 13 May 2022 18:36

[Redacted]

Subject: RE: Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project

Dear Sirs

Further to National Highway's response of 21 April 2022, please find attached further correspondence on behalf of our client in relation to inadequate consultation in respect of the A66 Trans Pennine road scheme.

Please confirm receipt.

Yours faithfully

Lewis Hadler
Senior Paralegal
Richard Buxton Solicitors
Environmental Planning and Public Law
Office A, Dale's Brewery, Gwydir Street, Cambridge CB1 2LJ

[Redacted]

web: [Redacted]
Authorised and regulated by the Solicitors Regulation Authority

From: Lewis Hadler
Sent: 07 April 2022 15:41

[Redacted]

[REDACTED]
[REDACTED]
Subject: Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project

Dear Sirs

We are instructed by Transport Action Network in relation to the A66 Trans Pennine road scheme and attach on their behalf a letter setting out their concerns regarding the inadequacy of consultation on the project.

Please note that we have requested a response to this letter within 14 days, i.e. no later than 21 April 2022.

For their information, this correspondence is copied to a number of parties with an interest in the scheme.

Yours faithfully

Lewis Hadler
Senior Paralegal
Richard Buxton Solicitors
Environmental Planning and Public Law
Office A, Dale's Brewery, Gwydir Street, Cambridge CB1 2LJ

[REDACTED]
[REDACTED]

web: [REDACTED]
Authorised and regulated by the Solicitors Regulation Authority

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A66 Project Team
National Highways
3 Piccadilly Place
Manchester M1 3BN

Att.: Damian Greenfield, Stakeholder Manager
([REDACTED]@highwaysengland.co.uk)

By email only: A66NTP@nationalhighways.co.uk

Our ref: TRA3/1/LJH/MRM
Email: [REDACTED]@richardbuxton.co.uk / [REDACTED]@richardbuxton.co.uk

7 April 2022

Dear Sirs

Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project ("NSIP")

1. We are instructed by Transport Action Network ("**TAN**") in relation to the above NSIP ("**the Scheme**"), which is currently at the pre-application stage of the Development Consent Order ("**DCO**") process. Our client has previously sent emails of 3 and 10 February 2022 regarding concerns over the lawfulness and transparency of the consultations for the Scheme and included concerns about the adequacy of the statutory consultation in their response of 6 November 2021.
2. The Scheme effectively is the combination of eight different NSIP schemes along a fifty-mile stretch of the A66, crossing nationally and internationally protected landscapes and habitats. Our client is extremely concerned that because the Scheme is part of "Project Speed", National Highways is rushing the scheme development, resulting in inadequate and potentially unlawful consultations.
3. In summary, our client's concerns are:
 - (i) The adequacy of the statutory consultation, including its complexity and period it was open for comments
 - (ii) Four consultations described as 'targeted non-statutory consultations' were effectively closed to the public due to them not being publicised, or locatable on the National Highways consultation website despite including what are described as 'considerable changes to the design' presented in the statutory consultation. No information was provided regarding the environmental impacts of the proposed changes, despite them being described as 'considerable changes to the design'.

- (iii) A further consultation on significant changes to the proposed scheme, including large scale earthworks, new cycling and walking routes and the addition of a large number of extensive compounds. Again, no information provided regarding the environmental impacts of the proposed changes, despite the area being known nationally for its tourist and leisure industry and the earthworks and compounds being within and in such proximity to highly protected landscapes and habitats.
- (iv) A further consultation on the relocation of Brough Hill Fair, which is culturally important to the Gypsy community, may not comply with the requirements of the Public Sector Equality Duty.
- (v) The lack of environmental information available in respect of the proposals for the Scheme as it now stands, to the extent that it is not possible for the consultation bodies to develop an informed view of the likely significant environmental effects of the development and associated development.
- (vi) The fact that concurrent and consecutive consultations have been held on a range of quite complex topics and which the public concerned have been expected to get to grips with and comment on.
- (vii) Overall that the statutory consultation and subsequent consultations have been inadequate to the extent that the Secretary of State cannot be satisfied that the statutory requirements and those set out in the pre-application guidance have been met.

Background

- 4. Route options for the Scheme were consulted on in summer 2019 and a preferred route announcement was made in May 2020. The statutory consultation was held between 24 September 2021 and 6 November 2021.
- 5. Since the statutory consultation closed there have been six further consultations (that our client is aware of), including (in summary):
 - (i) [A66 Trans-Pennine Supplementary Design Consultation: Appleby to Brough](#)

This consultation ran between 28 January 2022 and 27 February 2022 and sought views on what are described as “*considerable changes to the design*” that was presented during the statutory consultation. These changes include:

- Building the additional carriage to the north of the existing A66 rather than the south at Warcop central to reduce the impact on properties and land to the south and to the Roman Camp.
- Building the structure at Warcop central slightly higher to help mitigate environmental issues with the River Eden Special Area of Conservation (SAC).

The consultation was not advertised publicly on the National Highways scheme page nor on National Highways social media, it did not appear on the National Highways consultation hub and could not (and still cannot) be located by searching that page and is not accessible via a publicly locatable link. The changes described in the Consultation Brochure are considerable

and the subject matter includes impacts on nationally designated landscapes, habitats and species and are of more than immediate local concern.

(ii) A66 Trans-Pennine Supplementary Design Consultation: M6 Junction 40 to Kemplay Bank

This consultation ran between 28 January 2022 and 27 February 2022 and sought views on changes that would impact community connectivity, environmental and land impacts, including the loss of public open space.

The consultation was not advertised publicly on the National Highways scheme page nor on National Highways social media, it did not appear on the National Highways consultation hub and could not (and still cannot) be located by searching that page and is not accessible via a publicly locatable link. The changes described in the Consultation Brochure include impacts on a country park and college playing fields and are of more than immediately local concern.

(iii) A66 Trans-Pennine Supplementary Design Consultation: Bowes Bypass Hullands Quarry

This consultation ran between 28 January 2022 and 27 February 2022 and sought views on changes in respect of access arrangements into and out of Hullands Quarry and provision of an access track to Bowes Cross Farm, both of which would impact road safety.

The consultation was not advertised publicly on the National Highways scheme page nor on National Highways social media, it did not appear on the National Highways consultation hub and could not (and still cannot) be located by searching that page and is not accessible via a publicly locatable link. No consultation brochure was published for this consultation and there is no detail provided in respect of the environmental impact of the proposals, but the changes described impact road safety and are of more than immediate local concern.

(iv) A66 Trans-Pennine Supplementary Design Consultation: Temple Sowerby to Appleby

This consultation ran between 28 January 2022 and 27 February 2022 and sought views on what are described as “considerable changes to the design” that was presented during the statutory consultation. These changes include:

- Relocation of the junction north of Kirkby Thore westwards from Main Street to Fell Lane to improve a potentially dangerous stretch of narrow road and redirect heavy goods vehicles to a better, more suitable route and to avoid the Roman Camp Scheduled Monument. Works will include the construction of landscaping bunds.
- Change at Long Marton from overbridge to full-movement junction to the east of the design presented at the statutory consultation to seek to avoid increased heavy goods vehicles on unsuitable roads.

- The addition of a junction at Long Marton to remove the Appleby Junction links to seek to avoid land take from Fair Hill at Appleby which would have impacted the Appleby Fair.

This part of the scheme is in one of the most environmentally sensitive parts of the route, as it crosses Trout Beck, which is part of the River Eden SAC. The lack of information provided makes it impossible to understand what the impacts on the SAC could be.

The consultation was not advertised publicly on the National Highways scheme page nor on National Highways social media, it did not appear on the National Highways consultation hub and could not (and still cannot) be located by searching that page and is not accessible via a publicly locatable link. The changes described in the Consultation Brochure are considerable and involve the construction of a new junction, construction of landscaping bunds and loss of hedgerows. The changes also relate to impacts on road safety and an annual event culturally significant to the gypsy, traveller and Roma communities. The considerable changes described are of more than immediate local concern.

(v) A66 Trans-Pennine Supplementary Design Consultation: walking, cycling and horse-riding provision, landform and compounds

This consultation opened on 16 February 2022 and closed on 20 March 2022 and sought views on very considerable changes to the following:

- Extensive changes to walking, cycling and horseriding provision along the length of the Scheme
- Considerable changes to the proposed landform along much of the route, with the construction of multiple large landscape bunds
- Multiple new large compounds along much of the route, of unknown purpose or use

Although this consultation was listed on the National Highways consultation hub, it was not present on the National Highways scheme page, nor advertised on National Highways social media accounts with a publicly available link. Despite the numerous major and complex changes described in the Consultation Brochure, no public events were organised to inform the public and give them the opportunity to view the maps and ask questions. This may be in breach of National Highways' Public Sector Equality Duty, as it deprived those without access to the internet (particularly the elderly) an opportunity to inform themselves of the changes and to respond.

Neither the consultation webpage nor the Consultation Brochure provide any information regarding the environmental impacts of any of these changes, which by their nature can be expected to be considerable due to the extent of the land impacted and the proximity to multiple protected landscapes and habitats.

The new, proposed compounds, while they might be considered temporary, will have a large detrimental impact on the area and should have had their impact assessed as part of the Preliminary Environmental Information Report (PEIR). Even if considered temporary, compounds can end up being permanent features or leave behind permanent impacts, sometimes

leading to further development. Due to these significant changes, the environmental impacts of which have not been explained or made public, the PEIR should be updated and consulted upon again. The principle of public participation, and the requirements of the Statutory Guidance, have not been complied with.

(vi) A66 Trans-Pennine Supplementary Design Consultation: Brough Hill Fair

This consultation opened on 11 March 2022 and closed on 3 April 2022 and sought views on changes to the proposed re-siting of Brough Hill Fair to a smaller site than previously proposed and almost two miles away.

Statutory guidance

6. Under the Planning Act 2008 the Department for Communities and Local Government in March 2015 issued statutory guidance on the pre-application process (“**the Guidance**”). The statutory guidance is an important consideration in the Secretary of State’s decision whether to accept an application for examination.¹ The Guidance throughout makes abundantly clear the importance of proper consultation. In particular:

6. Part 5 of the Planning Act sets out statutory requirements for applicants to engage in pre-application consultation with local communities, local authorities, and those who would be directly affected by the project. The front-loaded emphasis of consultation in the major infrastructure planning regime is designed to ensure a more transparent and efficient examination process.

18. Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties, by:

- *helping the applicant identify and resolve issues at the earliest stage, which can reduce the overall risk to the project further down the line as it becomes more difficult to make changes once an application has been submitted;*
- *enabling members of the public to influence proposed projects, feedback on potential options, and encouraging the community to help shape the proposal to maximise local benefits and minimise any downsides;*
- *helping local people understand the potential nature and local impact of the proposed project, with the potential to dispel misapprehensions at an early stage;*
- *enabling applicants to obtain important information about the economic, social and environmental impacts of a scheme from consultees, which can help rule out unsuitable options;*
- *enabling potential mitigating measures to be considered and, if appropriate, built into the project before an application is submitted; and*
- *identifying ways in which the project could, without significant costs to promoters, support wider strategic or local objectives.*

19. The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the six months

¹ Statutory guidance, paragraph 5; Planning Act 2008, sections 55(5A)(b) and 55(4)(c)

examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues. Without adequate consultation, the subsequent application will not be accepted when it is submitted. If the Secretary of State determines that the consultation is inadequate, he or she can recommend that the applicant carries out further consultation activity before the application can be accepted.

53. Local people have a vital role to play at the pre application stage. People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is therefore critical that they are engaged with project proposals at an early stage. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be appropriate; or what other opportunities might exist for meeting the project's objectives.

72. The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project...

73. Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.

75. If the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an applicant to undertake a full re-consultation. Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes.

76. In circumstances where a particular issue has arisen during the preapplication consultation, or where it is localised in nature, it may be appropriate to hold a non-statutory, targeted consultation. A developer's Statement of Community Consultation should be drafted so that it does not preclude this approach. A more bespoke approach can be adopted, which may allow developers to respond with more agility to the issue at hand. If adopting this approach, the emphasis should be on ensuring that relevant individuals and organisations are included.

77. Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultation is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.

88. It is important to stress that pre-application consultation is a statutory duty for applicants, and it should, as this guidance makes clear, be carried out to a certain standard. Issues about the adequacy of consultation should be considered prior to the Inspectorate (on behalf of the Secretary of State) accepting an application for examination. Where any interested party feels that consultation was inadequately carried out, they should approach the applicant in the first instance. If consultees remain unsatisfied, they can complain to the relevant local authority (who can consider this complaint as part of their representation to the Secretary of State on the adequacy of consultation), or the Secretary of State (through the Inspectorate). Any concerns should be raised promptly during or immediately following the consultation, to enable the applicant to address the issues if appropriate. In all cases, the final decision as to whether pre-application consultation was adequately carried out rests with the Secretary of State.

93. For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project. The information required may be different for different types and sizes of projects. It may also vary depending on the audience of a particular consultation. The preliminary environmental information is not expected to replicate or be a draft of the environmental statement. However, if the applicant considers this to be appropriate (and more cost-effective), it can be presented in this way. The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The applicant's Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.

Statutory consultation

7. Our client's response to the statutory consultation outlined multiple concerns with its adequacy, including that there were fifteen options consulted on, making this a uniquely complex project and consultation, and that it was unclear which options were the preferred options. This could be in breach of paragraph 93 of the Guidance that "information presented must provide clarity to all consultees". Our client also raised concerns about the inadequacy of the 89-page Non-Technical Summary (NTS). The NTS was extremely long and technical, copying over lengthy and technical information from the PEIR, included information on fifteen different options, and could not be described as a layperson's guide to the environmental impacts of the eight schemes. Another area of concern was that the 6-week consultation period was far too short for a scheme of this complexity.

Preliminary Environmental Information

8. The Applicant is under a duty to consult the consultation bodies and local community and must prepare a Statement of Community Consultation ("**Consultation Statement**").² Consultation must be carried out in accordance with the proposals in the Consultation Statement.³
9. The Consultation Statement⁴ must set out how the Applicant intends to publicise and consult on the PEIR,⁴ which must contain the information reasonably required

² Planning Act 2008, section 47(1)

³ Planning Act 2008, section 47(7)

⁴ The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, regulation 12(1)(b)

for the consultation bodies to develop an informed view of the likely significant environmental effects of the development and of any associated development.⁵

10. Where the PEIR, which is a public document on which the public should be properly consulted,⁶ does not contain information reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development and of any associated development, it must be updated and be consulted upon again if there are additional or substantively different likely significant effects.

Concerns

11. Although our client asked for confirmation of the consultations' details (such as dates, deadlines, links to any information online etc) on 3 February and chased this up on 10 February, National Highways declined to provide details of the six subsequent consultations or assist our client to respond.
12. As outlined in the emails of 3 and 10 February our client is extremely concerned at the way that National Highways is conducting its consultations. It appears that public participation is being minimised and large, 'considerable' changes appear to be presented as small and not materially impacting on the scheme that was consulted on in the Autumn of 2021. Our client believes that this is wrong and that there appears to be a number of aspects of the changes which materially impact on the scheme. However, because the environmental impacts of those changes have not been set out, it is not possible fully to understand their significance.
13. Without a properly open and public consultation with sufficient information the public will not know if the new changes are substantially different, or will materially impact on the scheme. Despite the changes being described as 'considerable' and, in our client's view, obviously of wider than merely local impact, unless a member of the public received a leaflet through their letter box, they would not be alerted to these consultations. There would be nothing online to tell them what is happening and those who may have commented on those issues in the Statutory Consultation who are not local or did not receive a leaflet would not have had the opportunity to participate in and comment on the change proposed in the consultation.
14. Our client would argue that any changes within or close to an Area of Outstanding Natural Beauty (AONB) are capable of being significant and of national importance. The same principle applies to internationally important habitats and species protected under the Habitats Directive, such as Special Conservation Areas (SACs) and Special Protection Areas (SPAs). The public, including, local, regional and national environmental organisations, should be given the opportunity properly to respond to these changes if the consultation is to be considered adequate. Without their input it is difficult to see how the most appropriate proposals will be advanced, that will have the least impact on this protected area. People and organisations who have already responded to the statutory consultation and expressed an interest in the scheme, such as our client, (with a national interest in transport and the environment), and national, regional and local environmental groups with an interest in the area, should be considered to be "relevant organisations" for the purposes of further consultations, and notified of further

⁵ The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, regulation 12(2)(b)

⁶ Consultation Statement, paragraph 3.11

consultations. Our client asked on 10 February to be notified of all consultations, yet was not notified of the six new consultations.

15. This is a huge scheme spanning eight sections over 50 miles and costing over £1 billion. Each one of these sections has the potential to be an NSIP in its own right, so any changes should be consulted upon in an open and transparent way. Consulting on changes in the different areas separately and in a way that prevents people commenting on other areas also undermines any ability to assess the **cumulative** impacts of the changes and whether these combined impacts materially impact on other areas or the entire scheme. The supplementary consultations into the proposed changes should not happen in isolation, but should be considered in combination.

Conclusion

16. Regulation 12 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires that the preliminary environmental information should be adequate for consultees to “develop an informed view of the likely significant environmental effects of the development (and of any associated development)”. The Consultation Statement and the Statutory Guidance set out the importance that the public be consulted on the PEIR. The environmental information and the likely significant effects resulting from proposed changes to the scheme which have been consulted on after the Statutory Consultation need to be explained and included in an updated PEIR that fully informs all consultees, including statutory consultees, on the environmental impacts of these substantial changes, and to revisit the issue of cumulative impacts. Any defects in the way that this consultation has been run could render it unlawful. It is in everyone's interests that these consultations are run properly, otherwise they may be legally defective.
17. If the relevant consultation bodies, including local authorities, consider that they have not been provided with sufficient environmental information on the consultation proposals to develop an informed view of the likely significant effect, they would be within their right to make clear in their representations to the Secretary of State that the consultation carried out by the applicant is deficient and that therefore the application ought not be accepted for examination.⁷
18. Our client believes the solution is for National Highways to issue a new Statement of Community Consultation and to re-run the statutory consultation with an updated PEIR, taking on board all previous feedback. The statutory consultation should allow enough time for adequate responses (six weeks was not enough last time for such a huge scheme), be open to all, with information clearly available online and offline, and a clear and simple Non-Technical Summary (NTS).
19. We would like a substantive reply to the points raised in this letter as soon as possible and in any event no later than 14 days from the date of this letter.

Yours faithfully


Richard Buxton Solicitors
Environmental, Planning & Public Law

⁷ See in particular paragraphs 88 and 93 of the Statutory Guidance (above at para.6) and Regulation 12 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Cc.:

- Planning Inspectorate (A66Dualling@planninginspectorate.gov.uk)
- David Haughian, Head of Planning, Cumbria County Council
([\[REDACTED\]@cumbria.gov.uk](mailto:[REDACTED]@cumbria.gov.uk))
- Fergus McMorrow, Assistant Director of Development, Eden District Council
([\[REDACTED\]@eden.gov.uk](mailto:[REDACTED]@eden.gov.uk))
- David Green, consultant to EDC ([\[REDACTED\]@wsp.com](mailto:[REDACTED]@wsp.com))
- Virginia Taylor, Leader of EDC (leader@eden.gov.uk)
- County Durham Unitary Authority (planning@durham.gov.uk)
- Richmondshire District Council (enquiries@richmondshire.gov.uk)
- North Yorkshire County Council (planning@northyorks.gov.uk)
- Huw Merriman, Chair, Transport Select Committee
(transcom@parliament.uk)
- Officer for Rail and Road (highways.monitor@orr.gov.uk)

RICHARD BUXTON SOLICITORS

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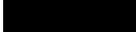
A66 Project Team
National Highways
3 Piccadilly Place
Manchester M1 3BN

Att.: Monica Corso Griffiths, A66 Head of Design and DCO

Cc.: Huw Merriman, Chair of the Transport Select Committee
Planning Inspectorate
Cumbria County Council
Eden District Council
Damian Greenfield, Stakeholder Manager ( [@highwaysengland.co.uk](mailto:damian.greenfield@highwaysengland.co.uk))

By email only: A66NTP@nationalhighways.co.uk

Our ref: TRA3/1/LJH/MRM

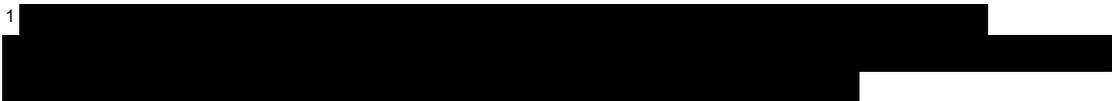
Email:  [@richardbuxton.co.uk](mailto:richardbuxton@richardbuxton.co.uk) /  [@richardbuxton.co.uk](mailto:richardbuxton@richardbuxton.co.uk)

13 May 2022

Dear Ms Corso Griffiths

Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project (“NSIP”)

1. We write further to our letter of 7 April regarding our client's concerns about the standard of consultation for the A66 Northern Trans Pennine scheme.
2. The Statement of Community Consultation¹ (“**Consultation Statement**”) detailed the elements of the project that would be consulted on during statutory consultation which ran for six weeks from 24 September 2021 to 6 November 2021.²
3. These elements to be consulted on are listed below (with our emphasis).
 - Route alignment and preliminary design, including route alignment alternatives considered within specific areas

1 


- Junction layouts, including junction location alternatives considered within specific areas
 - **Construction compounds and other land potentially required for construction**
 - **Proposed DCO boundary (the area of land needed to carry out the project)**
 - **Proposals for walking, cycling and horse riding including the diversion of routes**
 - Environmental assessments and potential environmental impacts
 - Environmental mitigation measures and associated land requirements
 - Arrangements to mitigate the impact on any communities, farms or businesses
4. National Highways (“NH”) did not conduct their statutory consultation in line with the Consultation Statement as you did not consult on the elements emphasised:
- **Construction compounds and other land potentially required for construction**
 - **Proposed DCO boundary (the area of land needed to carry out the project)**
 - **Proposals for walking, cycling and horse riding including the diversion of routes**
5. In our client’s response to the statutory consultation they commented about the lack of inclusion of a DCO boundary in the consultation documents. They also commented that it would not be possible for National Highways to consult on the DCO boundary as NH were still consulting on route choices and so the DCO boundary could not be settled. They said as there was no settled preferred route, the statutory consultation was premature. There has not been any consultation on the DCO boundary either during or since the statutory consultation.
6. There was also no information in the statutory consultation documents in relation to the other two elements highlighted: compounds and other land potentially required for construction; and the proposals for walking, cycling and horse riding, including the diversion of routes.
7. NH has since conducted a short, “targeted, non-statutory” consultation on these two elements from 16 February 2022 to 20 March 2022, however this was not publicised widely, nor was there any available link to the consultation documents on the scheme website. We outlined the multiple problems with this short and poorly-publicised consultation in our letter of 7 April. It is our view that consultation on these issues was not conducted to the standards set out in the Consultation Statement.

Consultation requirements

8. By section 47(7) of Planning Act 2008 the applicant must carry out consultation in accordance with the proposals set out in the Consultation Statement. This is affirmed in the Pre-application Guidance, which sets out that applicants are required to produce a Statement of Community Consultation in consultation with

the relevant local authorities which describes how the applicant proposes to consult the local community about their project **and then carry out consultation in accordance with that statement.**

9. In your [REDACTED], you claim that "The consultation was carried out in accordance with the Statement of Community Consultation". However, the statutory consultation was missing at least the three elements identified above and therefore was not carried out in accordance with the Statement of Community Consultation. The "targeted, non-statutory" consultation on these topics fails to make up for this omission for the reasons set out in our previous letter; including the scale of the impact of those issues and the limited audience to which the consultation was promoted and open to.
10. Finally, our client is also concerned that material representations made by them in respect of the consultation were not included in the consultation report, including their comments regarding the inadequacies of the statutory consultation, the lack of clarity about which routes were being consulted on, and the lack of information about the proposed DCO boundary.
11. In addition to the issues identified in our previous letter, our client's view is that the failings identified above can only be resolved by further consultation in accordance with the statutory rules. We understand that NH intends to submit the DCO application as early as 16 May 2022; however, until and unless the issues identified in this and our previous letter are resolved, the legal requirements for acceptance of the DCO application remain unfulfilled.

Yours faithfully

[REDACTED]
Richard Buxton Solicitors
Environmental, Planning & Public Law

A66 Project Team
National Highways
3 Piccadilly Place
Manchester M1 3BN

Att.: Monica Corso Griffiths, A66 Head of Design and DCO

Cc.: Huw Merriman, Chair of the Transport Select Committee

Planning Inspectorate

Cumbria County Council

Eden District Council

Damian Greenfield, Stakeholder Manager ([REDACTED]@highwaysengland.co.uk)

By email only: A66NTP@nationalhighways.co.uk

Our ref: TRA3/1/LJH/MRM

Email: [REDACTED]@richardbuxton.co.uk / [REDACTED]@richardbuxton.co.uk

20 June 2022

Dear Ms Corso Griffiths

Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project ("NSIP")

1. We write further to our letters of 7 April and 13 May regarding our client's concerns about the standard of consultation for the A66 Northern Trans Pennine scheme.

Natural England's advice

2. Your response of 9 June 2022 enclosed Natural England's advice letter dated 25 February 2022. The advice in that letter is in response to supplementary consultations dated and received by NE on 28 January 2022.¹ **Please provide copies of the material provided to NE (upon which its advice is based), including all accompanying correspondence.**
3. On page 2 of the letter, in relation to Long Marton Land End Junction, NE advised that (our emphasis):

Natural England note that the new road design will be much closer to Troutbeck (River Eden SAC) and that there will be a discharge to the beck. The revised PEIR section should acknowledge this. The Habitats Regulations Assessment

¹ i.e. the four supplementary consultations that ran from 28 January 2022 to 7 February 2022 in relation to Appleby to Brough, M6 Junction 40 to Kemplay Bank, Bowes Bypass Hulands Quarry, and Temple Sowerby to Appleby.

will need to assess the new road design to ensure it avoids adverse impacts to the River Eden SAC.

NE's advice was that the PEIR should be revised in relation to the impact of the new road design being much closer to Troutbeck (River Eden SAC) and that there will be a discharge to the beck. **Please explain why the PEIR has not been revised in accordance with NE's advice.**

4. In relation to Appleby to Brough, NE advised that they *"look forward to receiving more information on how reinstated planting, and potentially additional vegetation screening, can help manage and reduce"* the impacts on the increased visibility of the road within the landscape resulting from changes to the design involving more elevated river crossings. **Please confirm whether NE have been provided with this information and provide their response.**
5. NE also advised that the North Pennines AONB Partnership are consulted on detailed design issues and the effect on the AONB so that the project can benefit from their knowledge of the development site and its wider landscape setting. **Please provide copies of the material provided to the North Pennines AONB Partnership for comment in relation to the supplementary consultations that have taken place, as well as their responses.**
6. We note that NE's advice in that letter does not relate to the supplementary design consultation on walking, cycling and horse-riding, which ran between 16 February 2022 and 20 March 2022 which, among other things, set out what were described as 'considerable' changes, including: extensive changes to walking, cycling and horse-riding provision along the length of the scheme; considerable changes to the proposed landform along much of the route, with the construction of multiple large landscape bunds; multiple new large compounds along much of the route, of unknown purpose or use. **Please provide NE's advice in relation to this supplementary consultation, as well as copies of the material provided to NE, including all accompanying correspondence.**

PEIR review

7. Your letter confirms that, in advance of the supplementary consultations, NH carried out an exercise to review the environmental impacts of all design changes. **Please provide details (i.e. not the 'summary' purported to be included in the supplementary consultation material) of this review and its conclusions. Please also confirm whether advice has been sought from NE in relation to the content and conclusions of this review.**
8. Your letter states that the supplementary consultation material included a summary of the review of the environmental impacts of all design changes. However, we can find no reference, summary or otherwise, to environmental impacts resulting from the design changes arising from the Supplementary Design Consultation on walking, cycling and horse-riding provision, landform and compounds. We have been unable to confirm this in relation to the earlier four supplementary consultations because the consultation material is not published on the National Highways Citizenspace website. **Please confirm where this information is publicly available.**

Walking, cycling and horse riders, and compounds

9. Your letter states that the statutory consultation included proposals in relation to walking, cycling and horse riding, and also compounds. **Please identify the sections and paragraphs of the documents accompanying the statutory consultation upon which this assertion relies.**

10. Finally, we note that the assessment of impacts on Tourism and Recreation, Road safety of Walkers, Cyclists and Horse riders have been scoped into the assessment of the environmental effects of the scheme, to ensure a robust assessment of population and human health effects. **Please provide the Local Highways Authorities' ("LHA") advice in relation to this supplementary consultation, as well as copies of the material provided to the LHAs, including all accompanying correspondence.**

Conclusion

11. We should be grateful if you would provide responses to the above questions no later than 4pm Friday 24 June 2022.

Yours faithfully

A black rectangular redaction box covering the signature of the sender.

Richard Buxton Solicitors
Environmental, Planning & Public Law

[REDACTED]

From: Becca Lush [REDACTED]@transportactionnetwork.org.uk>
Sent: 30 June 2022 19:18
To: [REDACTED]
Cc: [REDACTED]
Subject: Fwd: FW: Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project
Attachments: National Highways (out) 20.06.22.pdf; National Highways (out) 13.05.22.pdf; National Highways (out) 07.04.22.pdf

Dear Mr Kenyon and Ms Beverley

We write further to the email below from our solicitors, Richard Buxtons. We understand the Development Consent Order (DCO) application has now been submitted to the Planning Inspectorate (PINS) who now have until 19 July to make a decision whether to accept the DCO application or not. We also understand [Section 55\(4\)\(b\)](#) of the Planning Act 2008 and paragraphs 85-89 of the [pre-application guidance](#) makes provision for Cumbria County Council to submit an adequacy of consultation response to the Planning Inspectorate (to be received within 14 days of PINS inviting your response, so by 4 July).

We have serious concerns about the adequacy and lawfulness of both the statutory and supplementary consultations undertaken by National Highways as outlined in the attached letters from Richard Buxtons. We are also alarmed at the unusual and secretive approach National Highways has taken with its numerous supplementary consultations that have taken place since the statutory consultation in Autumn 2021.

These supplementary consultations included significant changes to the proposed scheme with considerable environmental impacts in nationally and internationally important landscapes and habitats, yet none of the supplementary consultations were advertised on the scheme website, nor on the dedicated A66 social media channels operated by National Highways. We monitor and participate in many National Highways' consultations and would like to stress that the secretive and discriminatory approach taken by National Highways with the A66 is extremely unusual and we have never seen this before or indeed elsewhere, and we are extremely alarmed by it. It has seriously undermined democracy and participation in the planning process.

For example, in contrast to no posts on the dedicated [A66 Twitter](#) or [Facebook](#) page about the supplementary consultations with the A66, the recent 5-week supplementary consultation for the Lower Thames Crossing (LTC) scheme attracted 67 tweets on the dedicated [LTC National Highways Twitter](#) account, and 66 [Facebook](#) posts during May-June 2022. Similarly, the recent 4-week supplementary consultation on the A358 Taunton to Southfields scheme resulted in 17 tweets on the [National Highways SW Twitter](#) account, and 17 posts on the [National Highways SW Facebook](#) page during May-June 2022. This ensured that as many people as possible heard about these consultations and could participate, with links provided to the consultation websites. With both the LTC and A358 supplementary consultations, Statements of Community Consultations (SoCCs) were also produced, to ensure the expertise and participation of local authorities was engaged. In contrast, no SoCCs have been produced for the A66 supplementary consultations.

We hope that you take these concerns on board in your adequacy of consultation response to PINS. Please could you kindly acknowledge receipt of this email. If possible we would also like to see the Cumbria County Council adequacy of consultation response to PINS.

Kind regards

Rebecca Lush
Roads and Climate Campaigner

Transport Action Network

providing grassroots support

[Redacted]

[Redacted] | F: [Redacted] | T: [Redacted]

----- Forwarded message -----

From: Lewis Hadler [Redacted]@richardbuxton.co.uk>

Date: Mon, 20 Jun 2022 at 11:45

Subject: FW: Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project

[Redacted]
[Redacted]
[Redacted]

Dear Mr Kenyon and Ms Beverley

In response to the email below we received and out of office from David Haughian advising that he has left Cumbria County Council and suggesting that you be contacted instead. Please see below and attached correspondence with National Highways regarding the A66 NTP scheme. I also attach for reference our previous correspondence. Do not hesitate to contact me should you have any questions.

Yours sincerely

Lewis Hadler

Senior Paralegal

Richard Buxton Solicitors

Environmental Planning and Public Law
Office A, Dale's Brewery, Gwydir Street, Cambridge CB1 2LJ

[Redacted]
[Redacted]
web: [Redacted]

Authorised and regulated by the Solicitors Regulation Authority

From: Lewis Hadler
Sent: 20 June 2022 11:39

[Redacted]
[Redacted]

[Redacted]

Subject: RE: Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project

Dear Sirs

Further to National Highway's response of 9 June 2022, please find attached further correspondence on behalf of our client. Please note that a response is requested by no later than 4pm Friday 24 June 2022.

Yours faithfully

Lewis Hadler

Senior Paralegal

Richard Buxton Solicitors

Environmental Planning and Public Law
Office A, Dale's Brewery, Gwydir Street, Cambridge CB1 2LJ

[Redacted]
web: [Redacted]

Authorised and regulated by the Solicitors Regulation Authority

From: Lewis Hadler
Sent: 13 May 2022 18:36

[Redacted]

Subject: RE: Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project

Dear Sirs

Further to National Highway's response of 21 April 2022, please find attached further correspondence on behalf of our client in relation to inadequate consultation in respect of the A66 Trans Pennine road scheme.

Please confirm receipt.

Yours faithfully

Lewis Hadler

Senior Paralegal

Richard Buxton Solicitors

Environmental Planning and Public Law
Office A, Dale's Brewery, Gwydir Street, Cambridge CB1 2LJ

[Redacted]

web: [Redacted]

Authorised and regulated by the Solicitors Regulation Authority

From: Lewis Hadler
Sent: 07 April 2022 15:41

[Redacted]

[REDACTED]

Subject: Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project

Dear Sirs

We are instructed by Transport Action Network in relation to the A66 Trans Pennine road scheme and attach on their behalf a letter setting out their concerns regarding the inadequacy of consultation on the project.

Please note that we have requested a response to this letter within 14 days, i.e. no later than 21 April 2022.

For their information, this correspondence is copied to a number of parties with an interest in the scheme.

Yours faithfully

Lewis Hadler

Senior Paralegal

Richard Buxton Solicitors

Environmental Planning and Public Law
Office A, Dale's Brewery, Gwydir Street, Cambridge CB1 2LJ

[REDACTED]
[REDACTED]
web: [REDACTED]

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WARNING: Email attachments may contain malicious and harmful software. If this email is unsolicited and contains an attachment DO NOT open the attachment and advise the ICT Service Desk immediately. Never open an attachment or click on a link within an email if you are not expecting it or it looks suspicious. Do not forward chain emails.

A66 Project Team
National Highways
3 Piccadilly Place
Manchester M1 3BN

Att.: Damian Greenfield, Stakeholder Manager
()@highwaysengland.co.uk)

By email only: A66NTP@nationalhighways.co.uk

Our ref: TRA3/1/LJH/MRM
Email: ()@richardbuxton.co.uk / ()@richardbuxton.co.uk

7 April 2022

Dear Sirs

Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project ("NSIP")

1. We are instructed by Transport Action Network ("**TAN**") in relation to the above NSIP ("**the Scheme**"), which is currently at the pre-application stage of the Development Consent Order ("**DCO**") process. Our client has previously sent emails of 3 and 10 February 2022 regarding concerns over the lawfulness and transparency of the consultations for the Scheme and included concerns about the adequacy of the statutory consultation in their response of 6 November 2021.
2. The Scheme effectively is the combination of eight different NSIP schemes along a fifty-mile stretch of the A66, crossing nationally and internationally protected landscapes and habitats. Our client is extremely concerned that because the Scheme is part of "Project Speed", National Highways is rushing the scheme development, resulting in inadequate and potentially unlawful consultations.
3. In summary, our client's concerns are:
 - (i) The adequacy of the statutory consultation, including its complexity and period it was open for comments
 - (ii) Four consultations described as 'targeted non-statutory consultations' were effectively closed to the public due to them not being publicised, or locatable on the National Highways consultation website despite including what are described as 'considerable changes to the design' presented in the statutory consultation. No information was provided regarding the environmental impacts of the proposed changes, despite them being described as 'considerable changes to the design'.

- (iii) A further consultation on significant changes to the proposed scheme, including large scale earthworks, new cycling and walking routes and the addition of a large number of extensive compounds. Again, no information provided regarding the environmental impacts of the proposed changes, despite the area being known nationally for its tourist and leisure industry and the earthworks and compounds being within and in such proximity to highly protected landscapes and habitats.
- (iv) A further consultation on the relocation of Brough Hill Fair, which is culturally important to the Gypsy community, may not comply with the requirements of the Public Sector Equality Duty.
- (v) The lack of environmental information available in respect of the proposals for the Scheme as it now stands, to the extent that it is not possible for the consultation bodies to develop an informed view of the likely significant environmental effects of the development and associated development.
- (vi) The fact that concurrent and consecutive consultations have been held on a range of quite complex topics and which the public concerned have been expected to get to grips with and comment on.
- (vii) Overall that the statutory consultation and subsequent consultations have been inadequate to the extent that the Secretary of State cannot be satisfied that the statutory requirements and those set out in the pre-application guidance have been met.

Background

- 4. Route options for the Scheme were consulted on in summer 2019 and a preferred route announcement was made in May 2020. The statutory consultation was held between 24 September 2021 and 6 November 2021.
- 5. Since the statutory consultation closed there have been six further consultations (that our client is aware of), including (in summary):
 - (i) [A66 Trans-Pennine Supplementary Design Consultation: Appleby to Brough](#)

This consultation ran between 28 January 2022 and 27 February 2022 and sought views on what are described as “*considerable changes to the design*” that was presented during the statutory consultation. These changes include:

- Building the additional carriage to the north of the existing A66 rather than the south at Warcop central to reduce the impact on properties and land to the south and to the Roman Camp.
- Building the structure at Warcop central slightly higher to help mitigate environmental issues with the River Eden Special Area of Conservation (SAC).

The consultation was not advertised publicly on the National Highways scheme page nor on National Highways social media, it did not appear on the National Highways consultation hub and could not (and still cannot) be located by searching that page and is not accessible via a publicly locatable link. The changes described in the Consultation Brochure are considerable

and the subject matter includes impacts on nationally designated landscapes, habitats and species and are of more than immediate local concern.

(ii) A66 Trans-Pennine Supplementary Design Consultation: M6 Junction 40 to Kemplay Bank

This consultation ran between 28 January 2022 and 27 February 2022 and sought views on changes that would impact community connectivity, environmental and land impacts, including the loss of public open space.

The consultation was not advertised publicly on the National Highways scheme page nor on National Highways social media, it did not appear on the National Highways consultation hub and could not (and still cannot) be located by searching that page and is not accessible via a publicly locatable link. The changes described in the Consultation Brochure include impacts on a country park and college playing fields and are of more than immediately local concern.

(iii) A66 Trans-Pennine Supplementary Design Consultation: Bowes Bypass Hullands Quarry

This consultation ran between 28 January 2022 and 27 February 2022 and sought views on changes in respect of access arrangements into and out of Hullands Quarry and provision of an access track to Bowes Cross Farm, both of which would impact road safety.

The consultation was not advertised publicly on the National Highways scheme page nor on National Highways social media, it did not appear on the National Highways consultation hub and could not (and still cannot) be located by searching that page and is not accessible via a publicly locatable link. No consultation brochure was published for this consultation and there is no detail provided in respect of the environmental impact of the proposals, but the changes described impact road safety and are of more than immediate local concern.

(iv) A66 Trans-Pennine Supplementary Design Consultation: Temple Sowerby to Appleby

This consultation ran between 28 January 2022 and 27 February 2022 and sought views on what are described as “considerable changes to the design” that was presented during the statutory consultation. These changes include:

- Relocation of the junction north of Kirkby Thore westwards from Main Street to Fell Lane to improve a potentially dangerous stretch of narrow road and redirect heavy goods vehicles to a better, more suitable route and to avoid the Roman Camp Scheduled Monument. Works will include the construction of landscaping bunds.
- Change at Long Marton from overbridge to full-movement junction to the east of the design presented at the statutory consultation to seek to avoid increased heavy goods vehicles on unsuitable roads.

- The addition of a junction at Long Marton to remove the Appleby Junction links to seek to avoid land take from Fair Hill at Appleby which would have impacted the Appleby Fair.

This part of the scheme is in one of the most environmentally sensitive parts of the route, as it crosses Trout Beck, which is part of the River Eden SAC. The lack of information provided makes it impossible to understand what the impacts on the SAC could be.

The consultation was not advertised publicly on the National Highways scheme page nor on National Highways social media, it did not appear on the National Highways consultation hub and could not (and still cannot) be located by searching that page and is not accessible via a publicly locatable link. The changes described in the Consultation Brochure are considerable and involve the construction of a new junction, construction of landscaping bunds and loss of hedgerows. The changes also relate to impacts on road safety and an annual event culturally significant to the gypsy, traveller and Roma communities. The considerable changes described are of more than immediate local concern.

(v) A66 Trans-Pennine Supplementary Design Consultation: walking, cycling and horse-riding provision, landform and compounds

This consultation opened on 16 February 2022 and closed on 20 March 2022 and sought views on very considerable changes to the following:

- Extensive changes to walking, cycling and horseriding provision along the length of the Scheme
- Considerable changes to the proposed landform along much of the route, with the construction of multiple large landscape bunds
- Multiple new large compounds along much of the route, of unknown purpose or use

Although this consultation was listed on the National Highways consultation hub, it was not present on the National Highways scheme page, nor advertised on National Highways social media accounts with a publicly available link. Despite the numerous major and complex changes described in the Consultation Brochure, no public events were organised to inform the public and give them the opportunity to view the maps and ask questions. This may be in breach of National Highways' Public Sector Equality Duty, as it deprived those without access to the internet (particularly the elderly) an opportunity to inform themselves of the changes and to respond.

Neither the consultation webpage nor the Consultation Brochure provide any information regarding the environmental impacts of any of these changes, which by their nature can be expected to be considerable due to the extent of the land impacted and the proximity to multiple protected landscapes and habitats.

The new, proposed compounds, while they might be considered temporary, will have a large detrimental impact on the area and should have had their impact assessed as part of the Preliminary Environmental Information Report (PEIR). Even if considered temporary, compounds can end up being permanent features or leave behind permanent impacts, sometimes

leading to further development. Due to these significant changes, the environmental impacts of which have not been explained or made public, the PEIR should be updated and consulted upon again. The principle of public participation, and the requirements of the Statutory Guidance, have not been complied with.

(vi) A66 Trans-Pennine Supplementary Design Consultation: Brough Hill Fair

This consultation opened on 11 March 2022 and closed on 3 April 2022 and sought views on changes to the proposed re-siting of Brough Hill Fair to a smaller site than previously proposed and almost two miles away.

Statutory guidance

6. Under the Planning Act 2008 the Department for Communities and Local Government in March 2015 issued statutory guidance on the pre-application process (“**the Guidance**”). The statutory guidance is an important consideration in the Secretary of State’s decision whether to accept an application for examination.¹ The Guidance throughout makes abundantly clear the importance of proper consultation. In particular:

6. Part 5 of the Planning Act sets out statutory requirements for applicants to engage in pre-application consultation with local communities, local authorities, and those who would be directly affected by the project. The front-loaded emphasis of consultation in the major infrastructure planning regime is designed to ensure a more transparent and efficient examination process.

18. Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties, by:

- *helping the applicant identify and resolve issues at the earliest stage, which can reduce the overall risk to the project further down the line as it becomes more difficult to make changes once an application has been submitted;*
- *enabling members of the public to influence proposed projects, feedback on potential options, and encouraging the community to help shape the proposal to maximise local benefits and minimise any downsides;*
- *helping local people understand the potential nature and local impact of the proposed project, with the potential to dispel misapprehensions at an early stage;*
- *enabling applicants to obtain important information about the economic, social and environmental impacts of a scheme from consultees, which can help rule out unsuitable options;*
- *enabling potential mitigating measures to be considered and, if appropriate, built into the project before an application is submitted; and*
- *identifying ways in which the project could, without significant costs to promoters, support wider strategic or local objectives.*

19. The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the six months

¹ Statutory guidance, paragraph 5; Planning Act 2008, sections 55(5A)(b) and 55(4)(c)

examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues. Without adequate consultation, the subsequent application will not be accepted when it is submitted. If the Secretary of State determines that the consultation is inadequate, he or she can recommend that the applicant carries out further consultation activity before the application can be accepted.

53. Local people have a vital role to play at the pre application stage. People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is therefore critical that they are engaged with project proposals at an early stage. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be appropriate; or what other opportunities might exist for meeting the project's objectives.

72. The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project...

73. Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.

75. If the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an applicant to undertake a full re-consultation. Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes.

76. In circumstances where a particular issue has arisen during the preapplication consultation, or where it is localised in nature, it may be appropriate to hold a non-statutory, targeted consultation. A developer's Statement of Community Consultation should be drafted so that it does not preclude this approach. A more bespoke approach can be adopted, which may allow developers to respond with more agility to the issue at hand. If adopting this approach, the emphasis should be on ensuring that relevant individuals and organisations are included.

77. Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultation is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.

88. It is important to stress that pre-application consultation is a statutory duty for applicants, and it should, as this guidance makes clear, be carried out to a certain standard. Issues about the adequacy of consultation should be considered prior to the Inspectorate (on behalf of the Secretary of State) accepting an application for examination. Where any interested party feels that consultation was inadequately carried out, they should approach the applicant in the first instance. If consultees remain unsatisfied, they can complain to the relevant local authority (who can consider this complaint as part of their representation to the Secretary of State on the adequacy of consultation), or the Secretary of State (through the Inspectorate). Any concerns should be raised promptly during or immediately following the consultation, to enable the applicant to address the issues if appropriate. In all cases, the final decision as to whether pre-application consultation was adequately carried out rests with the Secretary of State.

93. For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project. The information required may be different for different types and sizes of projects. It may also vary depending on the audience of a particular consultation. The preliminary environmental information is not expected to replicate or be a draft of the environmental statement. However, if the applicant considers this to be appropriate (and more cost-effective), it can be presented in this way. The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The applicant's Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.

Statutory consultation

7. Our client's response to the statutory consultation outlined multiple concerns with its adequacy, including that there were fifteen options consulted on, making this a uniquely complex project and consultation, and that it was unclear which options were the preferred options. This could be in breach of paragraph 93 of the Guidance that "information presented must provide clarity to all consultees". Our client also raised concerns about the inadequacy of the 89-page Non-Technical Summary (NTS). The NTS was extremely long and technical, copying over lengthy and technical information from the PEIR, included information on fifteen different options, and could not be described as a layperson's guide to the environmental impacts of the eight schemes. Another area of concern was that the 6-week consultation period was far too short for a scheme of this complexity.

Preliminary Environmental Information

8. The Applicant is under a duty to consult the consultation bodies and local community and must prepare a Statement of Community Consultation ("**Consultation Statement**").² Consultation must be carried out in accordance with the proposals in the Consultation Statement.³
9. The Consultation Statement⁴ must set out how the Applicant intends to publicise and consult on the PEIR,⁴ which must contain the information reasonably required

² Planning Act 2008, section 47(1)

³ Planning Act 2008, section 47(7)

⁴ The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, regulation 12(1)(b)

for the consultation bodies to develop an informed view of the likely significant environmental effects of the development and of any associated development.⁵

10. Where the PEIR, which is a public document on which the public should be properly consulted,⁶ does not contain information reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development and of any associated development, it must be updated and be consulted upon again if there are additional or substantively different likely significant effects.

Concerns

11. Although our client asked for confirmation of the consultations' details (such as dates, deadlines, links to any information online etc) on 3 February and chased this up on 10 February, National Highways declined to provide details of the six subsequent consultations or assist our client to respond.
12. As outlined in the emails of 3 and 10 February our client is extremely concerned at the way that National Highways is conducting its consultations. It appears that public participation is being minimised and large, 'considerable' changes appear to be presented as small and not materially impacting on the scheme that was consulted on in the Autumn of 2021. Our client believes that this is wrong and that there appears to be a number of aspects of the changes which materially impact on the scheme. However, because the environmental impacts of those changes have not been set out, it is not possible fully to understand their significance.
13. Without a properly open and public consultation with sufficient information the public will not know if the new changes are substantially different, or will materially impact on the scheme. Despite the changes being described as 'considerable' and, in our client's view, obviously of wider than merely local impact, unless a member of the public received a leaflet through their letter box, they would not be alerted to these consultations. There would be nothing online to tell them what is happening and those who may have commented on those issues in the Statutory Consultation who are not local or did not receive a leaflet would not have had the opportunity to participate in and comment on the change proposed in the consultation.
14. Our client would argue that any changes within or close to an Area of Outstanding Natural Beauty (AONB) are capable of being significant and of national importance. The same principle applies to internationally important habitats and species protected under the Habitats Directive, such as Special Conservation Areas (SACs) and Special Protection Areas (SPAs). The public, including, local, regional and national environmental organisations, should be given the opportunity properly to respond to these changes if the consultation is to be considered adequate. Without their input it is difficult to see how the most appropriate proposals will be advanced, that will have the least impact on this protected area. People and organisations who have already responded to the statutory consultation and expressed an interest in the scheme, such as our client, (with a national interest in transport and the environment), and national, regional and local environmental groups with an interest in the area, should be considered to be "relevant organisations" for the purposes of further consultations, and notified of further

⁵ The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, regulation 12(2)(b)

⁶ Consultation Statement, paragraph 3.11

consultations. Our client asked on 10 February to be notified of all consultations, yet was not notified of the six new consultations.

15. This is a huge scheme spanning eight sections over 50 miles and costing over £1 billion. Each one of these sections has the potential to be an NSIP in its own right, so any changes should be consulted upon in an open and transparent way. Consulting on changes in the different areas separately and in a way that prevents people commenting on other areas also undermines any ability to assess the **cumulative** impacts of the changes and whether these combined impacts materially impact on other areas or the entire scheme. The supplementary consultations into the proposed changes should not happen in isolation, but should be considered in combination.

Conclusion

16. Regulation 12 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires that the preliminary environmental information should be adequate for consultees to “develop an informed view of the likely significant environmental effects of the development (and of any associated development)”. The Consultation Statement and the Statutory Guidance set out the importance that the public be consulted on the PEIR. The environmental information and the likely significant effects resulting from proposed changes to the scheme which have been consulted on after the Statutory Consultation need to be explained and included in an updated PEIR that fully informs all consultees, including statutory consultees, on the environmental impacts of these substantial changes, and to revisit the issue of cumulative impacts. Any defects in the way that this consultation has been run could render it unlawful. It is in everyone's interests that these consultations are run properly, otherwise they may be legally defective.
17. If the relevant consultation bodies, including local authorities, consider that they have not been provided with sufficient environmental information on the consultation proposals to develop an informed view of the likely significant effect, they would be within their right to make clear in their representations to the Secretary of State that the consultation carried out by the applicant is deficient and that therefore the application ought not be accepted for examination.⁷
18. Our client believes the solution is for National Highways to issue a new Statement of Community Consultation and to re-run the statutory consultation with an updated PEIR, taking on board all previous feedback. The statutory consultation should allow enough time for adequate responses (six weeks was not enough last time for such a huge scheme), be open to all, with information clearly available online and offline, and a clear and simple Non-Technical Summary (NTS).
19. We would like a substantive reply to the points raised in this letter as soon as possible and in any event no later than 14 days from the date of this letter.

Yours faithfully


Richard Buxton Solicitors
Environmental, Planning & Public Law

⁷ See in particular paragraphs 88 and 93 of the Statutory Guidance (above at para.6) and Regulation 12 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Cc.:

- Planning Inspectorate (A66Dualling@planninginspectorate.gov.uk)
- David Haughian, Head of Planning, Cumbria County Council
[REDACTED] ([\[REDACTED\]@cumbria.gov.uk](mailto:[REDACTED]@cumbria.gov.uk))
- Fergus McMorrow, Assistant Director of Development, Eden District Council
[REDACTED] ([\[REDACTED\]@eden.gov.uk](mailto:[REDACTED]@eden.gov.uk))
- David Green, consultant to EDC [REDACTED] ([\[REDACTED\]@wsp.com](mailto:[REDACTED]@wsp.com))
- Virginia Taylor, Leader of EDC (leader@eden.gov.uk)
- County Durham Unitary Authority (planning@durham.gov.uk)
- Richmondshire District Council (enquiries@richmondshire.gov.uk)
- North Yorkshire County Council (planning@northyorks.gov.uk)
- Huw Merriman, Chair, Transport Select Committee
(transcom@parliament.uk)
- Officer for Rail and Road (highways.monitor@orr.gov.uk)

RICHARD BUXTON SOLICITORS

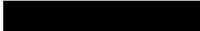
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Manchester M1 3BN

Att.: Monica Corso Griffiths, A66 Head of Design and DCO

Cc.: Huw Merriman, Chair of the Transport Select Committee
Planning Inspectorate
Cumbria County Council
Eden District Council
Damian Greenfield, Stakeholder Manager  [@highwaysengland.co.uk](mailto:damian.greenfield@highwaysengland.co.uk)

By email only: A66NTP@nationalhighways.co.uk

Our ref: TRA3/1/LJH/MRM

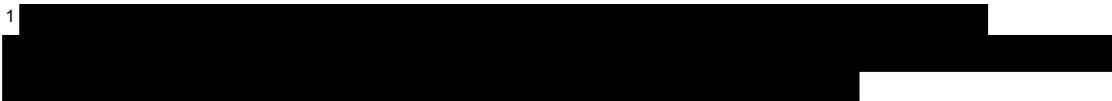
Email:  [@richardbuxton.co.uk](mailto:richardbuxton@richardbuxton.co.uk) /  [@richardbuxton.co.uk](mailto:richardbuxton@richardbuxton.co.uk)

13 May 2022

Dear Ms Corso Griffiths

Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project (“NSIP”)

1. We write further to our letter of 7 April regarding our client's concerns about the standard of consultation for the A66 Northern Trans Pennine scheme.
2. The Statement of Community Consultation¹ (“**Consultation Statement**”) detailed the elements of the project that would be consulted on during statutory consultation which ran for six weeks from 24 September 2021 to 6 November 2021.²
3. These elements to be consulted on are listed below (with our emphasis).
 - Route alignment and preliminary design, including route alignment alternatives considered within specific areas

1 


- Junction layouts, including junction location alternatives considered within specific areas
 - **Construction compounds and other land potentially required for construction**
 - **Proposed DCO boundary (the area of land needed to carry out the project)**
 - **Proposals for walking, cycling and horse riding including the diversion of routes**
 - Environmental assessments and potential environmental impacts
 - Environmental mitigation measures and associated land requirements
 - Arrangements to mitigate the impact on any communities, farms or businesses
4. National Highways (“NH”) did not conduct their statutory consultation in line with the Consultation Statement as you did not consult on the elements emphasised:
- **Construction compounds and other land potentially required for construction**
 - **Proposed DCO boundary (the area of land needed to carry out the project)**
 - **Proposals for walking, cycling and horse riding including the diversion of routes**
5. In our client’s response to the statutory consultation they commented about the lack of inclusion of a DCO boundary in the consultation documents. They also commented that it would not be possible for National Highways to consult on the DCO boundary as NH were still consulting on route choices and so the DCO boundary could not be settled. They said as there was no settled preferred route, the statutory consultation was premature. There has not been any consultation on the DCO boundary either during or since the statutory consultation.
6. There was also no information in the statutory consultation documents in relation to the other two elements highlighted: compounds and other land potentially required for construction; and the proposals for walking, cycling and horse riding, including the diversion of routes.
7. NH has since conducted a short, “targeted, non-statutory” consultation on these two elements from 16 February 2022 to 20 March 2022, however this was not publicised widely, nor was there any available link to the consultation documents on the scheme website. We outlined the multiple problems with this short and poorly-publicised consultation in our letter of 7 April. It is our view that consultation on these issues was not conducted to the standards set out in the Consultation Statement.

Consultation requirements

8. By section 47(7) of Planning Act 2008 the applicant must carry out consultation in accordance with the proposals set out in the Consultation Statement. This is affirmed in the Pre-application Guidance, which sets out that applicants are required to produce a Statement of Community Consultation in consultation with

the relevant local authorities which describes how the applicant proposes to consult the local community about their project **and then carry out consultation in accordance with that statement.**

9. In your [REDACTED] you claim that "The consultation was carried out in accordance with the Statement of Community Consultation". However, the statutory consultation was missing at least the three elements identified above and therefore was not carried out in accordance with the Statement of Community Consultation. The "targeted, non-statutory" consultation on these topics fails to make up for this omission for the reasons set out in our previous letter; including the scale of the impact of those issues and the limited audience to which the consultation was promoted and open to.
10. Finally, our client is also concerned that material representations made by them in respect of the consultation were not included in the consultation report, including their comments regarding the inadequacies of the statutory consultation, the lack of clarity about which routes were being consulted on, and the lack of information about the proposed DCO boundary.
11. In addition to the issues identified in our previous letter, our client's view is that the failings identified above can only be resolved by further consultation in accordance with the statutory rules. We understand that NH intends to submit the DCO application as early as 16 May 2022; however, until and unless the issues identified in this and our previous letter are resolved, the legal requirements for acceptance of the DCO application remain unfulfilled.

Yours faithfully

[REDACTED]
Richard Buxton Solicitors
Environmental, Planning & Public Law

A66 Project Team
National Highways
3 Piccadilly Place
Manchester M1 3BN

Att.: Monica Corso Griffiths, A66 Head of Design and DCO

Cc.: Huw Merriman, Chair of the Transport Select Committee

Planning Inspectorate

Cumbria County Council

Eden District Council

Damian Greenfield, Stakeholder Manager [REDACTED] highwaysengland.co.uk

By email only: A66NTP@nationalhighways.co.uk

Our ref: TRA3/1/LJH/MRM

Email: [REDACTED]@richardbuxton.co.uk / [REDACTED]@richardbuxton.co.uk

20 June 2022

Dear Ms Corso Griffiths

Inadequate consultation on the A66 Northern Trans Pennine Nationally Significant Infrastructure Project ("NSIP")

1. We write further to our letters of 7 April and 13 May regarding our client's concerns about the standard of consultation for the A66 Northern Trans Pennine scheme.

Natural England's advice

2. Your response of 9 June 2022 enclosed Natural England's advice letter dated 25 February 2022. The advice in that letter is in response to supplementary consultations dated and received by NE on 28 January 2022.¹ **Please provide copies of the material provided to NE (upon which its advice is based), including all accompanying correspondence.**
3. On page 2 of the letter, in relation to Long Marton Land End Junction, NE advised that (our emphasis):

Natural England note that the new road design will be much closer to Troutbeck (River Eden SAC) and that there will be a discharge to the beck. The revised PEIR section should acknowledge this. The Habitats Regulations Assessment

¹ i.e. the four supplementary consultations that ran from 28 January 2022 to 7 February 2022 in relation to Appleby to Brough, M6 Junction 40 to Kemplay Bank, Bowes Bypass Hulands Quarry, and Temple Sowerby to Appleby.

will need to assess the new road design to ensure it avoids adverse impacts to the River Eden SAC.

NE's advice was that the PEIR should be revised in relation to the impact of the new road design being much closer to Troutbeck (River Eden SAC) and that there will be a discharge to the beck. **Please explain why the PEIR has not been revised in accordance with NE's advice.**

4. In relation to Appleby to Brough, NE advised that they *"look forward to receiving more information on how reinstated planting, and potentially additional vegetation screening, can help manage and reduce"* the impacts on the increased visibility of the road within the landscape resulting from changes to the design involving more elevated river crossings. **Please confirm whether NE have been provided with this information and provide their response.**
5. NE also advised that the North Pennines AONB Partnership are consulted on detailed design issues and the effect on the AONB so that the project can benefit from their knowledge of the development site and its wider landscape setting. **Please provide copies of the material provided to the North Pennines AONB Partnership for comment in relation to the supplementary consultations that have taken place, as well as their responses.**
6. We note that NE's advice in that letter does not relate to the supplementary design consultation on walking, cycling and horse-riding, which ran between 16 February 2022 and 20 March 2022 which, among other things, set out what were described as 'considerable' changes, including: extensive changes to walking, cycling and horse-riding provision along the length of the scheme; considerable changes to the proposed landform along much of the route, with the construction of multiple large landscape bunds; multiple new large compounds along much of the route, of unknown purpose or use. **Please provide NE's advice in relation to this supplementary consultation, as well as copies of the material provided to NE, including all accompanying correspondence.**

PEIR review

7. Your letter confirms that, in advance of the supplementary consultations, NH carried out an exercise to review the environmental impacts of all design changes. **Please provide details (i.e. not the 'summary' purported to be included in the supplementary consultation material) of this review and its conclusions. Please also confirm whether advice has been sought from NE in relation to the content and conclusions of this review.**
8. Your letter states that the supplementary consultation material included a summary of the review of the environmental impacts of all design changes. However, we can find no reference, summary or otherwise, to environmental impacts resulting from the design changes arising from the Supplementary Design Consultation on walking, cycling and horse-riding provision, landform and compounds. We have been unable to confirm this in relation to the earlier four supplementary consultations because the consultation material is not published on the National Highways Citizenspace website. **Please confirm where this information is publicly available.**

Walking, cycling and horse riders, and compounds

9. Your letter states that the statutory consultation included proposals in relation to walking, cycling and horse riding, and also compounds. **Please identify the sections and paragraphs of the documents accompanying the statutory consultation upon which this assertion relies.**

10. Finally, we note that the assessment of impacts on Tourism and Recreation, Road safety of Walkers, Cyclists and Horse riders have been scoped into the assessment of the environmental effects of the scheme, to ensure a robust assessment of population and human health effects. **Please provide the Local Highways Authorities' ("LHA") advice in relation to this supplementary consultation, as well as copies of the material provided to the LHAs, including all accompanying correspondence.**

Conclusion

11. We should be grateful if you would provide responses to the above questions no later than 4pm Friday 24 June 2022.

Yours faithfully



Richard Buxton Solicitors
Environmental, Planning & Public Law

[REDACTED]

From: Kate Willshaw [REDACTED]@fld.org.uk>
Sent: 01 February 2022 14:50
To: [REDACTED]
Subject: FW: Concerns re the inadequacy of the National Highways A66 consultation process
Attachments: Friends of the Lake District Inadequacies of A66 Consultation letter to NH.pdf; A66-TC-Scheme-6-leafet-low res.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Dear David and Leanne

I have just written to National Highways and PINS regarding concerns about the adequacy of the A66 consultation. I was wondering if you would be able to take Friends of the Lake Districts points in the letter into account when you are developing your Adequacy of Consultation report.

We have just been made aware that National Highways are running extremely brief consultations (closing on 27th January) on changes to the plans for three sections of the road in Cumbria over the next 3 weeks. These consultations are impossible to find on the NH website and the information has apparently only been disseminated in the households directly adjacent to the A66 (see leaflet attached). Are you aware of these consultations and do you have any concerns regarding how they are being run?

Our concerns are that there is no way for anyone to be able to know these three consultations are happening (on three sections of the one project), nor any way to find out information about the consultation and to respond. We would also point out that as the A66 scheme is legally one scheme (and the DCO application is for one scheme), then the consultations should not be split up in this way, but should be combined together so the impacts can be assessed together.

I would be very keen to talk to you about our concerns regarding the consultation process as I do not think that the proposal is in a fit state to be sent to PINS as the start of the statutory DCO process and I do not think that the implications of the scheme have been explained well enough to members of the public.

I look forward to hearing from you.

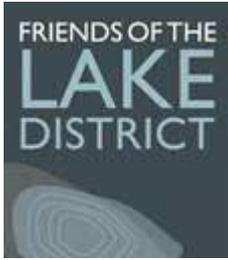
Best wishes,

Kate

Dr Kate Willshaw
Policy Officer

[REDACTED]

Please note I work part time, usually Monday to Thursday



Friends of the Lake District
The only membership organisation dedicated to protecting
and enhancing Lake District and Cumbrian landscapes
Friends of the Lake District, [REDACTED]

Registered Charity Number 1100759, Company No 4878364

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From: Kate Willshaw
Sent: 01 February 2022 14:28
To: A66Dualling@planninginspectorate.gov.uk
Subject: Concerns re the inadequacy of the National Highways A66 consultation process

Dear Sir/Madam

Please find attached a copy of a letter that I have just sent to Mr Lee Hillyard at National Highways with regard to the adequacy of the consultation on the dualling of the A66 that National Highways carried out last autumn. In it I raise the following concerns about the consultation process:

- a. A lack of engagement with non-statutory stakeholders and residents
- b. Length of consultation period was much too short for a project of this magnitude.
- c. The lack of consideration of a non-dualling "safety case" upgrade
- d. A lack of clarity about routes in the documents
- e. A lack of information about landscape impact, specifically and most concerning being a lack of photomontages
- f. The lack of a climate change position statement which includes a cumulative assessment of this scheme in conjunction with others

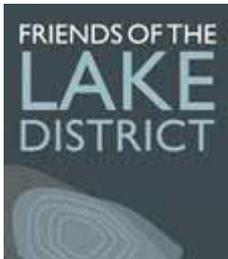
I would be grateful if you could take this into consideration when you come to make a decision on whether to accept the DCO that National Highways submits. I am also sending the letter to Cumbria County Council and Eden District Council to inform their Adequacy of Consultation documents.

Yours faithfully,

Dr Kate Willshaw
Policy Officer

[REDACTED]

Please note I work part time, usually Monday to Thursday



Friends of the Lake District

The only membership organisation dedicated to protecting and enhancing Lake District and Cumbrian landscapes

Friends of the Lake District, [REDACTED]

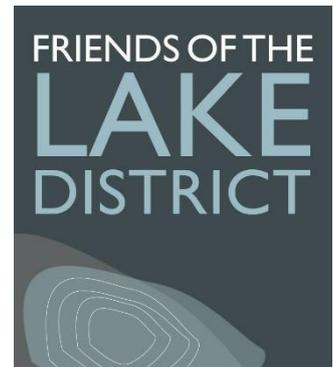
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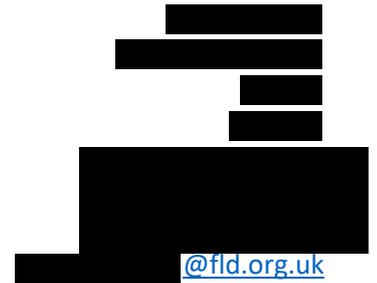


Mr Lee Hillyard
Project Director A66
National Highways

(By email)

1st February 2022

Friends of the Lake District



Dear Mr Hillyard

Inadequacies of the A66 Northern Trans-Pennine Upgrade Consultation

1. Friends of the Lake District is the only membership organisation dedicated to protecting and enhancing Lake District and Cumbrian landscapes. We represent CPRE the Countryside Charity as the Cumbria Branch

2. We are writing to make a formal complaint to National Highways regarding the inadequacies of the consultation process for the A66 Northern Trans-Pennine Design Consultation that was carried out in autumn 2021.

3. The issues which we consider to have been inadequately consulted comprise
 - a. A lack of engagement with non-statutory stakeholders and residents
 - b. Length of consultation period was much too short for a project of this magnitude.
 - c. The lack of consideration of a non-dualling "safety case" upgrade
 - d. A lack of clarity about routes in the documents
 - e. A lack of information about landscape impact, specifically and most concerning being a lack of photomontages

- f. The lack of a climate change position statement which includes a cumulative assessment of this scheme in conjunction with others
4. A copy of our response to the September 2021 Design Consultation is appended to the end of this letter.

Lack of engagement

5. There has been very little non-statutory organisation stakeholder engagement during the three years of development of this project. Stakeholder meetings were only ever held in Darlington which was inconvenient for Cumbrian stakeholders and biased attendance towards those stakeholders in the east of the project area. There were three Stakeholder meetings for non-statutory stakeholders in 2018, and after that there was nothing prior to the 2019 consultation the 2020 Route Announcement or the 2021 consultation. There has been a complete failure to engage with non-statutory stakeholders, which on a project with such a significant magnitude of impact is inexcusable.

Inadequate length of consultation period

6. Consultations for Nationally Significant Infrastructure Projects (NSIPs) should take place over a minimum of 12 weeks according to the Government's Code of Conduct¹ which also states that "*if the policy under consideration is particularly complex, consideration should be given to the feasibility of allowing a longer period for the consultation*". It is worth pointing out that the consultation for the North West Coast Connections NSIP in 2016/17 was 14 weeks, further highlighting how inadequate the length of time allocated to the A66 consultation was.
7. The six weeks given was not long enough to consult properly on a single road scheme let alone such a complicated project. To put it in context, it involves eight different sections along a 50 mile stretch of road which passes through 5 Local Authority areas, through an AONB and the setting of a national park, affecting numerous local communities.
8. For this highly complex project (the A66 upgrade is effectively eight NSIP road schemes in one) the consultation should be at least 12 weeks long and have provided much clearer information for members of the public and other consultees who do not have expertise in major development consultations in order to allow them to take part in this process.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/2695/code-practice-consultations.pdf

9. We understand that the A66 Trans-Pennine upgrade scheme is part of the Government's Project Speed initiative. Inclusion this scheme in the Government's Project Speed initiative should not mean that National Highways stints on proper public engagement, but in this case it seems that the public have not been adequately engaged due to such a short consultation period. We therefore consider the public consultation was inadequate on this basis leading to a democratic deficit in the consultation.

Complexity of the consultation and lack of clarity in the route sections

10. There is a lot of very confusing information in the consultation documents meaning that an average member of the public would struggle to engage with the consultation in any significant way. The number of road sections and the inclusion of multiple options for some of the sections made understanding the proposals very difficult due to the complexity of the information put forward in the consultation documents. For example, the names and colours given to the various options are different to the previous names given to routes previously consulted on in 2019 and also the 2020 Preferred Route Announcement. This made the consultation documentation confusing and difficult to follow.
11. To expect members of the public to read, digest and respond to the quantity of information in the consultation which was not even all presented in one place (e.g. the Route Development Report was found on a different website to the PEIR, which was on a different page to the Scoping Opinion report) was virtually impossible, especially in the very short consultation period. This means that there was a significant democratic deficit in the consultation process.
12. There was also significant potential for the public to be misled as to what they could and could not comment on which could prejudice the outcome of the consultation. The consultation documents did not make it clear that comments are invited on all the options presented in the consultation despite Paragraph 5.4 in the Statement of Community Consultation² (SCI) stating that the consultation is on all the options including in the consultation (15 different options for eight different schemes). One would have to read all the documents to have known this was the case, most normal people trying to respond to this consultation in a very short period of time would not have known to read the SCI.

² [REDACTED]

Non-Technical Summary (NTS)

13. The Non-Technical Summary (NTS) for the scheme should be a simplified version of the PEIR. It should be possible for an ordinary member of the public to be able to understand and easily grasp the environmental impacts of a scheme, however, the NTS for this scheme extends to 89 pages which is clearly a very large amount of information for a supposedly simple document.
14. The NTS is full of highly technical assessments using specialist language. Long, complex tables using technical terminology have been copied directly from the PEIR, giving detailed technical information about all fifteen options. There does not appear to have been much attempt made to simplify and condense the environmental impact assessment so that the impacts are obvious and clear to ordinary members of the public. This again means that it would have been very hard for the average person to actually grasp what National Highways are proposing.

Lack of consideration of non-dualling options

15. Right the way through the pre-DCO submission process, Friends of the Lake District requested that National Highways investigate the feasibility of improving the safety of the A66 without dualling the entire length of the road. Safety improvements including redesigned junctions, speed limits, speed enforcement cameras and underpasses or bridges for farm and Kirkby Thore gypsum mine traffic should have been properly explored. A safety upgrade case for the whole route was never put forward as an option in any of the discussions or consultations with National Highways despite the fact it would have the lowest impact on the landscape and wildlife along the route as well as being a significantly lower carbon option whilst reducing accidents and increasing A66 users' safety, reducing landscape damage and significantly cheaper than what is being proposed. On the basis that this option has not been considered at all (where other options have been considered and dismissed), we cannot see how this project can be accepted for DCO permission.

Landscape Assessment is inadequate as no photomontages are provided

16. Viewpoints are identified in the consultation documents, however, there are no photomontages or visualisations of the proposed road provided in the consultation. A fly-through at 50m above the ground is an inadequate way of showing what the road will actually look like when viewed at ground level.
17. All other major infrastructure DCO applications (at this particular stage of the process) and EIA/Major Development planning applications at pre-application stage that we have been involved with have

provided photomontages to demonstrate how the proposed development will look from various viewpoints.

18. Principles for visualisation of development are set out in The Guidelines for Landscape and Visual Impact Assessment 3rd edition (GLVIA3). Consistent with the Environmental Impact Assessment Regulations (EIA Regs), GLVIA3 advocates proportionate and reasonable approaches to the scope of assessments. The *“Visual Representation of Development Proposals - Technical Guidance Note 06/19”* document published by the Landscape Institute³ sets out how and why visualisations should be produced as part of the consultation on major development. The document states:

a. *“It is critical that these visualisations are accurate, objective and unbiased. They should allow competent authorities to understand the likely effects of the proposals on the character of an area and on views from specific points.”*

19. The flythrough which accompanies the consultation documentation is considered by this guidance to be purely an *“illustrative visualisation intended for marketing or to support planning applications by conveying the essence of what a proposal would look like in context.... Generally speaking, they will not be used to explain design proposals within the planning process.”* The flythrough is in no way detailed enough to provide the information needed to make informed responses to the consultation. Indeed, it omits woodland and hedgerows, presenting the A66 corridor as a Disneyfied land of rolling green featureless grassland, totally unrepresentative of the actual landscape.

20. Visualisations need to be provided at human eye level, at various times of the year from a sufficient number of viewpoints (more in sensitive landscapes) to enable consultees and decision makers to develop an informed view of the impact of the infrastructure development.

21. *Section 2: Guiding Principles* of the document referenced above lays out what is required with regard to visualisations and why it is necessary to provide them. It notes that visualisations are particularly important in sensitive landscapes. The A66 route passes through and close to such landscapes including the North Pennines AONB and its setting as well as the setting of the Yorkshire Dales National Park.

³ [REDACTED]

22. We cannot understand how National Highways have come to the conclusions on landscape and visual impact as found in the impact matrices in the PEIR *without* using photomontages/visualisations. However, if visualisations *were* used by National Highways or their consultants to make these landscape impact decisions, then they should also have been provided for consultees to evaluate the decisions that were made. If no photomontages were produced, we would question the veracity of the decision-making process. If photomontages were produced, but not shared with in the consultation for consultees and local people to study, this surely invalidates the consultation process.
23. Friends of the Lake District is therefore of the opinion that the landscape and visual impact section of the consultation documents/PEIR do not provide enough information about the visual and landscape impact of the proposals for consultees to make informed judgements about the options that National Highways put forward in their consultation, and in fact if landscape and visual impact matrices have been developed without the use of visualisations, this is likely to invalidate their conclusions.

Cumulative impact of this road scheme on climate change

24. We do not consider that enough information on the cumulative impact of this major road scheme in combination with other major infrastructure schemes on greenhouse gas emissions has been provided in the consultation. The Examining Authority for the current A47-A11 Thickthorn Junction Project Examination in Public⁴ has made the following request of National Highways:
- a. “1. The ExA acknowledges that the Secretary of State for Transport (SoST) is requesting additional information on other highway projects (for example A1 Morpeth to Ellingham, A38 Derby Junctions scheme which was subject to High Court challenge, M25 Junction 28, and others) to assist a decision on climate change related impacts having regard to cumulative assessment concerns. In those circumstances and based on current submissions, the Applicant is requested to provide a Climate Change Position Statement which further addresses climate change and cumulative assessment of climate impact information issues being referred to for this scheme.
 - b. The statement should provide (or, to the extent that it has already been provided, identify) its assessment of the cumulative effects of Greenhouse Gas emissions from the scheme with other existing and/or approved projects on a local, regional and national level on a consistent geographical scale (for example an assessment of the cumulative effects of the Roads

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010037/TR010037-000739-220126%20TR010037%20A47%20A11%20Thickthorn%20Rule%208,%2013%20and%2017.pdf>

Investment Strategy RIS 1 and RIS 2 at a national level). This should take account of both construction and operational effects; identify the baseline used at each local, regional and national level; and identify any relevant local, regional or national targets/budgets where they exist and how the assessment complies with these (including the carbon budgets, the 2050 zero target under the Climate Change Act 2008, and the UK's Nationally Determined Contribution under the Paris Agreement). It should be accompanied by reasoning to explain the methodology adopted, any likely significant effects identified, any difficulties encountered in compiling the information, and how the assessment complies with the Environmental Impact Assessment Regulations. Confirmation should be given that the statement has been prepared by a competent expert."

25. This information should have been provided within the recent consultation as it will form an essential part of the evaluation of the project. Again, the lack of this information highlights inadequacy in the provision of information around the climate change impacts of the proposal. Without this information, the proposal cannot be effectively assessed.

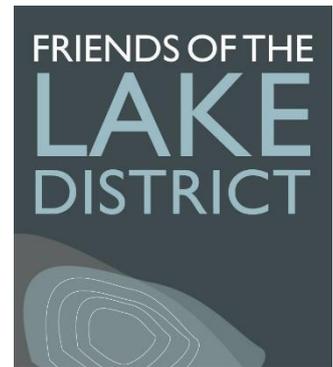
26. To reiterate, we consider that the National Highways A66 Trans-Pennine Upgrade consultation was inadequate on the basis that:
 - a. It did not give a sufficiently long enough consultation period for public consideration
 - b. The consultation was confusing and did not give members of the public a fair opportunity to understand the proposal (exacerbated by the short consultation period)
 - c. There was no consideration of a non-dualling, safety upgrade option
 - d. There were no photomontages provided, and therefore the conclusions reached in the landscape section of the PEIR have not been informed by visualisations of the scheme. If the conclusions have been informed by visualisations, why were these not included in the consultation document?
 - e. There is no consideration of the cumulative climate change impact of the scheme in combination with other major infrastructure schemes.

27. This letter is being copied to the Planning Inspectorate for information as well as Cumbria County Council and Eden District Council to inform their Adequacy of Consultation documents.

Yours sincerely,



Dr Kate Willshaw
Policy Officer
Friends of the Lake District



Mr Lee Hillyard
Project Director A66
National Highways

(By email)

3rd November 2021

Friends of the Lake District

[Redacted]
[Redacted]
[Redacted]
[Redacted]

info@fld.org.uk

Dear Mr Hillyard

Friends of the Lake District response to National Highways A66 Northern Trans-Pennine Design Consultation September 2021

1. Friends of the Lake District is an independent charity and the only membership organisation dedicated to protecting and enhancing Cumbria's landscapes. We believe that Cumbria and the Lake District offer some of the most spectacular and precious landscapes in England. We take action to protect and enhance the natural beauty of these landscapes for the benefit of local communities, visitors, wildlife and habitats. We represent CPRE as the Cumbria County Association.

Overarching comments

2. Right the way through the pre-DCO process, Friends of the Lake District has requested that National Highways look at the feasibility of improving the safety of the A66 without dualling the entire length of the road. Safety improvements including redesigned junctions, speed limits, speed enforcement cameras and underpasses or bridges for farm and Kirkby Thore gypsum mine traffic should have been properly investigated. A safety upgrade case for the whole route was never put forward as an option in any of the discussions or consultations with National Highways despite the fact it would have the lowest impact on the landscape and wildlife along the route as well as being a significantly lower carbon option whilst reducing accidents and increasing A66 users' safety.

3. We do not consider that a six weeks consultation period is long enough for a development of this magnitude and complexity. Many of the individuals and groups responding to the consultation are doing so on a non-professional basis. To expect them to read, digest and respond to this quantity of information which is not even all presented in one place (e.g. the Route Development Report is found on a different website to the PEIR, which is on a different webpage to the Scoping Opinion report) is virtually impossible. This means that there is a democratic deficit in the consultation process which should be addressed with further time for consultation.
4. This consultation is very confusing. Despite the announcement of a “Preferred Route” in 2020, the Design Consultation document proposes at least 15 different variations of routes. Consultees are then left at a loss as to which ones we are supposed to be looking at or commenting on. We are also very concerned at the lack of photomontages of the proposed development from a person’s point of view. A fly-through at 50m above the ground is a totally inadequate way of showing what the road will actually look like when viewed at ground level.
5. We consider that because of this, the current statutory consultation under S48 of the 2008 Planning Act is premature and there should have been at least one more round of non-statutory consultation. We therefore do not consider that this scheme is ready to enter the DCO process. We will be making our views clear to PINS that the consultation around this scheme has been inadequate, that questions posed to National Highways have not been answered and that there are very few areas of common ground.
6. Friends of the Lake District is particularly concerned that extra capacity on the A66 to the east of the M6 will lead to increased pressure to dual or widen non-dualled sections of the route to the west of the M6, within the Lake District National Park. This would be completely unacceptable in a National Park.

Landscape concerns

7. As made clear in our previous responses to this scheme and also at Highways England stakeholder events in Darlington in 2018, Friends of the Lake District is concerned that upgrading the A66 to a dual carriageway for its entire length from Penrith to Scotch Corner will make it more difficult to secure a sustainable future for Cumbria’s landscapes, people and wildlife. Implementation of this scheme would lead to significant damaging impacts on the natural capital of Cumbria and the North Pennines. This damage would include harm to protected landscapes, loss of and damage to habitats, severing of wildlife corridors, loss of flora and fauna, increases in noise, light and air pollution; local community severance and issues with flooding and run-off.

8. The stretch of road that Highways England propose to dual from Appleby to Brough runs along the southern boundary of the North Pennines Area of Outstanding Natural Beauty. Paragraph 5.152 of the National Networks National Policy Statement states:
 - a. *‘There is a strong presumption against any significant road widening or the building of new roads and strategic rail freight interchanges in a National Park, the Broads and Areas of Outstanding Natural Beauty, unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly. Planning of the Strategic Road Network should encourage routes that avoid National Parks, the Broads and Areas of Outstanding Natural Beauty.’*
9. In addition, paragraphs 5.150 and 5.151 of the National Policy Statement reiterate the more general presumption against major development in National Parks, which is also set out in paragraph 176 of the National Planning Policy Framework (NPPF). This paragraph of the NPPF has also recently been updated to include protection for the setting of National Parks **and AONBs**, and the new text states that development within these areas “should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”. The Government also emphasised the additional planning protection for National Parks in the 25 Year Environment Plan (page 57) alongside strong support for greater enhancement of our landscapes.
10. The section of road around Kirkby Thore has been brought closer to the boundary of the North Pennines and lies within the setting of the AONB. It will clearly cause damage to the setting of the protected landscape due to its longer route, elevated position compared to the current line of the road and significant earth works and structures which are proposed.
11. As a public body, National Highways has a duty under the CROW Act 2000¹² to take account of the potential effect of their decisions and activities on the AONB’s statutory purpose (the statutory purpose of an AONBs is to conserve and enhance the natural beauty of its area). This includes activities undertaken outside AONB boundaries which may affect land within them.
12. Friends of the Lake District considers that the far-reaching harmful impacts of new road building provide clear grounds to reject these road plans as they stand. Whilst any congestion benefit from the upgrade of the A66 would be temporary due to induced traffic (additional traffic generated by the

¹ Section 85 of the Countryside and Rights of Way Act 2000

² [REDACTED]

road scheme itself; see 'Road Upgrade Assumptions' section below), the adverse environmental impacts would be lasting, irreversible and would significantly outweigh any benefits.

13. The lack of photomontages in the Chapter 10 Landscape and Visual of the PIER is of great concern on the basis that a fly-through from 50m height over an idealised landscape does not give the public or consultees any idea of what the proposed road when viewed at 1.5m above the ground. Lack of oblique imagery makes it impossible to determine the impact on the landscape from the point of view of people within the landscape.

Biodiversity – Habitats and Wildlife

14. The scale and magnitude of this road development will cause a considerable loss of many habitats which are important for protected species such as otter, bats, badger, polecat, red squirrel and brown hare. This is along with severance of wildlife corridors such as hedgerows, linear woodlands, scrub and field margins. For example, the Biodiversity report lists 56 locations where potential bat flight routes would be directly affected by the proposed scheme.
15. We are aware of a number of fields along the proposed route which are important for breeding and feeding waders including golden plover which are a qualifying species of the North Pennines SPA, as well as curlew, lapwing, snipe, redshank etc. These fields are not within protected sites, but are an important habitat for these wading birds many of which are IUCN Red List species of conservation concern
16. We consider that the huge land-take of the A66 will have an unacceptably damaging impact on wildlife along the route.

Climate Change

17. Transport is the largest single contributor to emissions in the UK and there is a large and growing gap between emissions and targets. Road building "business as usual" cannot continue in a time of climate crisis. The country cannot keep building roads as if we are unaware of the consequences of increased emissions. Building roads induces new traffic³, thus increasing demand and therefore emissions. The Climate Change Committee makes this clear to the Department for Transport in its 'Progress in reducing emissions 2021 report' where it states⁴

“Decisions on investment in roads should be contingent on analysis justifying how they contribute to the UK’s pathway to Net Zero. This analysis should demonstrate that the proposals would not lead to increases in overall emissions. Wherever possible, investment in roads should be accompanied by proportionate investment in EV charging infrastructure and in active travel and public transport.” And

“Ensure all departmental policy decisions, and procurement decisions, are consistent with the Net Zero goal”

18. The Welsh Government has started a review of all road schemes against net zero which asks two questions
 - a. Has sufficient consideration been given to non-transport solutions and solutions other than those increasing private car capacity on the road network?
 - b. Has sufficient consideration been given to whether the road proposal will lead to increased CO2 emissions on the road network, or cause significant impediment to achievement of our decarbonisation targets?
19. The result of the first review⁵ carried out on the Llanbedr by-pass was published on 1st November and determined that “The chair’s report concludes that the proposed scheme does not align well with new Welsh Government transport and climate policy, and advises that it is not taken forward. I (Secretary of State) have accepted the chair’s recommendations and Welsh Government will not support any further work on the current Llanbedr Access Road scheme.” It is striking that the Welsh Government is taking account of the impact of road schemes on carbon emissions. It would seem prudent for National Highways to adequately consider the CO2 emissions from this scheme.
20. The A66 project is the fourth largest road scheme in England in terms of greenhouse gas emissions. Whilst the statement is made within the “PEI Report – Climate” that *“It is very unlikely that the impact of a road project will in isolation affect the ability of the Government to meet its carbon reduction plan targets”* EIA legislation requires that the cumulative environmental impact of developments are assessed. We do not consider that an increase in emissions can be justified when emissions must be reduced by 78% by 2035 (sixth carbon budget), and 68% by 2030 (Paris Agreement) as well as any commitments that come out of COP26 which concludes after this consultation closes. Net zero by 2050 will not be met if schemes such as this go ahead. Whilst the emissions from one scheme may

⁵ <https://gov.wales/roads-review-panel-llanbedr-access-road-and-bypass>

seem negligible, the emissions from the many road schemes proposed by the government and local authorities add up to a major cumulative impact.

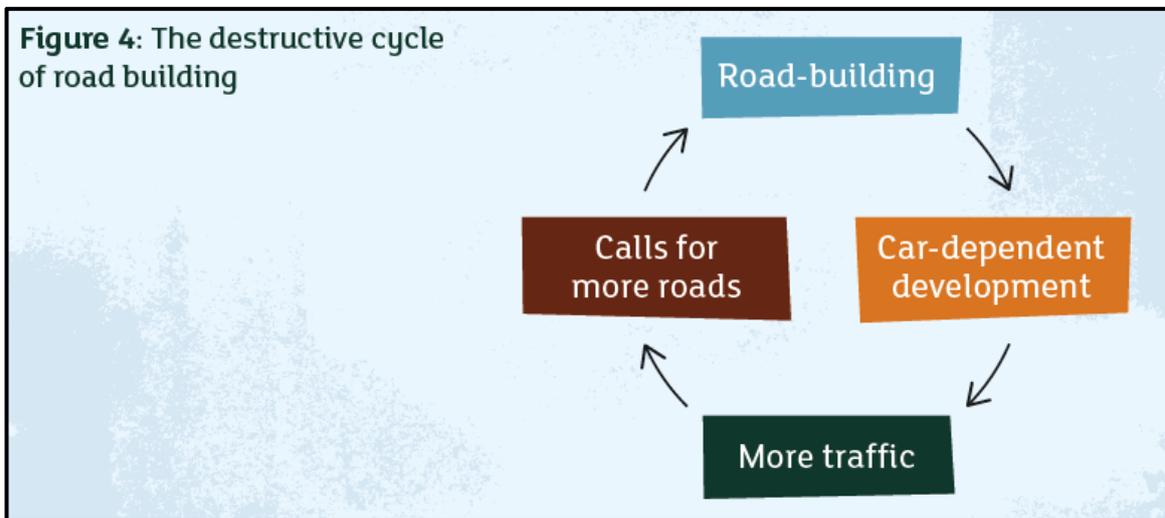
21. We do not consider that the proposed A66 upgrade is consistent with the need to reduce carbon right across Government departments. Stating that the road will only cause a 0.3% increase in net carbon emissions and is therefore negligible is disingenuous in the light of the cumulative impact of the DfT's programme of road building. The combined emissions from the road schemes will be equal to significantly more than 1% of England's carbon emissions at a time when carbon from roads needs to be falling, not rising.
22. In total, this scheme will lead to an increase of up to 4.4 million extra tonnes of carbon from additional traffic and the construction process. This is completely unacceptable in a climate emergency, and takes us further away from reaching our 68% cut by 2030 required under the Paris Agreement.

Road Upgrade Assumptions

23. Studies carried out over many years have demonstrated that building new roads, widening roads or upgrading roads to dual carriageway induces additional road use by bringing more vehicles onto the road that would not have otherwise used it, for example the Standing Advisory Committee on Trunk Road Assessments (SACTRA) report on Trunk Roads and the Generation of Traffic (1994)⁶, Campaign For Better Transport (2006)⁷. Using the formal Post-Opening Project Evaluation evidence CPRE's review⁸ of 80 road building schemes showed that they:
 - a. Generate more traffic – often far above background trends over the longer term
 - b. Lead to permanent and significant environmental and landscape damage
 - c. Show little evidence of economic benefit to local economies
24. The phenomenon of induced traffic (defined as additional traffic generated by the road scheme itself) is well-established. Any respite from congestion provided by a new or widened road is temporary, before the cycle starts again. The prevailing ideology is to continue ploughing funding into an unsuccessful policy of continually 'bypassing the bypass'.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]

25. The present economic development model of: roads → car-based development → traffic growth → more roads is unsustainable and ineffective. Provision of more road capacity does not deliver a stable situation: the more capacity is increased, the more capacity increases are 'needed'. (CPRE 2017).



26. A current example can be seen at the Dartford Crossing in Kent, where repeated increases in capacity have been overwhelmed by growing demand. In 2015, Highways England reported:

- a. 'Analysis of traffic data shows that traffic demand at Dartford has responded in step with capacity; such that whenever new capacity has been provided, it has filled up and created the need for more capacity. This has been a recurring pattern since the second tunnel was opened at Dartford in 1980 and then the QEII Bridge in 1991. Today there is insufficient capacity to cater for current and future traffic demand.'⁹

27. The consultation document states that investment in an upgrade would increase economic prosperity. However, it has been demonstrated by SACTRA's report *Transport and the Economy* in 1996¹⁰ and in the CPRE/Countryside Agency Report 'Beyond Transport Infrastructure: Lessons for the future from recent road projects (2006)' that there are no automatic economic benefits to be gained from providing extra highway capacity¹¹

⁹ Highways England "Lower Thames Crossing Pre-Consultation Scheme Assessment Report" 2015

¹⁰

https://webarchive.nationalarchives.gov.uk/20050304041634/http://www.dft.gov.uk/stellent/groups/dft_econappr/documents/pdf/dft_econappr_pdf_022512.pdf

¹¹

Road Safety Assumptions

28. We consider that safety on the A66 could be improved without making it a dual carriageway. For example by imposing lower speed limits on the most dangerous stretches of the road, including using average speed cameras to enforce the limits. Along with speed reduction, safety could be improved by the addition of features such as underpasses or bridges to replace crossings so that traffic no longer has to cross the carriageways of the A66. In particular the provision of a bridge across the road at Kirkby Thore to enable HGV traffic from the British Gypsum Works to safely access the opposite carriageway of the A66. Acceleration and deceleration lanes, coupled with underpasses or bridges to remove the need for vehicles to turn right across the carriageway would significantly reduce risk of accidents at hazardous junctions.

National Highways - unanswered questions

29. In our response to the 2019 consultation we asked for the following information
- a. Whether a cost-benefit analysis has been carried out looking at junction upgrades for safety reasons, but no dualling.
 - b. A list of benefits and whether they will outweigh the environmental costs (including increased greenhouse gas emissions)
 - c. How certain are Highways England that the proposed road scheme will not produce induced traffic; and
 - d. How the scheme fits with a net zero carbon UK by 2050.

It has not been possible to identify the answers to these questions in the current consultation.

30. In addition, we stated that

“Friends of the Lake District is not certain that reductions in journey time and ‘development of the Northern Powerhouse’ are satisfactory reasons for upgrading the A66 in the face of landscape damage in and adjacent to the North Pennines AONB and increasing greenhouse gas emissions during a climate change emergency. **We therefore would like Highways England to show how these issues will be addressed to ensure that there will be no net emissions increase.**”

31. We have had no contact with National Highways (Highways England) in the more than two years since we submitted our 2019 response which raises concerns that the organisation is not prepared to engage with consultees and stakeholders. This absence of engagement is of great concern as it shows a lack of will to deal with questions that NGOs and others put to National Highways and a lack of accountability in what is supposed to be a front-loaded process.
32. This will inevitably lead to a situation where we will not be able to agree Areas of Common Ground with National Highways in the run-up to the submission of the DCO to PINS.

Route specific comments

33. Friends of the Lake District is a Cumbrian-based charity therefore our route specific comments relate solely to the parts of the proposed development that lie within Cumbria. We refer you to comments that the Campaign for National Parks will be making with regard to the proximity of the proposed development to the Yorkshire Dales National Park on the east side of the Pennines.
34. We have particular concerns about the impact that the Temple Sowerby to Appleby and Appleby to Brough proposals will have on landscape and biodiversity and so will be concentrating on these two sections of road.

Temple Sowerby to Appleby

35. The Landscape and Visual Chapter of the PIER does not make it clear which of the three routes (Orange, Red or Blue) has actually been chosen to take forward to the DCO despite the “Preferred Route” having been published last year. On landscape and visual impact grounds as well as carbon emissions grounds the Orange Route has significantly less impact than the other two. The Blue and Red alternatives have major implications:
- a. For the setting of the North Pennines AONB;
 - b. For tranquillity and noise pollution;
 - c. For climate change on the basis that the route is longer, the construction and operation of the route would increase greenhouse gas emissions;
 - d. Time would be added to journeys rather than saved so it doesn’t even meet the National Highways road improvement criterion to make journeys faster.
36. As mentioned in paragraph 13, the lack of photomontages to show what the road would look like is of major concern. How is it possible to undertake a visual impact assessment without these in place? A fly through does not give a person-eye view of the route, we would have expected to see photomontages provided with the viewpoint photographs in Chapter 10 Figures. I have contacted the

A66 email address to ask for photomontages, but have not yet had a reply. In addition there aren't even fly through visualisations showing the three different route options around Kirkby Thore. If all three routes are being considered, then all three routes should be visualised. If all three routes are not being considered, then this should have been made clearer in the consultation documents.

37. The lack of photomontages means that it is not possible to adequately assess the impact of the three different routes in this section of the proposed development. For instance the Red and Blue routes will be changing the line of the road from the valley bottom to $\frac{3}{4}$ of the way up a slope to the north of the existing A66. We have no means of assessing the impact properly without photomontages as the flyover visualisations are not adequate to make landscape and visual impact assessments from.
38. The increase in elevation of the road will put it directly in the foreground when looking north east towards the North Pennines AONB, creating both a scar on the slope of the hill, but also creating both visual and aural disturbance in the landscape. The elevation of the road will amplify the road noise across the valley to Bolton and Crackenthorpe.
39. We are concerned with the number of hedgerows, hedgerow trees and wooded areas that will be lost with their connectivity being severed by the red and blue routes. The orange route would be somewhat better than the other two with regard to biodiversity, but there will still be a negative impact on the protected species and habitats in the area.
40. As stated above in paragraph 2, we want to see an assessment of a non-dual carriageway option of this stretch of road carried out by National Highways. As an example of a non-dualling option:
 - a. Create a road from a junction to the west of Kirkby Thore for traffic to access the village from the north; also relieving the HGV traffic from British Gypsum and other businesses from the village.
 - b. Close the road at the Bridge Bistro to force local traffic to use the new western link road to a safe junction
 - c. Implement a 40 mph speed limit along the single carriage-way road
 - d. Install average speed cameras along the road to enforce the speed limit

Appleby to Brough

41. We are very concerned about the impact of the dual carriageway on the North Pennines AONB. Whilst the line taken is more similar to that of the existing A66 than at Kirkby Thore, the land take is significantly greater, and the number of junctions along what is a short stretch of road is excessive. It seems particularly odd to actually propose a new junction to the east of Warcop which extends into the AONB itself.

42. The increased speed of vehicles on the dual carriageway will lead to more noise, light and air pollution whilst the extra traffic that the road will induce will multiply the impact of all three on the AONB. This is unacceptable in a nationally protected landscape, and as stated in section 8 above is contrary to Paragraph 5.152 of the National Networks National Policy Statement as well as paragraphs 5.150 and 5.151 of the National Policy Statement and paragraph 176 of the NPPF.

Conclusion

43. To reiterate

- a. National Highways should not proceed with a DCO planning application until they have consulted properly and are clear which option is being progressed, and consult on those proposals.
- b. National Highways should have put forward an option to improve the safety of the A66 through junction upgrades, underpasses and bridges and use of average speed cameras without making the road a dual carriageway. We want to know why this option was not considered.
- c. Upgrading the A66 to a dual carriageway for its entire length from Penrith to Scotch Corner will make it more difficult to secure a sustainable future for Cumbria's landscapes, people and wildlife. Implementation of this scheme would lead to significant damaging impacts on the natural capital of Cumbria and the North Pennines. This damage would include harm to protected landscapes, loss of and damage to habitats, severing of wildlife corridors, loss of flora and fauna, increases in noise, light and air pollution; local community severance and issues with flooding and run-off.
- d. The extra traffic from the eight schemes would increase carbon emissions by up to 3 million tonnes over the lifetime of the scheme (Table 7-2 in the GHG Emissions Assessment Appendix)
- e. The emissions resulting from the construction of the scheme would cause up to 1.4 million extra tonnes of carbon (Table 7-1 in the GHG Emissions Assessment Appendix)
- f. In total the scheme would lead to an increase of up to 4.4 million extra tonnes of carbon from extra traffic and the construction process. This is completely unacceptable in a climate emergency, and takes us further away from reaching our 68% cut by 2030 required under the Paris Agreement.

- g. It is unacceptable that consultees and the public were asked to assess this scheme without being provided with photomontages. A fly through over an inaccurately rendered cartoon depiction of the landscape at 50m height does not provide the information needed as it does not represent how people see the landscape.
- h. We have serious concerns about the sections from Temple Sowerby to Appleby (particularly at Kirkby Thore) and Appleby to Brough where the road goes into the North Pennines AONB.

Please take these representations as coming from Friends of the Lake District, CPRE Cumbria Branch.

Yours sincerely



Dr Kate Willshaw
Policy Officer

@fld.org.uk

A66 Northern Trans-Pennine project

Appleby to Brough Supplementary consultation



Update on our plans in your area

The A66 Northern Trans-Pennine project is planning on dualling the remaining single carriageway sections on the route between M6 junction 40 at Penrith and A1(M) at Scotch Corner.

Last autumn, we held a consultation about our plans. We've been really pleased by how local communities and stakeholders got involved, providing lots of feedback to help us improve the design before we submit the Development Consent Order (DCO). The DCO is the planning permission we need to build the project.

Since that consultation, we have been reviewing your feedback, working further on developing the design and completing surveys. This is to help us gain a better understanding of areas including environment, ecology, heritage and drainage.

We have now identified a number of opportunities in various locations where the design can be revised to improve aspects such as community connectivity, environmental and land impacts.

On the Appleby to Brough scheme, we are looking to make changes to two parts of the route – the western section of route local to Sandford junction and central section in the vicinity of Moor Beck.

As these are considerable changes to the design that we presented in the autumn, we are carrying out a supplementary consultation. This consultation will give you the opportunity to tell us your thoughts about these changes specifically. We'll also be issuing a project update covering environmental mitigation measures, compound locations and landscaping as well as other changes along the rest of the route.

How to find out more

Your views are really important to us, so we'll be consulting with you from 9am Friday 28 January to 10am on Friday 25 February. This will provide you with the opportunity to find out more about our proposals and have your say about them.

We're planning on hosting two drop-in sessions* at Warcop Village Hall on **Monday 7 February** from 3pm to 7pm and **Tuesday 8 February** 8am to 2pm. There will be further details of the plans and members of the project team will be on hand to answer your questions. You can also provide your feedback or collect a form and freepost envelope to fill in at home.

The same information will be available on the consultation web page from 9am on Friday 28 January along with an online form to give us your comments.

If you can't make the drop-in sessions and don't have access to the internet, we'll leave hard copies of the brochure and feedback forms in local deposit points.

Copies of all the technical documents which supported our consultation in the autumn are available at our events, Sandford Arms and on our website.

You can also call or email us to request a hard copy of the brochure. Copies will be available after the consultation launches on 28 January.



Area	Deposit points
Sandford	Sandford Arms, Appleby-in-Westmorland CA16 6NR
Brough	St. Michael's Church, Brough CA17 4EJ

Please check opening times with the venue

*Drop-in sessions and deposit points are subject to the Government COVID restrictions and may have to be cancelled at short notice. Any such changes will be posted on the consultation web page and advertised at the venue. All materials will be available by post or on the consultation web page.

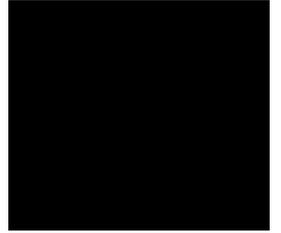
What happens next

We look forward to talking with you more about these changes and getting your feedback.

In spring this year, we will be submitting our application for a DCO which is the planning permission we need to build the project.

In the meantime, if you have any specific questions, you can contact us by email on **A66NTP@highwaysengland.co.uk** or call us on **0333 090 1192**.

Visit our consultation web page:



For more information on the A66 Northern Trans-Pennine project please;

Visit our website:



Follow our Twitter feed:



Follow us on Facebook:

A66 Northern Trans-Pennine project

[REDACTED]

From: Kate Willshaw [REDACTED]@fld.org.uk>
Sent: 04 July 2022 16:47
To: [REDACTED]
Subject: Concerns re the inadequacy of the National Highways A66 consultation process
Attachments: Friends of the Lake District Inadequacies of A66 Consultation letter topdf;
Supplementary Consultations

Categories: Red - Important - Can't be Moved

Dear both

I understand that you are finalising your adequacy of consultation letter to PINS for the A66 DCO submission. I would just like to reiterate the comments I made regarding the inadequacies of the November 2021 consultation and the subsequent "supplementary" consultations.

I have only just been able to get a meeting with NH A66 personnel which will not be held until 7th July, this is despite me contacting them in February about my concerns.

I am concerned that they have not even started to look at "areas of common ground" which I understand are part of the DCO process where NH as the scheme promoter is obliged to identify areas of common ground with stakeholders, and thus identify those areas which are still not agreed. As NH have not engaged with us over the last 3.5 years, it does feel like there are a significant number of issues which we have been unable to raise as we were cut out of the stakeholder group and therefore common ground is lacking.

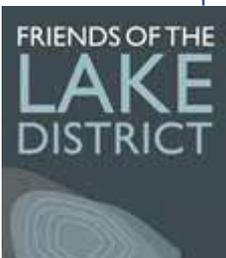
I hope that you will be able to raise my concerns with PINS when you submit your Adequacy of Consultation documents.

Yours sincerely,

Kate Willshaw

Dr Kate Willshaw
Policy Officer

Please note I work part time, usually Monday to Thursday



Friends of the Lake District
The only membership organisation dedicated to protecting
and enhancing Lake District and Cumbrian landscapes
Friends of the Lake District [REDACTED]
Tel: [REDACTED]

Registered Charity Number 1100759, Company No 4878364

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From: Kate Willshaw
Sent: 01 February 2022 14:50

To: [REDACTED]
Subject: FW: Concerns re the inadequacy of the National Highways A66 consultation process

Dear David and Leanne

I have just written to National Highways and PINS regarding concerns about the adequacy of the A66 consultation. I was wondering if you would be able to take Friends of the Lake Districts points in the letter into account when you are developing your Adequacy of Consultation report.

We have just been made aware that National Highways are running extremely brief consultations (closing on 27th January) on changes to the plans for three sections of the road in Cumbria over the next 3 weeks. These consultations are impossible to find on the NH website and the information has apparently only been disseminated in the households directly adjacent to the A66 (see leaflet attached). Are you aware of these consultations and do you have any concerns regarding how they are being run?

Our concerns are that there is no way for anyone to be able to know these three consultations are happening (on three sections of the one project), nor any way to find out information about the consultation and to respond. We would also point out that as the A66 scheme is legally one scheme (and the DCO application is for one scheme), then the consultations should not be split up in this way, but should be combined together so the impacts can be assessed together.

I would be very keen to talk to you about our concerns regarding the consultation process as I do not think that the proposal is in a fit state to be sent to PINS as the start of the statutory DCO process and I do not think that the implications of the scheme have been explained well enough to members of the public.

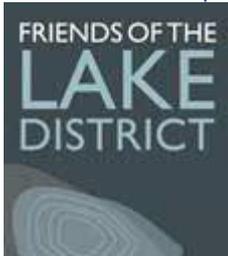
I look forward to hearing from you.

Best wishes,

Kate

Dr Kate Willshaw
Policy Officer

[REDACTED]
Please note I work part time, usually Monday to Thursday



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From: Kate Willshaw
Sent: 01 February 2022 14:28
To: [REDACTED]
Subject: Concerns re the inadequacy of the National Highways A66 consultation process

Dear Sir/Madam

Please find attached a copy of a letter that I have just sent to Mr Lee Hillyard at National Highways with regard to the adequacy of the consultation on the dualling of the A66 that National Highways carried out last autumn. In it I raise the following concerns about the consultation process:

- a. A lack of engagement with non-statutory stakeholders and residents
- b. Length of consultation period was much too short for a project of this magnitude.
- c. The lack of consideration of a non-dualling "safety case" upgrade
- d. A lack of clarity about routes in the documents
- e. A lack of information about landscape impact, specifically and most concerning being a lack of photomontages
- f. The lack of a climate change position statement which includes a cumulative assessment of this scheme in conjunction with others

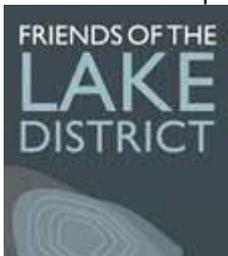
I would be grateful if you could take this into consideration when you come to make a decision on whether to accept the DCO that National Highways submits. I am also sending the letter to Cumbria County Council and Eden District Council to inform their Adequacy of Consultation documents.

Yours faithfully,

Dr Kate Willshaw
Policy Officer

[Redacted]

Please note I work part time, usually Monday to Thursday

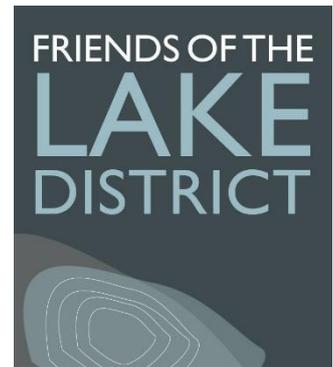


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Mr Lee Hillyard
Project Director A66
National Highways

(By email)

1st February 2022

Friends of the Lake District

[REDACTED]
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[REDACTED] [@fld.org.uk](https://www.facebook.com/fld.org.uk)

Dear Mr Hillyard

Inadequacies of the A66 Northern Trans-Pennine Upgrade Consultation

1. Friends of the Lake District is the only membership organisation dedicated to protecting and enhancing Lake District and Cumbrian landscapes. We represent CPRE the Countryside Charity as the Cumbria Branch
2. We are writing to make a formal complaint to National Highways regarding the inadequacies of the consultation process for the A66 Northern Trans-Pennine Design Consultation that was carried out in autumn 2021.
3. The issues which we consider to have been inadequately consulted comprise
 - a. A lack of engagement with non-statutory stakeholders and residents
 - b. Length of consultation period was much too short for a project of this magnitude.
 - c. The lack of consideration of a non-dualling "safety case" upgrade
 - d. A lack of clarity about routes in the documents
 - e. A lack of information about landscape impact, specifically and most concerning being a lack of photomontages

- f. The lack of a climate change position statement which includes a cumulative assessment of this scheme in conjunction with others
4. A copy of our response to the September 2021 Design Consultation is appended to the end of this letter.

Lack of engagement

5. There has been very little non-statutory organisation stakeholder engagement during the three years of development of this project. Stakeholder meetings were only ever held in Darlington which was inconvenient for Cumbrian stakeholders and biased attendance towards those stakeholders in the east of the project area. There were three Stakeholder meetings for non-statutory stakeholders in 2018, and after that there was nothing prior to the 2019 consultation the 2020 Route Announcement or the 2021 consultation. There has been a complete failure to engage with non-statutory stakeholders, which on a project with such a significant magnitude of impact is inexcusable.

Inadequate length of consultation period

6. Consultations for Nationally Significant Infrastructure Projects (NSIPs) should take place over a minimum of 12 weeks according to the Government's Code of Conduct¹ which also states that "*if the policy under consideration is particularly complex, consideration should be given to the feasibility of allowing a longer period for the consultation*". It is worth pointing out that the consultation for the North West Coast Connections NSIP in 2016/17 was 14 weeks, further highlighting how inadequate the length of time allocated to the A66 consultation was.
7. The six weeks given was not long enough to consult properly on a single road scheme let alone such a complicated project. To put it in context, it involves eight different sections along a 50 mile stretch of road which passes through 5 Local Authority areas, through an AONB and the setting of a national park, affecting numerous local communities.
8. For this highly complex project (the A66 upgrade is effectively eight NSIP road schemes in one) the consultation should be at least 12 weeks long and have provided much clearer information for members of the public and other consultees who do not have expertise in major development consultations in order to allow them to take part in this process.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/2695/code-practice-consultations.pdf

9. We understand that the A66 Trans-Pennine upgrade scheme is part of the Government's Project Speed initiative. Inclusion this scheme in the Government's Project Speed initiative should not mean that National Highways stints on proper public engagement, but in this case it seems that the public have not been adequately engaged due to such a short consultation period. We therefore consider the public consultation was inadequate on this basis leading to a democratic deficit in the consultation.

Complexity of the consultation and lack of clarity in the route sections

10. There is a lot of very confusing information in the consultation documents meaning that an average member of the public would struggle to engage with the consultation in any significant way. The number of road sections and the inclusion of multiple options for some of the sections made understanding the proposals very difficult due to the complexity of the information put forward in the consultation documents. For example, the names and colours given to the various options are different to the previous names given to routes previously consulted on in 2019 and also the 2020 Preferred Route Announcement. This made the consultation documentation confusing and difficult to follow.
11. To expect members of the public to read, digest and respond to the quantity of information in the consultation which was not even all presented in one place (e.g. the Route Development Report was found on a different website to the PEIR, which was on a different page to the Scoping Opinion report) was virtually impossible, especially in the very short consultation period. This means that there was a significant democratic deficit in the consultation process.
12. There was also significant potential for the public to be misled as to what they could and could not comment on which could prejudice the outcome of the consultation. The consultation documents did not make it clear that comments are invited on all the options presented in the consultation despite Paragraph 5.4 in the Statement of Community Consultation² (SCI) stating that the consultation is on all the options including in the consultation (15 different options for eight different schemes). One would have to read all the documents to have known this was the case, most normal people trying to respond to this consultation in a very short period of time would not have known to read the SCI.

² [REDACTED]

Non-Technical Summary (NTS)

13. The Non-Technical Summary (NTS) for the scheme should be a simplified version of the PEIR. It should be possible for an ordinary member of the public to be able to understand and easily grasp the environmental impacts of a scheme, however, the NTS for this scheme extends to 89 pages which is clearly a very large amount of information for a supposedly simple document.
14. The NTS is full of highly technical assessments using specialist language. Long, complex tables using technical terminology have been copied directly from the PEIR, giving detailed technical information about all fifteen options. There does not appear to have been much attempt made to simplify and condense the environmental impact assessment so that the impacts are obvious and clear to ordinary members of the public. This again means that it would have been very hard for the average person to actually grasp what National Highways are proposing.

Lack of consideration of non-dualling options

15. Right the way through the pre-DCO submission process, Friends of the Lake District requested that National Highways investigate the feasibility of improving the safety of the A66 without dualling the entire length of the road. Safety improvements including redesigned junctions, speed limits, speed enforcement cameras and underpasses or bridges for farm and Kirkby Thore gypsum mine traffic should have been properly explored. A safety upgrade case for the whole route was never put forward as an option in any of the discussions or consultations with National Highways despite the fact it would have the lowest impact on the landscape and wildlife along the route as well as being a significantly lower carbon option whilst reducing accidents and increasing A66 users' safety, reducing landscape damage and significantly cheaper than what is being proposed. On the basis that this option has not been considered at all (where other options have been considered and dismissed), we cannot see how this project can be accepted for DCO permission.

Landscape Assessment is inadequate as no photomontages are provided

16. Viewpoints are identified in the consultation documents, however, there are no photomontages or visualisations of the proposed road provided in the consultation. A fly-through at 50m above the ground is an inadequate way of showing what the road will actually look like when viewed at ground level.
17. All other major infrastructure DCO applications (at this particular stage of the process) and EIA/Major Development planning applications at pre-application stage that we have been involved with have

provided photomontages to demonstrate how the proposed development will look from various viewpoints.

18. Principles for visualisation of development are set out in The Guidelines for Landscape and Visual Impact Assessment 3rd edition (GLVIA3). Consistent with the Environmental Impact Assessment Regulations (EIA Regs), GLVIA3 advocates proportionate and reasonable approaches to the scope of assessments. The *“Visual Representation of Development Proposals - Technical Guidance Note 06/19”* document published by the Landscape Institute³ sets out how and why visualisations should be produced as part of the consultation on major development. The document states:

a. *“It is critical that these visualisations are accurate, objective and unbiased. They should allow competent authorities to understand the likely effects of the proposals on the character of an area and on views from specific points.”*

19. The flythrough which accompanies the consultation documentation is considered by this guidance to be purely an *“illustrative visualisation intended for marketing or to support planning applications by conveying the essence of what a proposal would look like in context.... Generally speaking, they will not be used to explain design proposals within the planning process.”* The flythrough is in no way detailed enough to provide the information needed to make informed responses to the consultation. Indeed, it omits woodland and hedgerows, presenting the A66 corridor as a Disneyfied land of rolling green featureless grassland, totally unrepresentative of the actual landscape.

20. Visualisations need to be provided at human eye level, at various times of the year from a sufficient number of viewpoints (more in sensitive landscapes) to enable consultees and decision makers to develop an informed view of the impact of the infrastructure development.

21. *Section 2: Guiding Principles* of the document referenced above lays out what is required with regard to visualisations and why it is necessary to provide them. It notes that visualisations are particularly important in sensitive landscapes. The A66 route passes through and close to such landscapes including the North Pennines AONB and its setting as well as the setting of the Yorkshire Dales National Park.

³ [REDACTED]

22. We cannot understand how National Highways have come to the conclusions on landscape and visual impact as found in the impact matrices in the PEIR *without* using photomontages/visualisations. However, if visualisations *were* used by National Highways or their consultants to make these landscape impact decisions, then they should also have been provided for consultees to evaluate the decisions that were made. If no photomontages were produced, we would question the veracity of the decision-making process. If photomontages were produced, but not shared with in the consultation for consultees and local people to study, this surely invalidates the consultation process.
23. Friends of the Lake District is therefore of the opinion that the landscape and visual impact section of the consultation documents/PEIR do not provide enough information about the visual and landscape impact of the proposals for consultees to make informed judgements about the options that National Highways put forward in their consultation, and in fact if landscape and visual impact matrices have been developed without the use of visualisations, this is likely to invalidate their conclusions.

Cumulative impact of this road scheme on climate change

24. We do not consider that enough information on the cumulative impact of this major road scheme in combination with other major infrastructure schemes on greenhouse gas emissions has been provided in the consultation. The Examining Authority for the current A47-A11 Thickethorn Junction Project Examination in Public⁴ has made the following request of National Highways:
- a. “1. The ExA acknowledges that the Secretary of State for Transport (SoST) is requesting additional information on other highway projects (for example A1 Morpeth to Ellingham, A38 Derby Junctions scheme which was subject to High Court challenge, M25 Junction 28, and others) to assist a decision on climate change related impacts having regard to cumulative assessment concerns. In those circumstances and based on current submissions, the Applicant is requested to provide a Climate Change Position Statement which further addresses climate change and cumulative assessment of climate impact information issues being referred to for this scheme.
 - b. The statement should provide (or, to the extent that it has already been provided, identify) its assessment of the cumulative effects of Greenhouse Gas emissions from the scheme with other existing and/or approved projects on a local, regional and national level on a consistent geographical scale (for example an assessment of the cumulative effects of the Roads

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010037/TR010037-000739-220126%20TR010037%20A47%20A11%20Thickethorn%20Rule%208,%2013%20and%2017.pdf>

Investment Strategy RIS 1 and RIS 2 at a national level). This should take account of both construction and operational effects; identify the baseline used at each local, regional and national level; and identify any relevant local, regional or national targets/budgets where they exist and how the assessment complies with these (including the carbon budgets, the 2050 zero target under the Climate Change Act 2008, and the UK's Nationally Determined Contribution under the Paris Agreement). It should be accompanied by reasoning to explain the methodology adopted, any likely significant effects identified, any difficulties encountered in compiling the information, and how the assessment complies with the Environmental Impact Assessment Regulations. Confirmation should be given that the statement has been prepared by a competent expert."

25. This information should have been provided within the recent consultation as it will form an essential part of the evaluation of the project. Again, the lack of this information highlights inadequacy in the provision of information around the climate change impacts of the proposal. Without this information, the proposal cannot be effectively assessed.

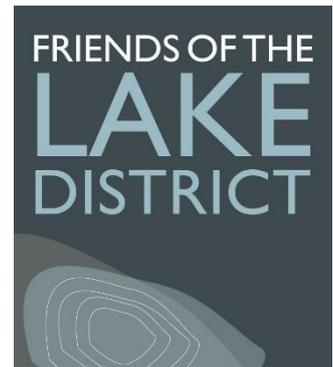
26. To reiterate, we consider that the National Highways A66 Trans-Pennine Upgrade consultation was inadequate on the basis that:
 - a. It did not give a sufficiently long enough consultation period for public consideration
 - b. The consultation was confusing and did not give members of the public a fair opportunity to understand the proposal (exacerbated by the short consultation period)
 - c. There was no consideration of a non-dualling, safety upgrade option
 - d. There were no photomontages provided, and therefore the conclusions reached in the landscape section of the PEIR have not been informed by visualisations of the scheme. If the conclusions have been informed by visualisations, why were these not included in the consultation document?
 - e. There is no consideration of the cumulative climate change impact of the scheme in combination with other major infrastructure schemes.

27. This letter is being copied to the Planning Inspectorate for information as well as Cumbria County Council and Eden District Council to inform their Adequacy of Consultation documents.

Yours sincerely,



Dr Kate Willshaw
Policy Officer
Friends of the Lake District



Mr Lee Hillyard
Project Director A66
National Highways

(By email)

3rd November 2021

Friends of the Lake District



info@fld.org.uk

Dear Mr Hillyard

Friends of the Lake District response to National Highways A66 Northern Trans-Pennine Design Consultation September 2021

1. Friends of the Lake District is an independent charity and the only membership organisation dedicated to protecting and enhancing Cumbria's landscapes. We believe that Cumbria and the Lake District offer some of the most spectacular and precious landscapes in England. We take action to protect and enhance the natural beauty of these landscapes for the benefit of local communities, visitors, wildlife and habitats. We represent CPRE as the Cumbria County Association.

Overarching comments

2. Right the way through the pre-DCO process, Friends of the Lake District has requested that National Highways look at the feasibility of improving the safety of the A66 without dualling the entire length of the road. Safety improvements including redesigned junctions, speed limits, speed enforcement cameras and underpasses or bridges for farm and Kirkby Thore gypsum mine traffic should have been properly investigated. A safety upgrade case for the whole route was never put forward as an option in any of the discussions or consultations with National Highways despite the fact it would have the lowest impact on the landscape and wildlife along the route as well as being a significantly lower carbon option whilst reducing accidents and increasing A66 users' safety.

3. We do not consider that a six weeks consultation period is long enough for a development of this magnitude and complexity. Many of the individuals and groups responding to the consultation are doing so on a non-professional basis. To expect them to read, digest and respond to this quantity of information which is not even all presented in one place (e.g. the Route Development Report is found on a different website to the PEIR, which is on a different webpage to the Scoping Opinion report) is virtually impossible. This means that there is a democratic deficit in the consultation process which should be addressed with further time for consultation.
4. This consultation is very confusing. Despite the announcement of a “Preferred Route” in 2020, the Design Consultation document proposes at least 15 different variations of routes. Consultees are then left at a loss as to which ones we are supposed to be looking at or commenting on. We are also very concerned at the lack of photomontages of the proposed development from a person’s point of view. A fly-through at 50m above the ground is a totally inadequate way of showing what the road will actually look like when viewed at ground level.
5. We consider that because of this, the current statutory consultation under S48 of the 2008 Planning Act is premature and there should have been at least one more round of non-statutory consultation. We therefore do not consider that this scheme is ready to enter the DCO process. We will be making our views clear to PINS that the consultation around this scheme has been inadequate, that questions posed to National Highways have not been answered and that there are very few areas of common ground.
6. Friends of the Lake District is particularly concerned that extra capacity on the A66 to the east of the M6 will lead to increased pressure to dual or widen non-dualled sections of the route to the west of the M6, within the Lake District National Park. This would be completely unacceptable in a National Park.

Landscape concerns

7. As made clear in our previous responses to this scheme and also at Highways England stakeholder events in Darlington in 2018, Friends of the Lake District is concerned that upgrading the A66 to a dual carriageway for its entire length from Penrith to Scotch Corner will make it more difficult to secure a sustainable future for Cumbria’s landscapes, people and wildlife. Implementation of this scheme would lead to significant damaging impacts on the natural capital of Cumbria and the North Pennines. This damage would include harm to protected landscapes, loss of and damage to habitats, severing of wildlife corridors, loss of flora and fauna, increases in noise, light and air pollution; local community severance and issues with flooding and run-off.

8. The stretch of road that Highways England propose to dual from Appleby to Brough runs along the southern boundary of the North Pennines Area of Outstanding Natural Beauty. Paragraph 5.152 of the National Networks National Policy Statement states:
 - a. *‘There is a strong presumption against any significant road widening or the building of new roads and strategic rail freight interchanges in a National Park, the Broads and Areas of Outstanding Natural Beauty, unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly. Planning of the Strategic Road Network should encourage routes that avoid National Parks, the Broads and Areas of Outstanding Natural Beauty.’*
9. In addition, paragraphs 5.150 and 5.151 of the National Policy Statement reiterate the more general presumption against major development in National Parks, which is also set out in paragraph 176 of the National Planning Policy Framework (NPPF). This paragraph of the NPPF has also recently been updated to include protection for the setting of National Parks **and AONBs**, and the new text states that development within these areas “should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”. The Government also emphasised the additional planning protection for National Parks in the 25 Year Environment Plan (page 57) alongside strong support for greater enhancement of our landscapes.
10. The section of road around Kirkby Thore has been brought closer to the boundary of the North Pennines and lies within the setting of the AONB. It will clearly cause damage to the setting of the protected landscape due to its longer route, elevated position compared to the current line of the road and significant earth works and structures which are proposed.
11. As a public body, National Highways has a duty under the CROW Act 2000¹² to take account of the potential effect of their decisions and activities on the AONB’s statutory purpose (the statutory purpose of an AONBs is to conserve and enhance the natural beauty of its area). This includes activities undertaken outside AONB boundaries which may affect land within them.
12. Friends of the Lake District considers that the far-reaching harmful impacts of new road building provide clear grounds to reject these road plans as they stand. Whilst any congestion benefit from the upgrade of the A66 would be temporary due to induced traffic (additional traffic generated by the

¹ Section 85 of the Countryside and Rights of Way Act 2000

² [REDACTED]

road scheme itself; see 'Road Upgrade Assumptions' section below), the adverse environmental impacts would be lasting, irreversible and would significantly outweigh any benefits.

13. The lack of photomontages in the Chapter 10 Landscape and Visual of the PIER is of great concern on the basis that a fly-through from 50m height over an idealised landscape does not give the public or consultees any idea of what the proposed road when viewed at 1.5m above the ground. Lack of oblique imagery makes it impossible to determine the impact on the landscape from the point of view of people within the landscape.

Biodiversity – Habitats and Wildlife

14. The scale and magnitude of this road development will cause a considerable loss of many habitats which are important for protected species such as otter, bats, badger, polecat, red squirrel and brown hare. This is along with severance of wildlife corridors such as hedgerows, linear woodlands, scrub and field margins. For example, the Biodiversity report lists 56 locations where potential bat flight routes would be directly affected by the proposed scheme.
15. We are aware of a number of fields along the proposed route which are important for breeding and feeding waders including golden plover which are a qualifying species of the North Pennines SPA, as well as curlew, lapwing, snipe, redshank etc. These fields are not within protected sites, but are an important habitat for these wading birds many of which are IUCN Red List species of conservation concern
16. We consider that the huge land-take of the A66 will have an unacceptably damaging impact on wildlife along the route.

Climate Change

17. Transport is the largest single contributor to emissions in the UK and there is a large and growing gap between emissions and targets. Road building "business as usual" cannot continue in a time of climate crisis. The country cannot keep building roads as if we are unaware of the consequences of increased emissions. Building roads induces new traffic³, thus increasing demand and therefore emissions. The Climate Change Committee makes this clear to the Department for Transport in its 'Progress in reducing emissions 2021 report' where it states⁴

³ [REDACTED]

⁴ [REDACTED]

“Decisions on investment in roads should be contingent on analysis justifying how they contribute to the UK’s pathway to Net Zero. This analysis should demonstrate that the proposals would not lead to increases in overall emissions. Wherever possible, investment in roads should be accompanied by proportionate investment in EV charging infrastructure and in active travel and public transport.” And

“Ensure all departmental policy decisions, and procurement decisions, are consistent with the Net Zero goal”

18. The Welsh Government has started a review of all road schemes against net zero which asks two questions
 - a. Has sufficient consideration been given to non-transport solutions and solutions other than those increasing private car capacity on the road network?
 - b. Has sufficient consideration been given to whether the road proposal will lead to increased CO2 emissions on the road network, or cause significant impediment to achievement of our decarbonisation targets?
19. The result of the first review⁵ carried out on the Llanbedr by-pass was published on 1st November and determined that “The chair’s report concludes that the proposed scheme does not align well with new Welsh Government transport and climate policy, and advises that it is not taken forward. I (Secretary of State) have accepted the chair’s recommendations and Welsh Government will not support any further work on the current Llanbedr Access Road scheme.” It is striking that the Welsh Government is taking account of the impact of road schemes on carbon emissions. It would seem prudent for National Highways to adequately consider the CO2 emissions from this scheme.
20. The A66 project is the fourth largest road scheme in England in terms of greenhouse gas emissions. Whilst the statement is made within the “PEI Report – Climate” that *“It is very unlikely that the impact of a road project will in isolation affect the ability of the Government to meet its carbon reduction plan targets”* EIA legislation requires that the cumulative environmental impact of developments are assessed. We do not consider that an increase in emissions can be justified when emissions must be reduced by 78% by 2035 (sixth carbon budget), and 68% by 2030 (Paris Agreement) as well as any commitments that come out of COP26 which concludes after this consultation closes. Net zero by 2050 will not be met if schemes such as this go ahead. Whilst the emissions from one scheme may

⁵ <https://gov.wales/roads-review-panel-llanbedr-access-road-and-bypass>

seem negligible, the emissions from the many road schemes proposed by the government and local authorities add up to a major cumulative impact.

21. We do not consider that the proposed A66 upgrade is consistent with the need to reduce carbon right across Government departments. Stating that the road will only cause a 0.3% increase in net carbon emissions and is therefore negligible is disingenuous in the light of the cumulative impact of the DfT's programme of road building. The combined emissions from the road schemes will be equal to significantly more than 1% of England's carbon emissions at a time when carbon from roads needs to be falling, not rising.
22. In total, this scheme will lead to an increase of up to 4.4 million extra tonnes of carbon from additional traffic and the construction process. This is completely unacceptable in a climate emergency, and takes us further away from reaching our 68% cut by 2030 required under the Paris Agreement.

Road Upgrade Assumptions

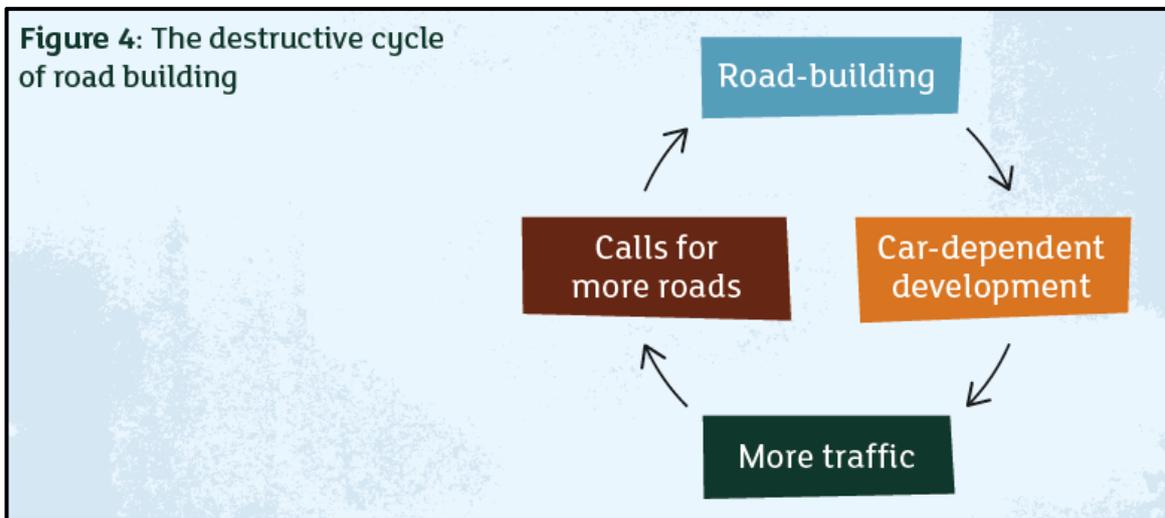
23. Studies carried out over many years have demonstrated that building new roads, widening roads or upgrading roads to dual carriageway induces additional road use by bringing more vehicles onto the road that would not have otherwise used it, for example the Standing Advisory Committee on Trunk Road Assessments (SACTRA) report on Trunk Roads and the Generation of Traffic (1994)⁶, Campaign For Better Transport (2006)⁷. Using the formal Post-Opening Project Evaluation evidence CPRE's review⁸ of 80 road building schemes showed that they:
 - a. Generate more traffic – often far above background trends over the longer term
 - b. Lead to permanent and significant environmental and landscape damage
 - c. Show little evidence of economic benefit to local economies
24. The phenomenon of induced traffic (defined as additional traffic generated by the road scheme itself) is well-established. Any respite from congestion provided by a new or widened road is temporary, before the cycle starts again. The prevailing ideology is to continue ploughing funding into an unsuccessful policy of continually 'bypassing the bypass'.

6

7

8

25. The present economic development model of: roads → car-based development → traffic growth → more roads is unsustainable and ineffective. Provision of more road capacity does not deliver a stable situation: the more capacity is increased, the more capacity increases are 'needed'. (CPRE 2017).



26. A current example can be seen at the Dartford Crossing in Kent, where repeated increases in capacity have been overwhelmed by growing demand. In 2015, Highways England reported:

- a. 'Analysis of traffic data shows that traffic demand at Dartford has responded in step with capacity; such that whenever new capacity has been provided, it has filled up and created the need for more capacity. This has been a recurring pattern since the second tunnel was opened at Dartford in 1980 and then the QEII Bridge in 1991. Today there is insufficient capacity to cater for current and future traffic demand.'⁹

27. The consultation document states that investment in an upgrade would increase economic prosperity. However, it has been demonstrated by SACTRA's report *Transport and the Economy* in 1996¹⁰ and in the CPRE/Countryside Agency Report 'Beyond Transport Infrastructure: Lessons for the future from recent road projects (2006)' that there are no automatic economic benefits to be gained from providing extra highway capacity¹¹

⁹ Highways England "Lower Thames Crossing Pre-Consultation Scheme Assessment Report" 2015

¹⁰

https://webarchive.nationalarchives.gov.uk/20050304041634/http://www.dft.gov.uk/stellent/groups/dft_econappr/documents/pdf/dft_econappr_pdf_022512.pdf

¹¹

Road Safety Assumptions

28. We consider that safety on the A66 could be improved without making it a dual carriageway. For example by imposing lower speed limits on the most dangerous stretches of the road, including using average speed cameras to enforce the limits. Along with speed reduction, safety could be improved by the addition of features such as underpasses or bridges to replace crossings so that traffic no longer has to cross the carriageways of the A66. In particular the provision of a bridge across the road at Kirkby Thore to enable HGV traffic from the British Gypsum Works to safely access the opposite carriageway of the A66. Acceleration and deceleration lanes, coupled with underpasses or bridges to remove the need for vehicles to turn right across the carriageway would significantly reduce risk of accidents at hazardous junctions.

National Highways - unanswered questions

29. In our response to the 2019 consultation we asked for the following information
- a. Whether a cost-benefit analysis has been carried out looking at junction upgrades for safety reasons, but no dualling.
 - b. A list of benefits and whether they will outweigh the environmental costs (including increased greenhouse gas emissions)
 - c. How certain are Highways England that the proposed road scheme will not produce induced traffic; and
 - d. How the scheme fits with a net zero carbon UK by 2050.

It has not been possible to identify the answers to these questions in the current consultation.

30. In addition, we stated that

“Friends of the Lake District is not certain that reductions in journey time and ‘development of the Northern Powerhouse’ are satisfactory reasons for upgrading the A66 in the face of landscape damage in and adjacent to the North Pennines AONB and increasing greenhouse gas emissions during a climate change emergency. **We therefore would like Highways England to show how these issues will be addressed to ensure that there will be no net emissions increase.**”

31. We have had no contact with National Highways (Highways England) in the more than two years since we submitted our 2019 response which raises concerns that the organisation is not prepared to engage with consultees and stakeholders. This absence of engagement is of great concern as it shows a lack of will to deal with questions that NGOs and others put to National Highways and a lack of accountability in what is supposed to be a front-loaded process.
32. This will inevitably lead to a situation where we will not be able to agree Areas of Common Ground with National Highways in the run-up to the submission of the DCO to PINS.

Route specific comments

33. Friends of the Lake District is a Cumbrian-based charity therefore our route specific comments relate solely to the parts of the proposed development that lie within Cumbria. We refer you to comments that the Campaign for National Parks will be making with regard to the proximity of the proposed development to the Yorkshire Dales National Park on the east side of the Pennines.
34. We have particular concerns about the impact that the Temple Sowerby to Appleby and Appleby to Brough proposals will have on landscape and biodiversity and so will be concentrating on these two sections of road.

Temple Sowerby to Appleby

35. The Landscape and Visual Chapter of the PIER does not make it clear which of the three routes (Orange, Red or Blue) has actually been chosen to take forward to the DCO despite the “Preferred Route” having been published last year. On landscape and visual impact grounds as well as carbon emissions grounds the Orange Route has significantly less impact than the other two. The Blue and Red alternatives have major implications:
- a. For the setting of the North Pennines AONB;
 - b. For tranquillity and noise pollution;
 - c. For climate change on the basis that the route is longer, the construction and operation of the route would increase greenhouse gas emissions;
 - d. Time would be added to journeys rather than saved so it doesn’t even meet the National Highways road improvement criterion to make journeys faster.
36. As mentioned in paragraph 13, the lack of photomontages to show what the road would look like is of major concern. How is it possible to undertake a visual impact assessment without these in place? A fly through does not give a person-eye view of the route, we would have expected to see photomontages provided with the viewpoint photographs in Chapter 10 Figures. I have contacted the

A66 email address to ask for photomontages, but have not yet had a reply. In addition there aren't even fly through visualisations showing the three different route options around Kirkby Thore. If all three routes are being considered, then all three routes should be visualised. If all three routes are not being considered, then this should have been made clearer in the consultation documents.

37. The lack of photomontages means that it is not possible to adequately assess the impact of the three different routes in this section of the proposed development. For instance the Red and Blue routes will be changing the line of the road from the valley bottom to $\frac{3}{4}$ of the way up a slope to the north of the existing A66. We have no means of assessing the impact properly without photomontages as the flyover visualisations are not adequate to make landscape and visual impact assessments from.
38. The increase in elevation of the road will put it directly in the foreground when looking north east towards the North Pennines AONB, creating both a scar on the slope of the hill, but also creating both visual and aural disturbance in the landscape. The elevation of the road will amplify the road noise across the valley to Bolton and Crackenthorpe.
39. We are concerned with the number of hedgerows, hedgerow trees and wooded areas that will be lost with their connectivity being severed by the red and blue routes. The orange route would be somewhat better than the other two with regard to biodiversity, but there will still be a negative impact on the protected species and habitats in the area.
40. As stated above in paragraph 2, we want to see an assessment of a non-dual carriageway option of this stretch of road carried out by National Highways. As an example of a non-dualling option:
 - a. Create a road from a junction to the west of Kirkby Thore for traffic to access the village from the north; also relieving the HGV traffic from British Gypsum and other businesses from the village.
 - b. Close the road at the Bridge Bistro to force local traffic to use the new western link road to a safe junction
 - c. Implement a 40 mph speed limit along the single carriage-way road
 - d. Install average speed cameras along the road to enforce the speed limit

Appleby to Brough

41. We are very concerned about the impact of the dual carriageway on the North Pennines AONB. Whilst the line taken is more similar to that of the existing A66 than at Kirkby Thore, the land take is significantly greater, and the number of junctions along what is a short stretch of road is excessive. It seems particularly odd to actually propose a new junction to the east of Warcop which extends into the AONB itself.

42. The increased speed of vehicles on the dual carriageway will lead to more noise, light and air pollution whilst the extra traffic that the road will induce will multiply the impact of all three on the AONB. This is unacceptable in a nationally protected landscape, and as stated in section 8 above is contrary to Paragraph 5.152 of the National Networks National Policy Statement as well as paragraphs 5.150 and 5.151 of the National Policy Statement and paragraph 176 of the NPPF.

Conclusion

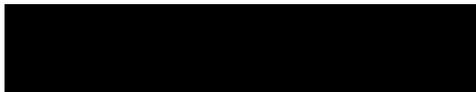
43. To reiterate

- a. National Highways should not proceed with a DCO planning application until they have consulted properly and are clear which option is being progressed, and consult on those proposals.
- b. National Highways should have put forward an option to improve the safety of the A66 through junction upgrades, underpasses and bridges and use of average speed cameras without making the road a dual carriageway. We want to know why this option was not considered.
- c. Upgrading the A66 to a dual carriageway for its entire length from Penrith to Scotch Corner will make it more difficult to secure a sustainable future for Cumbria's landscapes, people and wildlife. Implementation of this scheme would lead to significant damaging impacts on the natural capital of Cumbria and the North Pennines. This damage would include harm to protected landscapes, loss of and damage to habitats, severing of wildlife corridors, loss of flora and fauna, increases in noise, light and air pollution; local community severance and issues with flooding and run-off.
- d. The extra traffic from the eight schemes would increase carbon emissions by up to 3 million tonnes over the lifetime of the scheme (Table 7-2 in the GHG Emissions Assessment Appendix)
- e. The emissions resulting from the construction of the scheme would cause up to 1.4 million extra tonnes of carbon (Table 7-1 in the GHG Emissions Assessment Appendix)
- f. In total the scheme would lead to an increase of up to 4.4 million extra tonnes of carbon from extra traffic and the construction process. This is completely unacceptable in a climate emergency, and takes us further away from reaching our 68% cut by 2030 required under the Paris Agreement.

- g. It is unacceptable that consultees and the public were asked to assess this scheme without being provided with photomontages. A fly through over an inaccurately rendered cartoon depiction of the landscape at 50m height does not provide the information needed as it does not represent how people see the landscape.
- h. We have serious concerns about the sections from Temple Sowerby to Appleby (particularly at Kirkby Thore) and Appleby to Brough where the road goes into the North Pennines AONB.

Please take these representations as coming from Friends of the Lake District, CPRE Cumbria Branch.

Yours sincerely



Dr Kate Willshaw
Policy Officer

@fld.org.uk

Edwards, Chris A

From: Kate Willshaw <[REDACTED]@fld.org.uk>
Sent: 09 February 2022 15:48
To: A66NTP@highwaysengland.co.uk
Subject: Supplementary Consultationss

Hi

I have just been made aware of three supplementary consultations that are taking place on the A66 project. I am not able to access these from your webpage and they are not listed on your social media accounts so I have no way of seeing what is being proposed.

However, I have been told that there will be additional construction within the North Pennines AONB to the north of Warcop. As this is the case, I am very concerned that Friends of the Lake District have not been consulted by National Highways on the basis that we represent CPRE for the whole of Cumbria and have a particular interest in nationally protected landscapes.

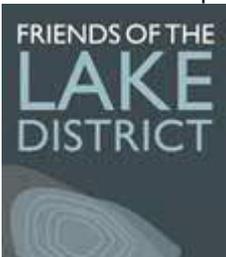
Can you let me have links to the consultation documents, and also let me know why we weren't consulted as a Cumbrian based non-statutory stakeholder?

Many thanks

Kate Willshaw

Dr Kate Willshaw
Policy Officer

Please note I work part time, usually Monday to Thursday



Friends of the Lake District
The only membership organisation dedicated to protecting
and enhancing Lake District and Cumbrian landscapes
Friends of the Lake District, [REDACTED]

Registered Charity Number 1100759, Company No 4878364

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[Redacted]

From: Mark Blackett-Ord [Redacted]@5sblaw.com>
Sent: 01 July 2022 17:41
To: [Redacted]
Cc: [Redacted]
Subject: A66 July22 letter
Attachments: A66 July22 letter.docx

Please see letter attached relating to the A66 consultation process.

AS ever

Mark

[Redacted]

Mark Blackett-Ord
Barrister

[Redacted]

t [Redacted]
f [Redacted]
dx [Redacted]
w [Redacted]

[Redacted]

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██████████@5sblaw.com

1ST July 2022

Dear Mr Kenyon, Ms Beverley,

The A66 Northern Trans-Pennine Project

I write to ask your support an application by the council that the Planning Inspectorate should not accept the proposed Development Order application now tendered for this project.

I only refer to the part of the project which goes beside Warcop village, called the Appleby to Brough section. My home there is a ██████████ ██████████ ██████████ of the proposed new road. But my greater concern is about the damage which will done to local amenities and heritage and for those people who live nearer to the proposed route. Simply speaking, the new road should be put further north, beyond the present A66, rather than to the south of it. The objections of Warcop PCC and others to NH present “preferred” proposed route have never received any serious consideration, let alone consultation.

I have made a written submission about the lack of thought and consultation on this dated 26/2/22 (Response ID ANON-66J6-X8ZE-U), so here I will mention only three points:

- (1) Destruction of heritage monuments close to the edge of the road.

The line of the present A66 road is that of the Roman road from the south to Hadrian’s Wall. This had been built carefully to avoid damage to a neolithic stone circle (which later gave “Warcop” its name) and three bronze age burial barrows standing to the west of where Sandford lane joins the A66 road. The NH proposal is to destroy the largest and most important of these barrows by putting through it a branch road to Sandford. We asked at the meeting on 27th January 2022 why the bronze age barrows were being targeted, when the Roman road builders had so

carefully avoided them. We were told (as appears in their first minutes of the meeting, "V1") that NH were "unaware of them." This was odd because the site had been mentioned by us before, and because the barrows (as "tumuli") are on the OS map. Evidently NH had second thoughts about their answer, so in about March the minutes were altered and resubmitted as "V2" They now contain this: *Recent attempts to locate barrows at Sandford have been unsuccessful. That includes the geophysical survey... and assessment undertaken for the A66 project.*

Alarmed by this I went and looked for the barrows myself and was reassured that they were where they have been for the last three thousand years in the position shown on the OS map. I took a photograph of the largest. Re-reading the *amended* minutes, I suppose what NH means is that their initial road survey had not noticed any archaeological features which were not specifically listed as ancient monuments, and that NH has no intention of looking for them now. The barrows are of course well known in archaeological journals, and it is intolerable that HE simply tries to pretend that they do not exist so that no thought need be given to their preservation.

(2) Cricket field and fair ground.

Also facing unnecessary destruction are the cricket field, the largest level space in the parish, an irreplaceable asset in this hilly country, and also "Brough Hill," the fairground where the travellers and Gypsies meet at the September fair dating from the fourteenth century. Early this year NH informally offered them a boggy field near Brough as a substitute, which as a meeting place for horses and caravans was hopeless. Now that has been abandoned by NH for another impractically smaller site, which the gypsies regard as inadequate. Why was not this brought to proper discussion months or years ago?

(3) Flooding Warcop village

An area around the "Crooks beck" at the centre of Warcop, is flood plain, and about every five to ten years the houses around it are flooded. The last time was 2015. The reason is that two becks (streams) meet there: one, the Low Beck, coming from the direction of Brough, and the other, called the Hayber Beck or the Moor Beck, draining the land from the north. Together they have a catchment area which is surprisingly large

and amounts to about 6 km along the Pennine fellside. Under every variation of the NH “preferred” route, the tarmac on the dual carriageway and its new access roads for the 4 km between Warcop and Brough will run off into these becks and on to the flood plain in Warcop village. This fact is not shown on any of the NH maps, which suggests that they simply have not noticed the problem. The present flow through the village is ordinarily less than about half a metric tonne per second. Our rough calculation is that a 1 cm rainfall on the new additional roadway will produce 800 metric tonnes of extra water. It will overwhelm the Crooks Beck a hundred of times over. And Global warming is increasing the severity of rainstorms.

NH say that the severity of these floods would be reduced by some ponds which they propose around the proposed roads. We say no, these are just settling ponds, designed to take out debris and effluent from the water-flow, which would have little effect on stopping a sudden flood. At the “consultation” on the latest plans on 27 January 2022, we asked to see their expert evidence that Warcop village not be inundated by the additional run-off. They could not answer, saying it was not yet available. The *amended* Minutes of the meeting, produced in March 2022, state *The flow risk assessment is being produced and will be available as part of the D C O application.* In other words we are not being allowed to see the calculations, and they probably do not yet exist.

The cure is of course to move the Preferred Route to a higher level further north, whence the water could flow out westwards to join the Eden below Warcop.

The NH scheme cannot be allowed to go forward before they have allowed sensible discussions of these matters.

Sincerely

Mark Blackett-Ord

A66:Northern Trans-Pennine Project

APPLEBY TO BROUGH

NOTE ON PROCEDURE

1. These are my thoughts on the legal and practical approach to be taken by objectors to this project. It is a result of reading the websites of the various bodies mentioned below and their "Guidance," and having a useful talk with Rebecca Lush, Director at Transport Action Network ("TAN") which is another active opponent of the present scheme.
2. Under the Planning Act 2008, a Nationally Significant Infrastructure Planning application such as this ("NSIP") is not decided by a local planning authority but by the Secretary of State. An NSIPs planning consent is called a Development Consent Order (DCO). The planning consent procedure for NSIPs is designed to ensure that the maximum amount of consultation and reconsideration is put into the project, by the applicant developer, before the DCO application (the term for the planning application) is submitted to the Planning Inspectorate.
3. Appropriate consultation by the developer is mandatory under ss 42-45 of the Act. The then procedure (as far as relevant for our purposes) is then this:
 - (a) The developer (in our case National Highways, once Highways England) submits a DCO application (including full Environmental Statement) to a semi-independent Government executive agency called

the Planning Inspectorate, whose initial job is to ensure that the DCO application is in sufficiently polished form (with sufficient consultation &c). The developer must include a Consultation Report detailing what consultation he has done.

- (b) The Planning Inspectorate then has 28 days to decide whether or not to accept the DCO application. They may at that stage refuse to accept the DCO planning application and require the developer to redraft it, possibly re-consult if the consultation has not been adequate, and resubmit. Meanwhile the whole project is on hold. This is, however, rare.
 - (c) If the Planning Inspectorate accepts the DCO application, then an Examination will be held. The Examination (very similar to a public inquiry) follows a strict process and timetable laid out in the Planning Act 2008. The applicant (National Highways) must submit a full Environmental Statement and the draft Orders. There will be hundreds of documents. There is a short period to register as an Interested Party (IP). If you do not register as an IP you may not participate in the Examination. It is vital to encourage as many people as possible to register as IPs for the Examination.
 - (d) Submissions from IPs (objectors) will be received (called Written Representations), and there is a six month process of evidence giving, rebuttal and hearings, with strict timetables..
 - (e) Within three months of the Examination closing, the Planning Inspectorate then makes a Recommendations Report to the Secretary of State who then has three months to make a decision whether or not to grant DCO development consent.
4. Our position has always been that we do not oppose road improvement in principle but we oppose the present scheme and favour a more northern route.

Our strategy is to object to the scheme so as to force the developers to produce a better route.

5. We object to their present “preferred” southern route for the seven or so reasons that we have constantly repeated. We have expressed ourselves forcefully on this. Our submissions were simply ignored. We have never had the courtesy of a proper response to our complaints, save to be told (in effect) that the developers do not want to inconvenience the Army, and that our scheme encroaches further into an area which is technically AONB than theirs does. We say that neither of these points outweighs the demerits of their scheme.
6. The A66 Northern Trans-Pennine scheme as a whole comprises mainly of existing bits of dual carriageway being joined up in (I think) eight places across a 50 mile route. Ours is between Appleby bypass and Brough bypass. Each is a development on its own with its own questions and problems. To lump them all into one is to make the whole project unwieldy to say the least. Details are spread around attachments to web reports which are difficult to find.
7. The picture was confused when in 2021 the developers produced some alternative routes (blue, green and orange) on a very small-scale plan, but including some details which were improvements. They called their original proposed route, (the “black” route), their “preferred” route but implied that it might be varied. To our public meeting in July 2021 they sent no representative at all. That meeting condemned the proposals unanimously.
8. At a meeting on 5 November 2021, however, at which (characteristically) only a few representatives of our side were invited, National Highways produced unexpectedly two plans marked “Not for Discussion” but which in fact were encouraging to us. For most of the route, they show the new dual carriage north of the A66. We took this as an offer of compromise. They said that they could promise nothing but would look into the matter. We have heard nothing.

9. On 21 and 22 January 2022, again quite unexpectedly, a new brochure was delivered to certain only local homes, announcing that they were “looking to make changes to two parts of the route” on our section, which would be “considerable changes to the design that we presented in the autumn,,”. As I write this, we do not know what they are. We are apparently to learn at 9 am on Friday 28th. Then there will be a period of consultation about them until 10 am on Friday 25 February. That period, we note, amounts to 28 days and one hour. This curious period may have something to do with the fact that under section 45 Planning Act 2008, when a developer is consulting, it must “notify the person of the deadline” for receipt of a response, and that deadline “must not be earlier than the end of a period of 28 days”. Unfortunately for National Highways, they have not noticed that the “period of 28 days” is expressed by section 42(2) of the Act to begin “the day after the day on which the person receives the consultation documents”. So they will inevitably be one day out of time.
10. Where consultation by the developer has been inadequate or non-existent, it is essential that the point is taken, for then the Planning Inspectorate will not accept the whole DCO application until proper consultation has taken place, and this will put back the whole project for many months. There is no advantage to us in this except in one important way: the only chance of getting National Highways to listen to us is by preventing them from bludgeoning ahead with their present ill-thought-out plans.
11. The Department for Communities and Local Government has issued “Guidance” which is not strictly of statutory force but is virtually so because it reflects the practice that the Planning Inspectorate will adopt when considering whether to refuse a project
12. I quote from some of its paragraphs:
 - “19. The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime.... Without adequate consultation, the subsequent application will not be accepted when it is submitted...”.

- “23. In brief, during the pre-application stage applicants are required to...publicise the proposed application in accordance with Regulations; set a deadline for consultation responses of not less than 28 days from the date after receipt/last publication; have regard to relevant responses to publicity and consultation”.
- “25. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response...”.
- “72. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project...”.
78. Applicants are required...to produce a consultation report alongside their application, which details how they have complied with the consultation requirements set out in the Act.”
- “85. Before a decision can be made on whether to accept an application for examination, local authorities may make representations to the Secretary of State concerning the adequacy of the consultation...Any representation must be limited to how the applicant has carried out the consultation.”
- “86. Adequacy of consultation representations will normally be required within 14 days of the invitation to submit for Planning Inspectorate in order to meet the acceptance decision deadline. Local authorities should ensure that they have suitable arrangements in place to respond to this request”.
- “88. Issues about the adequacy of consultation should be considered prior to the Inspectorate...accepting an application for an examination. Where any interested party feels that consultation was inadequately carried out, they should approach the applicant in the first instance. If consultees remain unsatisfied, they can complain to the relevant local authority (who can consider this complaint as part of their representation to the Secretary of State on the adequacy of consultation)... Any concerns should be raised promptly during or immediately following the consultation, to enable the applicant to address the issues if appropriate.”
- “89. ...The acceptance decision cannot be re-opened during the examination”.

13. I believe that we have a real complaint about the lack of and adequacy of consultation. At the time that I write this, we do not even know where the proposed route is to go. Until we know that, we cannot begin to consider what will be the particular advantages or disadvantages in terms of its effect on the environment, flood-water, historic buildings and so forth. To suppose that we can formulate a response within 28 (or 27) days is ridiculous.

14. My view therefore is that we should assemble a coherent complaint about the inadequacy of the consultation, containing the instances and examples of non-consultation that I have mentioned above and which we know of. We should then lay the matter before the Planning Department of Eden District Council, with the assistance of sympathetic counsellors, so that they can submit it to the

Planning Institute as a serious complaint about the way that National Highways has been failing to consult. We must submit the same to National Highways at the same time, so that they can have an opportunity to answer it if they can (this is a requirement of the guidance).

15. A few other points need be mentioned:

- (a) When the Planning Inspectorate accepts the DCO application, any person interested who wishes to make representations at the Examination must register as an Interested Party and can then put in submissions to be considered accordingly.
- (b) It is a principle that a development should show a “biodiversity net gain”. Sadly, this is not helpful. It merely means that the developer will buy up adjoining land and plant trees all over it to balance the environment harm that the development is doing.
- (c) The A66 project is apparently the sort of project which Boris Johnson has said will be part of “Project Speed”, which means that the procedure is to be hurried up, but I do not believe that at this stage any procedures have in fact been altered to promote that rather dangerous idea. They have to follow the law in any case.
- (d) It would be helpful if we add some independent professional advice on the way that we are going, but this will have to be paid for. If we had a source of funds, it might be tempting to seek out Dave McGowan, the Chief Planner in the Lake District and National Park Authority, who has just gone part-time at his job until the end of March when he goes “freelance”.

Mark Blackett-Ord
5 July 2022

[REDACTED]

From: Emma Nicholson [REDACTED]@gmail.com>
Sent: 01 July 2022 13:04
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Adequacy of Consultation

Dear David,
Thanks for the detail. My parish council were not even aware this was an option. They haven't even been told the DCO had been filed.

Are EDC alerting parish councils to the fact they can express a view on this matter?

I've copied in Suzanna England who is a parish councillor at Kirkby Thore so that she has email details.

If they do not have time to prepare a written response are they able to verbally relay some of the issues.

For instance Kirkby Thore residents were not consulted re WCH. I only found out as classified as a landowner.

Regards

Emma

On Thu, 30 Jun 2022 at 20:36, Green, David [REDACTED] wrote:

Good Evening Emma,

Thanks very much for your email.

Yes you are right we are responding to the Planning Inspectorate, who are assessing whether the Applicant has undertaken an pre-application adequate consultation. The response is due by 6 July 2022 (next Wednesday) so you are right, time is limited.

Fergus is responding on behalf of Eden DC, and I think that Guy Kenyon is coordinating Cumbria County Council's response (both CC'd to this email).

If you could kindly send us anything that you want us to send to the Planning Inspectorate - I think that the intention is to draw attention to your earlier comments as part of our response - so we can attach copies. Likewise if any of the Parish Councils would like to respond then we'd be more than happy to append these too.

I trust that this suits but let me know if there is anything else, happy to help where we can.

Kind Regards,

David Green MRTPI

Associate Director



WSP Global Inc.

No [8 First Street](#)

[Manchester](#)

[M15 4RP](#)



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From: Emma Nicholson <[REDACTED]@gmail.com>
Sent: 30 June 2022 17:37
To: Green, David [REDACTED]
Subject: Adequacy of Consultation

Dear DAvid,

I have spoken to you on a few occasions regarding the A66. I joined the Teams meeting with Kate Wilshaw from Friends of the Lake District.

The main focus of that meeting was the concern about supplementary Consultation which had just been announced re Walking Cycling and Compounds and the shifting junction at Kirkby Thore.

I have wider concerns about the standard of Consultation at Kirkby Thore and feel this village has been overlooked as the residents are not as organised as at Warcop. I prepared a very long Statutory Response which hasn't even been acknowledged. At the time I copied it to yourself, David Haughin and PINS.

NH has not sought to speak to me on any point raised . As landowners who face very significant consequences we managed to have a meeting with Lee Hillyaed in April but his repose was largely to apologise for the woeful lack of consultation but to conclude that "we are where we are",

I know that EDC has to submit a response to PINS of consultation early next week. Please could you submit my response to Statutory Consultation at this point. I am also preparing a separate document on the standard of consultation which I would like you to forward. Communicating as an Individual simply gets ignored.

I expect that you no longer have a copy of my response to Statutory Consultation.

I have asked Kirkby Thore Parish COuncil whether they will be submitting a response re the adequacy of consultation but they didn't even know that they could.

This fits with the failure to consult them on the compounds and WCH consultation which is part of the whole pattern of inadequate consultation.

I understand David haughin has left. If there is a new contact at CCC could you let me have theri details.

Regards,

Emma Nicholson

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-LAEmHhHzdJzBITWw4Hgs7pbKI

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[REDACTED]

From: Emma Nicholson [REDACTED]@gmail.com>
Sent: 05 July 2022 15:56
To: [REDACTED]
Subject: Fwd: FW: Scanned image from Gaynham King & Mellor
Attachments: scans_20220705_123927.pdf; CONSULTATIN INADEQUACIES - 04.07.2022_2.docx

Dear David,

I plan to add to this tonight but wanted to send it today as although I joined Dr kate Wilshaw when she spoke with EDC and CCC in a Teams Meeting the focus on that occasion was Landscape and the more approach taken in the more recent move of Junction at Kirkby Thore, WCH , Compounds and Landform.
This response does go back further. I plan to add these issues tonight but felt it would be helpful to send it now. I understand KT Parish Council sent a response on Friday which I hope you have received.

Kind Regards,

Emma Nicholson

----- Forwarded message -----

From: Emma Ferson <[REDACTED]>
Date: Tue, Jul 5, 2022 at 3:51 PM
Subject: FW: Scanned image from Gaynham King & Mellor
To: Emma Nicholson <[REDACTED]>

-----Original Message-----

From: Emma Ferson <[REDACTED]>
Sent: 05 July 2022 15:48
To: Emma Ferson <[REDACTED]>
Subject: FW: Scanned image from Gaynham King & Mellor

-----Original Message-----

From: scans <[REDACTED]>
Sent: 05 July 2022 12:39
To: Emma Ferson <[REDACTED]>
Subject: Scanned image from Gaynham King & Mellor

Reply to: [REDACTED] Device Name: Gaynham King & Mellor Device
Model: MX-4060N
Location: Downstairs Office

File Format: PDF
Resolution: 300dpi x 300dpi

Attached file is scanned image in PDF format.
Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.
Adobe(R)Reader(R) can be downloaded from the following URL:

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Your ref: NH9590

Dr Neil Hudson MP

By email to [REDACTED]@parliament.uk

Bernice Sanders
Senior Project Manager
National Highways
2 City Walk
Leeds
LS11

28 September 2021

Dear Dr Neil Hudson MP

A66 Northern Trans-Pennine Project, Temple Sowerby to Appleby upgrade

During the Option Identification stage we considered six route options for the Kirkby Thore section of the Temple Sowerby to Appleby scheme.

During the Options Selection stage, and following detailed analysis, we discounted four of those options due to a number of reasons including longer journey times, increased local severance and negative impacts on Scheduled Ancient Monuments. We took the two remaining options to Public Consultation in Summer 2019, following which we made changes to one of the options to improve connectivity, safety and economic and sustainability benefits. We selected this option as the preferred route as it provides the opportunity to reduce traffic passing through the village of Kirkby Thore. Although this route represented a longer journey time and may be more expensive than the alternative presented, it had reduced environmental impacts, required fewer buildings to be demolished, was not anticipated to impact on the wildlife corridor on the disused railway line and also had lower negative impact on biodiversity and the Trout Beck floodplain. We published this option in the Preferred Route Announcement in May 2020.

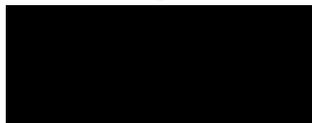
During the recent Preliminary Design stage, we further developed the preferred route option and identified a need for more detailed consideration of the impacts on the Trout Beck Special Area of Conservation following feedback from Natural England and Environment Agency. This resulted in three routes being developed, the Blue and Red routes to the north of Kirkby Thore and the Orange route (referred to as 'yellow' in Mr Nicholson's correspondence) to the south. We took forward the three routes to stakeholder engagement events in July this year.

We compared these routes against a range of criteria including engineering, environment, traffic and economics, stakeholder and conformity with the National Networks National Policy Statement (NNNPS).

We primarily discounted the Red route on the basis of the impact on the landscape when compared to the Blue route. Whilst analysis of flooding and geomorphology data demonstrated that the Orange and Blue route were both technically feasible, the potential harm and limited means of mitigation caused to the designated heritage site of Kirkby Thore Roman Fort and Associated Vicus Scheduled Ancient Monument meant that the Orange route has therefore been discounted as it is unlikely to be in accordance with national policy. Details of the route development and selection process will be made available during Statutory Consultation events and online for members of the public to view.

We met with Mr and Mrs Nicholson at their home on Friday 24th September to provide an update prior to the Statutory Consultation. We listened to their concerns, which I understand are also the subject of a recent Freedom of Information Act request submitted by Mr Nicholson and include environmental and ecological mitigation, and the cost, carbon and journey time comparisons between the Blue and the Orange routes. We made a commitment to review this information and feed back to Mr and Mrs Nicholson. We have encouraged Mr Nicholson to formally lodge his comments through the Statutory Consultation process, where they will be formally reviewed and considered in the final preparation of the Development Consent Order application.

Yours sincerely



Bernice Sanders
Senior Project Manager
Email: A66NTP@highwaysengland.co.uk



Your ref: NH9590

Dr Neil Hudson MP

By email to [REDACTED]@parliament.uk

Bernice Sanders
Senior Project Manager
National Highways
2 City Walk
Leeds
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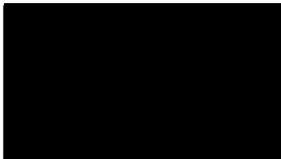
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Yours sincerely



Bernice Sanders
Senior Project Manager
Email: A66NTP@highwaysengland.co.uk

Neil Hudson MP

By email to [REDACTED]@parliament.uk

A66 Northern Trans-Pennine project
National Highways
Fifth Floor
3 Piccadilly Place
Manchester
M1 3BN

5 November 2021

Dear Dr Hudson,

Highways England Response – Constituent Query - Nicholson - Kirkby Thore Options

Thank you for forwarding on the email from Emma Nicholson in relation to the route preference at Kirkby Thore. We are liaising with both Mr and Mrs Nicholson separately on these points and others which they have raised both directly and through their legal representatives.

I can assure you that we are taking their concerns into consideration as part of the ongoing consultation process. The feedback Mrs Nicholson has provided will be captured as part of our consultation responses and will be included in our consultation report.

We would like to reassure you and your constituents that the topics which are raised, namely carbon and environment, heritage assets, noise concerns and land acquisition concerns are and will be carefully considered as the design takes shape and in light of feedback consultation process.

Please do let us know if there is anything further you would like from us at this stage.

Yours sincerely

[REDACTED]

Lee Hillyard
Project Director
A66 Northern Trans-Pennine Project
Email: A66NTP@highwaysengland.co.uk

Public Interest Test

Request for costs for A66 Kirkby Thore options Information	
Exception: Confidentiality of commercial or industrial information (Environment Information Regulation 12 (5)(e))	
<i>Factors supporting disclosure</i>	<i>Factors supporting non-disclosure</i>
<ul style="list-style-type: none"> • To protect the public purse, transparency and openness to scrutiny is an important public interest. • The work of the government being closely examined to encourage the most efficient and effective workings in very much a public interest. 	<p>The information is commercial in nature.</p> <ul style="list-style-type: none"> • The information requested is classified as commercial as NH is purchasing commercial services from suppliers. • Further breakdown would provide the supplier's competitors with information about product costs, which is commercially sensitive, in particular at the stage where we are getting into contract with delivery partners. <p>Confidentiality is provided by law</p> <ul style="list-style-type: none"> • The information is obtained by a third party. • It is not trivial and not in the public domain. • The information shared in circumstances creating an obligation of confidence, as the supplier provided product costs for their services to NH. • The confidentiality is protected under commercial law. <p>The confidentiality is protecting a legitimate economic interest</p> <ul style="list-style-type: none"> • The disclosure would cause harm; the commercial information is still current, and the framework is still valid. • There are legitimate economic interests; disclosing further the cost breakdown would enable the supplier's competitors to gain access to commercially valuable information, jeopardising its commercial bargaining position in existing and future negotiations, causing reputational damage, or disclosures which would otherwise result in a loss of revenue or income. • Confidentiality maintains level competition among suppliers, fairness of the tender process, and value for money for NH; disclosure would affect the price and quality of products and services NH receives. <p>The confidentiality will be adversely affected by disclosure</p> <ul style="list-style-type: none"> • Disclosure of confidential nature of that information into the public domain would inevitably harm the confidential nature of

	that information by making it publicly available and would also harm the legitimate economic interests that have already been identified.
FOI Exemption/EIR Exception	
Under the exceptions of the Environmental Information Regulation 12 5(e) we have established that: the information is not on emissions; the information is commercial in nature; it is confidential under the common law of contract; the confidentiality is protecting a legitimate economic interest; the confidentiality will be adversely affected by disclosure; and the public interest in maintaining the exception outweighs the public interest in disclosing the information.	
Conclusion: there are compelling arguments which support withholding the information which outweigh those supporting release. PIT Members: Monica Corso-Griffiths (Head of Design and DCO), [REDACTED] (Commercial Lead), [REDACTED] (Head of Procurement and Construction), [REDACTED] (Assistant Project Manager) Date of PIT: Wednesday 15 th June 2022	

A66 Senior Planning Sift Workshop 26/04/21

Title:	Senior Planning Sift Workshop	Revision / Version:	
Status:			
Date:	26 th April 2021	Reason for Issue:	Information
Location:	Microsoft Teams Meeting	Time of Meeting:	
Drafted By:			
Attendees:	In person –  Via teams – 		
Apologies:			
Material:	PowerPoint presentation		

Item	Description (Headings reference slideshow slide title)	Comments
	Introduction by PC <ul style="list-style-type: none"> • Goal for the day: <ul style="list-style-type: none"> ○ Based on a robust approach to sifting using the tools and process described below reduce the number of alternatives from a principle 8 no. to a maximum of 3. ○ This should be evidence based and enable a robust determination now and if challenged at DCO ○ If the evidenced based approach permits identify a preferred route in order provide greater flexibility in the schedule to Stat Con and DCO • All participants at the meeting agreed with the goals. 	
	The Assessment Matrix and Structure <ul style="list-style-type: none"> • PC introduced the matrix that would be utilised to assess the alternatives routes. A sample matrix was presented that demonstrated the process that would be followed. <ul style="list-style-type: none"> ○ The assessment is made up from two principle tables <ul style="list-style-type: none"> ▪ The first was based on the work undertaken at PCF Stage 2, utilising criteria linked to the project objectives. Addition criteria were added relating to: <ul style="list-style-type: none"> • Geomorphology • Design and Buildability • Carbon ▪ The second table presented the relevant criteria from the NPS documentation ○ Both tables accepted by the members of the meeting to be appropriate and proportionate. Please note the further discussion below in regard to the amendments that were made to the tables during the discussion and debate. ○ Please see the link below to the agreed matrix. 	

Item	Description (Headings reference slideshow slide title)	Comments
	<ul style="list-style-type: none"> • Light Green – Principally follows the line of the Dark Green route to the point where it crosses the existing A66 then seeks to route south of a scheduled monument whilst also improving the horizontal geometry. The structure crossing the Trout Beck and its associated floodplain is approximately 250m. 	
	<ul style="list-style-type: none"> • Red – Principally follows the line of the Blue Route to approximately Sleastonhow Lane where it diverges slightly north to enable a crossing of the Trout Beck and its associated floodplain as far upstream as possible. This has the result of tying into the old Roman Road (near Crackenthorpe) much further east. The structure crossing the Trout Beck and its associated floodplain is approximately 220m. 	
	<ul style="list-style-type: none"> • Dark Orange – The route principally follows the line of the existing A66 and crosses the Trout Beck immediately south of the existing road bridge. The route passes through the River Eden floodplain and designated area of Scheduled Monument south of Kirby Thore. The structure crossing the Trout Beck and its associated floodplain (potentially the River Eden floodplain) is dependent on the detailed flood modelling but will range from 110 to 350m in length. For the purposes of assessment it is assumed that Bridge End Farm will need to be acquired in its entirety 	
	<ul style="list-style-type: none"> • Light Orange – The route was developed as an evolution of the Dark Orange alignment to avoid the designated area of Scheduled Monument with a recognition that this moved the alignment closer to the River Eden. The structure crossing the Trout Beck and its associated floodplain (potentially the River Eden floodplain) is dependent on the detailed flood modelling but will range from 110 to 350m in length. For the purposes of assessment it is assumed that Bridge End Farm will need to be acquired in its entirety. 	
	<ul style="list-style-type: none"> • Purple – developed as the closest representation of an online solution the Purple route seeks to maximise the use of the existing A66. In order to achieve this the route is designed to 40mph – all other alternatives are designed to 70mph. This route acquires up to 8 residential/business properties and reduces the length of the route in the designated area of the Scheduled Monument. The impact on Bridge End Farm is reduced when compared to the Orange routes - for the purposes of assessment it is assumed that Bridge End Farm will not need to be acquired in its entirety for the Purple Route. 	
	<ul style="list-style-type: none"> • As part of the presentation of the routes a detailed discussion developed that discussed each of the alternatives as they were presented. These points are summarised below, allocated to the individual routes where possible; where a point applies to multiple routes it is deliberately repeated: 	
	<p>Black</p> <ul style="list-style-type: none"> • Length of crossing reconfirmed as 850m for assessment purposes • Feedback from Natural England and Environmental Agency have suggested that this route is less preferable than the Blue Route (in an unmitigated state) • Avoids scheduled monuments • Supports the removal of traffic (particularly HGV) from the village via a new junction to the north. • The route requires the acquisition of two properties • Potentially conflicts with the Eden Rivers Trust Trout Beck re-naturalisation project 	

Item	Description (Headings reference slideshow slide title)	Comments
	<p>Purple</p> <ul style="list-style-type: none"> • Trout Beck is constrained in this location by the existing A66 structure leading to the potential that impacts on the SAC could be minimized. • Length and elevation of the structure dependent on flood modelling but also limited by the use of the old bridge. Potential issues with freeboard and climate change. • Anecdotal evidence suggests that flooding south of the A66 is less than the flood maps shown on EA website • Whilst furthest (of the online routes) the Purple route may impact on the River Eden and its associated floodplain • Bridge End farmhouse may not be required and acquisition likely to be limited to road facing derelict barn and cottage. Access to the site (with scheme) difficult from A66. Total cost of acquiring farming operation assumed to [REDACTED] • Route requires the acquisition of 6 to 8 residential properties adjacent to the A66. • Whilst the properties are not within the Scheduled Monument the route still passes through an area designated as Scheduled Monument • Implementation of a length of 40mph was challenged as to how this aligned to the project objectives. The meeting agreed that a length of 40mph would not be consistent with other sections and may lead to safety issues associated with driver behavior. • Designing to 40mph was however recognised as offering greater potential to maximise the use of the existing network and reduce the footprint of the road • It was agreed that WCH provision could be created but that there would be no local road network with the Purple route, giving rise to concerns about route resilience and reliability which contradicts the project objectives and the wider strategic investment strategies. Equally it was noted that farm traffic would have no choice but to utilise the A66. This is not the case for all other routes • Removal of traffic (particularly HGV) from the village is achieved via the side road and junction strategy. A link to the north of the village is required due to the closure of the local road network limiting access. Concerns were raised as the proximity of routes to the school on the north east side of the village • The purple route was noted as being one of the better performing routes in environmental terms (note the scoring assessment in the matrix does not necessarily support this observation). • Due to the complexities of the online route it was suggested that the construction programme may be up to 12 months longer than the offline routes and require a significant number of additional phases to build the scheme 	

Item	Description (Headings reference slideshow slide title)	Comments
	<p data-bbox="304 152 472 185">Light Orange</p> <ul data-bbox="400 215 1331 891" style="list-style-type: none"> <li data-bbox="400 215 1315 275">• Trout Beck is constrained in this location by the existing A66 structure leading to the potential that impacts on the SAC could be minimized <li data-bbox="400 282 1169 315">• Length and elevation of the structure dependent on flood modelling <li data-bbox="400 322 1315 383">• The impacts on the River Eden and its associated floodplain are likely to be more significant with Light Orange (based on proximity) <li data-bbox="400 389 1331 483">• Bridge End farmhouse may not be acquired; significant impact on farming operations with loss of majority of milking sheds. Access to the site (with scheme) is difficult from A66. Total cost of acquiring farming operation assumed to [REDACTED] <li data-bbox="400 521 1315 616">• Removal of traffic (particularly HGV) from the village is subject to the side road and junction strategy. Any side road link to the north of the village will challenge the scope of the project. <li data-bbox="400 622 1331 716">• Avoids the designated Scheduled Monument but recent non-intrusive surveys have identified that there is significant likelihood that the archaeology extends beyond the mapped area <li data-bbox="400 723 1299 817">• East of Kirkby Thore the route stays south of the filling station but acquires the old station yard, enabling a length of the existing A66 to be retained for local access and WCH albeit a number of structures would be required to achieve this <li data-bbox="400 824 1315 891">• Due to the complexities of the online route it was suggested that the construction programme may be up to 9 months longer than the offline routes 	

Item	Description (Headings reference slideshow slide title)	Comments
	<p>Next Steps</p> <ul style="list-style-type: none"> • Red, Blue and Dark Orange routes to be progressed on an equal basis to ensure that all routes can be taken to Stat Con if required. Note • Confirm how the Long Martin junction operates and its need. KC • Assess resources required to enable red route to 'catch up'. KC with CB to review • Interim reviews to be scheduled to assess progression of design development. PC to capture in programme • Develop programme now that number of alternatives has been confirmed. PC • Please review the scoring associated with the Black Route as there was some ambiguity during the day as to the length of the structure to be assessed. Please see notes above for clarity. All to action • All surveys to progress as planned as routes are at extremities of options presented. <p>Note</p> <ul style="list-style-type: none"> • Update matrix to capture comments in the narrative cells that reflect the assessments made during the workshop. All attendees at workshop • Provide an update on Friday 7th meeting with Cumbria CC and present Red, Blue and Dark Orange. Format and content to be confirmed. CB to lead. • AT the 4th May PDC present update on sift and confirm options to be taken forward at Stat Con. PC to work with CB to provide slide deck • On 12th May at SSG, present Red, Blue and Dark Orange as the Kirby Thore options to be taken forward. PDC slide deck to be used as basis. AJ to lead • w/c 10th May (after local elections) need to talk with the affected landowners. RS • Drawings to be developed to support landowner meetings. KC • Need a description of these routes to get them into communications to the general public. KC and PC to provide to RS • 27th May – Next SEB meeting - present Red, Blue and Dark Orange, could we cover Historic England at SEBs. PC to liaise with KW • Meet with British Gypsum to discuss the implications of the Red Route. RS to arrange with support from PC/CB • [REDACTED] to price Red, Blue and Dark Orange routes. AH to advise. KC to provide appropriate information • Review the archaeological impact of Scheduled Monument on Dark Orange route. KW to engage with David Lakin over archaeological strategy • Check that Ardent's land referencing work includes land ownership on the Red route. RS • SRM to work up programme for Red, Blue and Dark Orange to show how construction programme might vary. CP • How does this impact the OBC? Implications and requirements of OBC and updates required to be confirmed. MT and AH to advise • Should Red and Blue route be taken to Stat Con consideration of the ask of respondents is needed to ensure that north vs south argument is understood. RS to consider • Consider how the Dark Orange Route might provide connectivity to the north of Kirkby Thore on safety grounds recognising the opportunity that exists to improve the local road network. KC • Re-run economic assessment of routes to confirm the impact of the shorter Dark Orange route on BCR. MS • [REDACTED] 	

Item	Description (Headings reference slideshow slide title)	Comments
	<ul style="list-style-type: none"> ▪ As a result of the discussion a number of changes were made to the matrix they were: <ul style="list-style-type: none"> ○ Row 11, Item 7 – Impact on recreational facilities was removed on the based on that there were no significant recreational facilities other that WCH and these were covered elsewhere in the matrix (Row 19, Item 15) ○ Row 14, Item 10 – the topic was changed to only assess the impact on the Safety of Road Users as WCH are considered on Row 19, Item 15 ○ Row 18, Item 14 – the topic was changed to assess Operation and Maintenance only as network resilience is covered elsewhere (Row 16, Item 12) ○ Row 36, Topic 5.11 – As there are no AQMA’s in the area this topic is not applicable ○ Row 38, Topic 5.13 – it was agreed this was a duplication of Topic 5.12 and so it was made non-applicable ○ Row 39, Topic 5.27 – it was agreed that this was a statement rather than an assessment topic so it was made non-applicable ○ Row 41, Topic 5.29 – it was agreed that this was duplicating Topic 5.28 so it was agreed to be made non-applicable ○ Row 45 to 47, Topic 4.23 to 4.25 – it was agreed that these were duplicating Topic 4.22 so it was agreed that these should be made non-applicable ○ Row 48, Topic 5.27 – this is a straight duplication of a topic already included and so agreed to be made non-applicable ○ Row 55 and 56, Topic 5.145 and 5.149 – it was confirmed that the assessment of Topic 5.144 covered this aspect and so it was agreed that these should be made non-applicable ○ Row 57 to 60, Topic 5.151 and 5.152 – it was confirmed in the meeting that the scheme had no impact on the North Pennines AONB so it was agreed that these should be made non-applicable ○ Row 61 and 62, Topic 5.170 – it was confirmed in the meeting that the scheme had no impact on Green Belt land so it was agreed that these should be made non-applicable ○ Row 67 – it was agreed that there were no other topics that should be considered and so this row was left intentionally blank 	
	<ul style="list-style-type: none"> ▪ Following a discussion in the meeting the following routes were discounted for these primary reasons: 	
	<ul style="list-style-type: none"> • Purple – whilst the route performed well in a number of areas and offered a theoretical means to reduce environmental impacts the concerns associated with the lack of a local road to connect communities as well as provide network resilience meant that the route performed poorly overall. Other factors included the significant increase in construction duration and disruption as well as the impact on local properties and business. The route was ranked 8th both in terms of the overall score and when the confidence in the route was appraised. 	
	<ul style="list-style-type: none"> • Dark Green & Light Green – both these routes theoretically provided a means to cross Trout Beck in zone 2 floodplain however this was downplayed in the meeting as a significant factor. The constraints imposed by the gypsum workings to the north and the scheduled monument to the south meant that there was no means to viably mitigate both constraints without a significant compromise in the road geometry. Whilst the Dark Green was seen as being slightly preferable to the Light Green the meeting concluded that neither route could be promoted given the other routes under consideration. The Light Green ranked 7th and Dark Green 6th in terms of the overall score and when the confidence in the route was appraised 	

A66 Northern Trans-Pennine Project

SCHEDULE OF SURVEYS REQUIRED BY HIGHWAYS ENGLAND

Property:

Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL) – HMLR CU255362

Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL) – HMLR CU268006

Alternate Land Description - Land surrounding "Trout Beck"

Provisional dates of survey as outlined in the 'comments' section of the schedule below are subject to change. Definitive dates of survey will be disclosed by the A66 Northern Trans-Pennine Integrated Project Team in good time and prior to mobilisation, where feasible to do so.

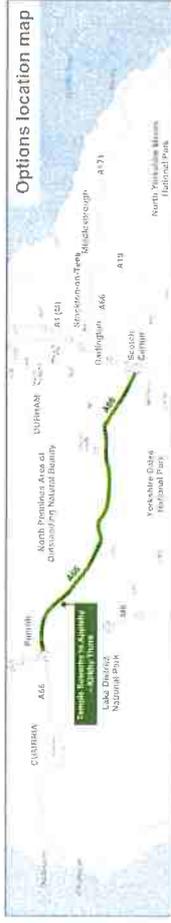
<u>Survey Type</u>	<u>Start</u>	<u>End</u>	<u>Areas of Land</u>	<u>Comments</u>
Geochemical Surveys	26 th February 2022	April 29 th 2022	HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)	Use of hand-held x-ray fluorescence (XRF) equipment to assist in determining to assist in detecting and defining areas of past archaeological activity and significance.
			HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)	Activity required to facilitate compliance with our Environmental Impact Assessment (EIA) obligations. Surveys may include a contemporary walk-over assessment ahead of the surveys taking place.

<p>Agricultural Land Classification (ALC) – Soil Sampling</p>	<p>26th February 2022</p>	<p>April 29th 2022</p>	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	<p>Use of a hand-held auger/borer and/or insulated spade to undertake incremental soil sampling assessments as per DEFRA/Natural England guidelines.</p> <p>Activity required to facilitate compliance with our EIA obligations.</p> <p>Surveys may include a contemporary walk-over assessment ahead of the surveys taking place.</p>
<p>Landscape – Visual Assessments</p>	<p>26th February 2022</p>	<p>April 29th 2022</p>	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	<p>The A66 NTP Integrated Project Team are seeking to conduct a series of landscape surveys to capture the baseline view of the proposed scheme from various pre-determined vantage points.</p> <p>Survey markers/pole are placed into the ground and are captured by the camera/equipment used, a digital model of the proposed scheme is then matched-up with the camera view.</p> <p>The visual assessment involves establishing a camera and total station setting out markers alongside obvious features within the 'view', and performing the visual assessment. All equipment is removed from site once the assessment is complete (~1 hour).</p> <p>Activity required to facilitate compliance with our EIA obligations.</p>

Temple Sowerby to Appleby – Kirkby Thore

There are two upgrade options which will divert the A66 away from Kirkby Thore either to the north or the south of the village.

Options E and F



Option E (northern bypass)

A new dual carriageway bypass to the north of Kirkby Thore as an extension of the current Temple Sowerby Bypass. It will pass through several fields to the west and then travel away from the village to the north and east. It will mostly be built along a route which is generally lower than the surrounding land which will help preserve the visual outlook of properties in the north of the village.

An additional junction will be created to allow direct access to and from the British Gypsum site and will reduce the level of heavy goods vehicles moving through the village.

Four new bridges will be required over the existing road network at:

- New Kirkby Thore junction, north of the village
- Station Road
- Main Street
- Sleashtonhow Lane

It would also require a new bridge over Trout Beck just before the new road returns to the original alignment.

Option F (southern bypass)

A new dual carriageway would be constructed towards the south of Kirkby Thore as a continuation of the Temple Sowerby Bypass. It would cross several fields and follow the path of an old railway line until it re-joins the current A66 just after the BP petrol station near Bridge End Farm.

Additional underpasses would be required to provide access for local farms and pedestrians, walkers, cyclists and equestrians. A new junction would allow access to the former A66 and the village.

This option would require the demolition of several buildings.



Temple Sowerby to Appleby – Kirkby Thore

There is a single carriageway for a little over 2-miles on this section which skirts the village of Kirkby Thore. The carriageway varies in width and local roads are connected by several junctions and private access points along this accident-prone section.

There is also an access route through Kirkby Thore village for HGVs visiting the British Gypsium site to the north.

This area suffers from high accident levels and speed limits have already been reduced from 60 mph to 40 mph.

This section carries approximately 16,500 vehicles per day, 27% of which are HGVs, much higher than the national average.

What did we propose?

We proposed two options for this section which would divert the A66 away from Kirkby Thore either to the north or the south of the village.

Option E (northern bypass)

A new dual carriageway bypass to the north of Kirkby Thore which would pass through several fields to the west and then travel away from the village to the north and east.

It would mostly be built along a route which is lower than the surrounding land which will help preserve the visual outlook of properties in the north of the village.

An additional junction will be created to allow direct access to and from the British Gypsium site and will reduce the level of HGVs moving through the village.

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A new dual carriageway would be constructed towards the south of Kirkby Thore as a continuation of the Temple Sowerby Bypass. It would cross several fields and follow the path of an old railway line until it re-joins the current A66 just after the BP petrol station near Bridge End Farm.

Additional underpasses would be required to provide access for local farms and pedestrians, walkers, cyclists and horse riders. A new junction would allow access to the former A66 and the village.

This option would require the demolition of several buildings.

The preferred route: option E



The preferred option

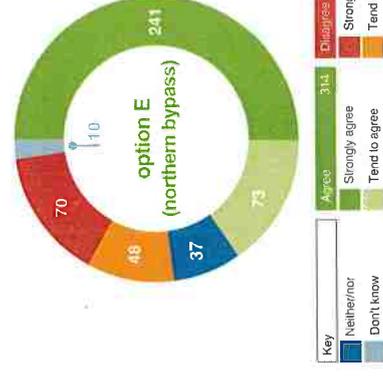
For this section of the A66, we have selected option E, the northern bypass.

We've selected this option as it provides the opportunity to reduce traffic, including HGVs, from the village of Kirkby Thore.

This option also reduces the amount of buildings we need to demolish to improve this section of the A66. It will also not impact on the wildlife corridor on the disused railway line. The southern option also had a greater negative impact on biodiversity and the flood plain.

Option E was also the most popular with respondents at consultation with 66% (314) of respondents voting in favour of this option.

While this route represents a longer journey time of the two options and may be more expensive, it has reduced environmental impacts while still delivering the required improvements.



Minutes of Meeting

A66 NTP

Meeting with Tim and Emma Nicholson

Purpose of Meeting	Update landowners on progress of the scheme to date and agree consent for access to land for surveys
Location:	Steastonhow Farm
Time/Date:	12 noon 21 January 2021
Attendees:	For Highways England – Matt Townsend (Senior Project Manager) Rachel Smith (Stakeholder Lead) Kevin Crooks (Design Lead) Ben Harding (Drainage Lead) Amir Shaikh (Public Liaison Officer) Landowners - Tim Nicholson and Emma Nicholson Land Agent - Alan Bowe, H&H Land

Apologies:

Circulation:

Item	Minutes	Actions
1.0	Introductions and discussion in farm yard	
1.1	<p>KC provided an overview of the scheme and clarified the changes made to the alignment.</p> <p>TN mentions that during his work on the river realignment he understands that Natural England [NE]/Environment Agency [EA] /Eden River Trust [ERT] would not want a causeway restricting the river in its floodplain. He suggested that Highways England had been asked to address this some time ago. Based on that he pointed out that the drawings are different from those shared with Natural England and the information on levels was missing. He requested a copy of that plan.</p> <p>KC said the scheme shared with NE was not developed at this point and was more of a 'line on a map' than a developed option.</p> <p>MT confirmed that this draft sketch can be shared but should be caveated as 'under development' and will be subject to change following survey findings.</p>	<p>KC</p> <p>MT and KC</p>

	<p>TN points out that this option is worse as it is using their best land..</p> <p>EN/TN highlighted that they have only received standard letters. They consider that they had not been consulted in advance of the route being announced and that they are landowners who are most affected by the project. They also consider that their response during the consultation period had not been considered.</p> <p>EN and TN considered that the meeting was not focused on specific details and was an attempt to discuss a Plan that Highways England are finding challenging. TM/EN reiterated the difficulties with the route and that they did not seem to have been factored into decisions about the route. These include:</p> <ul style="list-style-type: none"> • decision-making process • issues of cost including the need for structures • factors considered and their weighting that lead to the Preferred Route Announcement • carbon impacts (in light of the Heathrow decision) <p>MT expressed a wish to be fully transparent and that the decision had been made in line with Highways England's current guidance.</p> <p>TN and EN expressed their belief that it had been influenced excessively by business interest of British Gypsum. This was denied.</p> <p>No explanation as to the decision-making process was given but a commitment to see what could be shared given EN's observation that this would have to be shared in circumstances of a Judicial review.</p> <p>RS and AS to revert on communication and feedback during consultation phase.</p> <p>AS to be the single point of contact and share his details with AB, TN and EN. TN asked to be copied in on all correspondence in relation to their land with AB. TN added he was happy to be contacted directly.</p>	<p>RS/AS</p> <p>AS</p>
1.2	EN and TN asked if a like-for-like comparison was made to compare the two route options.	

	<p>They pointed out that the cost and impact of the preferred route is relatively significant.</p> <p>MT clarified that a statutory process has been followed during options selection with a route-wide desktop assessment in keeping with the standard process across other Major Infrastructure Projects. He stated that this process was adopted and that detailed environmental surveys and impact assessments were carried out for the preferred route only as costs would be prohibitive for the public purse.</p> <p>EN points out if the carbon impact of the route has been taken in to consideration given the Heathrow decision. MT clarifies that a route-wide consideration has taken place at an earlier stage. EN did not feel her question was answered.</p> <p>TN requested to see this assessment.</p>	MT
2.0	Onsite tour - farm access road	
2.1	<p>TN confirmed he was happy to allow access for surveys if permission is requested for each. He informed the group that he has not been contacted to ask for permission to date.</p> <p>TN advised that there are 300 lapwings on his site and he has some survey data he is happy to share which will help the environment team.</p>	TN/AS
2.2	<p>EN pointed out that the preferred route would cause visual and light impact to their property. She told the group that the development would bisect Grade 2, South-facing farm land.</p> <p>MT has committed to the design team reviewing the plans to see what mitigation might be possible.</p>	MT/KC
2.3	<p>TN points out that they do not want the ancient routeway to the Roman fort to be moved at all as this would be taking up more of their land. It will not be sympathetic to the landscape and cause more disturbance to the 300+ wading birds (lapwings) that winter here and dozen or more plus redshank and snipe that nest here. This issue needs addressing as the proposed route will be too much light and noise disturbance for the birds.</p> <p>TN and EN do not want to have laybys on their land as they can create issues with litter</p>	KC

	<p>with some entering the river. KC pointed out that the location of laybys is determined by the guidance. MT committed to review and see if a departure can be made in this case.</p> <p>TN and EN asks about the detail that would be given to village to accurately represent the fact Kirkby Thore which they regard would be blighted by the proposed route with high speed traffic, noise, light and pollution in close proximity to the village school and nursery. They also regard that residents in the village are not aware of the proximity despite the consultation. Rather than a model in a village hall she suggested a realistic (demonstration) of noise, vibration and light.</p> <p>MT advised this would discriminate against other sections if not done for all areas but acknowledged that there was not another village impacted like Kirkby Thore.</p> <p>EN regards that Highways England are trying to impose the lowest standard on a village that was most impacted. She again questioned how a proper comparison of the route alternatives could be made when they had stopped making any comparison at such an early stage. She emphasised her view that they continue to make proper comparison and disclose the costing comparison given one route was so much longer and more complex.</p> <p>EN asked whether the cost of a bridge had been factored into the cost analysis. She believes that the meeting had commenced with no disclosure of the fact that a bridge seemed likely rather than the causeway which she regards as the presumption of Highways England when the route was chosen.</p> <p>EN asked KC directly whether having seen the route from the ground how he foresaw building a bridge over what was a massive expanse of flood plain. KC was not on the project at stage 2 when the Preferred Route was fixed. He acknowledged that for a relatively narrow river course it had a very large floodplain. EN considers that KC seemed to question whether this was really all floodplain and really needed such a wide bridge.</p>	<p>MT/KC/RS/AS</p>
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	<p>MT points out that a 3D model will be presented as part of the process which will provide a drive-through views and different perspectives.</p> <p>EN suggested that the extent of the highway be pegged out on the field so that local people can understand the impact.</p> <p>MT/RS said that this would not be an option as it would have to be offered to all communities and therefore would mean the whole route would have to be pegged out.</p> <p>RS added that the visualisation also offers both vertical and horizontal impacts and users could navigate around this visualisation to see impacts from different perspectives.</p>	
3.0	Walk to flood plain	
	<p>The team reviewed the site and noted the following:</p> <p>TN points out that water level gets to 8 ft high in the flood plain.</p> <p>The existing plans for public right of way and cycle way need to be revisited. TN suggesting turning existing Railways line into cycleway</p> <p>TN points regular farm vehicles need to come this way. They cannot get modern combines up from the village easily and slurry is carted to here from Appleby direction and silage taken away towards Appleby. Also, it is 2 miles further to come via the village (4 miles both ways). They also need access to their land on the other side of the proposed road and the other side of the river</p>	<p>KC</p> <p>KC</p> <p>KC</p>

Rachel suggested that a single point of contact would be employed to help manage the process. This person would report into Emma and Tim each day to explain what is happening on their land on that day and would be the contact for any questions. This would help to minimise the impact that the surveys would have on Emma and Tim's time.

Tim and Emma agreed that this would be preferable and requested that this person be somebody with basic knowledge of countryside code.

Rachel committed to drafting guidelines for Amey/Arup staff and any contractors and sending them to Emma for review.

He argued that this would improve safety as a 40 mph limit through the village has made the road safer already and that it was preferable to 70 mph around the village on the northern by pass.

He also made the point that widening could be undertaken in that location as there are only a few properties to the south of the road.

Paul reiterated that any online options would be close to the flood plain of the River Eden and would have an impact of other properties and potentially features such as the scheduled monument. Paul also advised that the geometry of the existing road would need to be assessed.

Tim said that there was not issue with flooding in that area other than due to the hard standing of Bridge End Farm and one property which is a former mill.

Paul committed to reviewing a 'do minimum' approach, against the strategic objectives, with Highways England and the design team which would consider the points raised by Tim

Access for surveys

Tim said that he would not allow access for surveys unless he has been paid for his time and the invoice which he has paid to Alan Bowe as land agent.

Rachel queried that access was now dependent on payment rather than a commitment to pay as had been previously stated.

Tim responded that there was nearby case where a landowner had been waiting for payment since the Temple Sowerby bypass so he would be insisting on payment clearing into their account before any access could be arranged.

Rachel outlined that this Temple Sowerby case was in the hands of lawyers rather than being held up by HE but committed to processing payment as soon as possible after the invoice was received. She outlined that there would be a process to getting them set up for payment with HE but they she would investigate this and revert.

Emma asked if the last letter requesting access had been viewed by the legal team and suggest if so it should have come from that team to give legal recourse to them as recipient. The contacts given for HE and the PLO team were not considered appropriate for such a legal letter in her opinion.

Rachel outlined that the letter was the final request for voluntary access and that it would trigger the start of the legal process.

Emma and Tim outlined that this process would impact not only on them but also on their tenant (of which there are six). They also pointed out that one of the tenants is new because the previous tenant left after 25 years due to the perceived impacts of the new A66 plans.

Tim confirmed that access would be allowed if payment were made.

Emma caveated this statement by saying that they would also want to have a full breakdown of all the surveys required, how many people would be attending for each and agreement on where they would be parking vehicles and accessing land.

Minutes for meeting with Tim and Emma Nicholson

Introductions were made to Paul Carey for Tim and Emma

Rachel outlined that there are alternative routes being considered in this location to minimise the impact on the River Eden SAC.

Rachel requested that the plans are not taken away or any details of them shared as other landowners have not yet been briefed on the potential alternative routes.

Paul talked through the alternative routes and the impacts and benefits of each. He emphasised that the preferred route is still buildable and there is a design solution to the spanning of Trout Beck but that the project team are committed to reviewing other options to see if there is an alternative route which has less impact (although it will, invariably in this area, have impacts on other locations and features).

Tim and Emma asked about the timescales for better understanding these new routes and when a decision would be made on which was being taken forward.

Paul explained that these would be subject to further design development and that the surveys required would be fundamental to understanding which of these routes had what impacts on the area.

Rachel explained that all routes would be taken to consultation later in the year in order for local people to have their say about them.

Tim asked if the team have considered not doing the dualling of the A66 at all given the number of cars on the roads and the carbon impact of such a project. Emma also enquired as to whether doing nothing had been considered when setting the objective of the scheme.

Paul outlined that the brief of the project from DfT is to complete the dualling of the A66 all the way from Scotch Corner to Penrith to address safety issues.

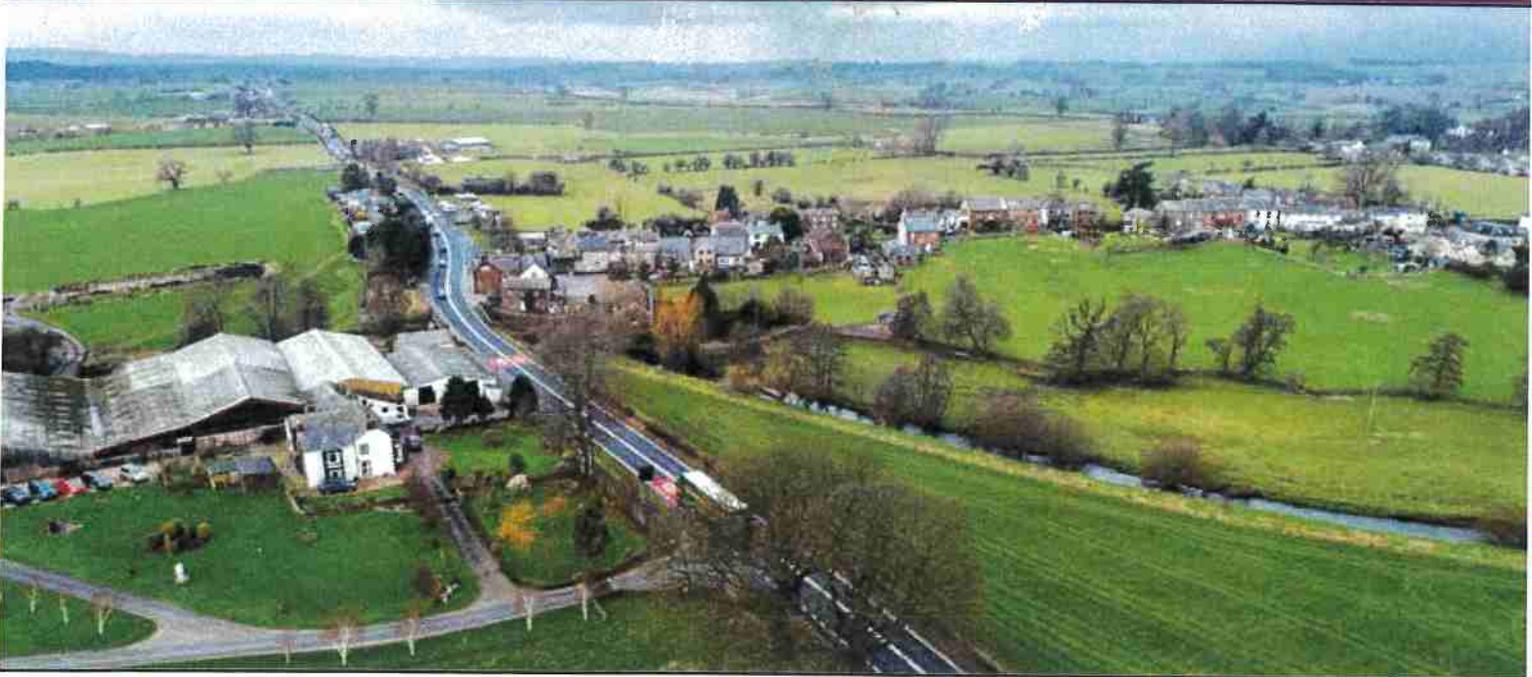
Of the alternative routes outlined Tim suggested there is only really the orange routes which are viable as the northern by pass is, in his opinion, a disgrace and encircling the village would stymy growth. He suggested that local people are unaware of the consequences of the route and the impact it would have on local homes.

Emma added that she also felt the impact on the school would be considerable.

Tim made the following design points:

- Do not dual the entire route
- Create a road from a junction to the west of KT for traffic to access the village from the north; also relieving the HGV traffic from British Gypsum and other businesses from the village
- Stop up the road at the Bridge Bistro to force local traffic to use the new western link road to a safe junction
- Install a 40 mph limit through the remaining single carriage way
- Add speed cameras at both ends of this section

A66 Northern Trans-Pennine project update



Update on design development

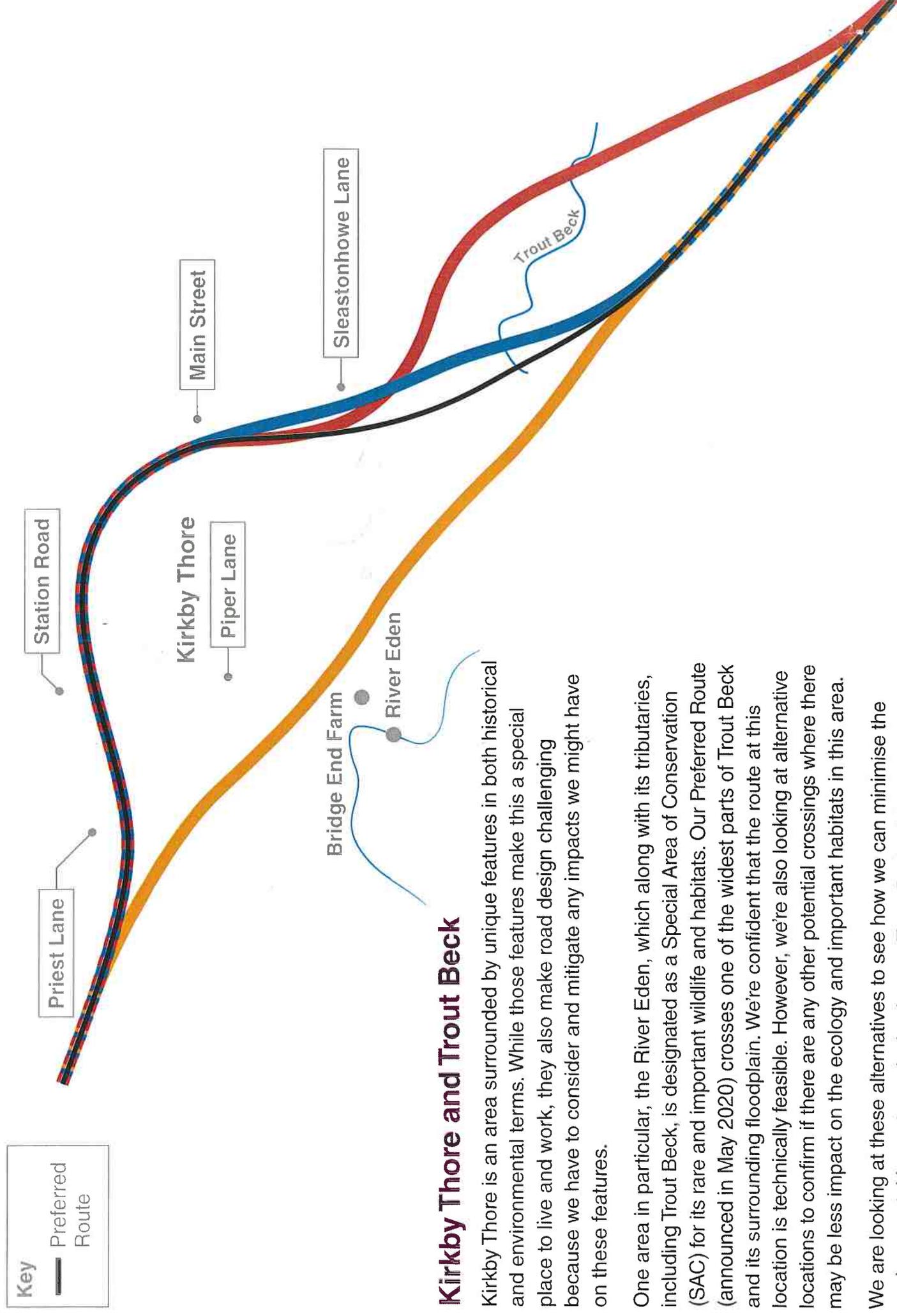
Since we made our preferred route announcement in May 2020, we've been carrying out various studies and surveys. This is to help us better understand areas such as the environment, ecology, heritage and drainage along the route, including how we will deliver the construction of the project.

We consider the environment and local ecology in every aspect of our major improvement projects, from design through to completion and ongoing maintenance. As work has progressed on our design for the A66, we've identified two

locations – Kirkby Thore and Warcop – where there is an opportunity to revise the proposed route to further reduce the environmental and ecological impact.

We need to investigate these opportunities further so it is too early to say whether this work will result in changes to the preferred route.

If our assessment work identifies deliverable enhancements to the preferred route at Kirkby Thore and Warcop, we will consult on any further option or options as part of the statutory consultation that we are planning later this year.

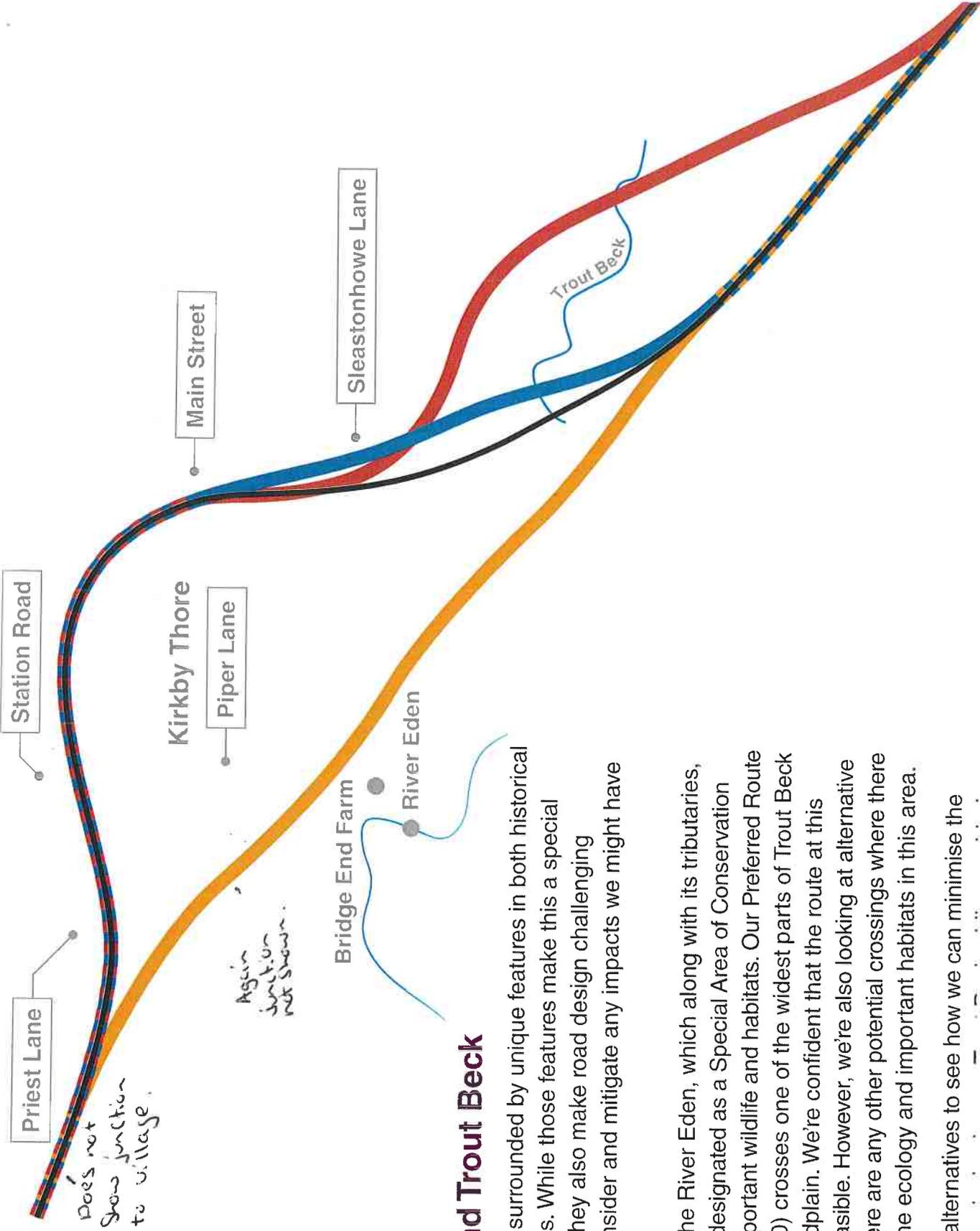


Kirkby Thore and Trout Beck

Kirkby Thore is an area surrounded by unique features in both historical and environmental terms. While those features make this a special place to live and work, they also make road design challenging because we have to consider and mitigate any impacts we might have on these features.

One area in particular, the River Eden, which along with its tributaries, including Trout Beck, is designated as a Special Area of Conservation (SAC) for its rare and important wildlife and habitats. Our Preferred Route (announced in May 2020) crosses one of the widest parts of Trout Beck and its surrounding floodplain. We're confident that the route at this location is technically feasible. However, we're also looking at alternative locations to confirm if there are any other potential crossings where there may be less impact on the ecology and important habitats in this area.

We are looking at these alternatives to see how we can minimise the



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Red Route

The Red Route would also include a new bypass north of Kirkby Thore between the village and the gypsum work, a new bypass to the north of Crackenthorpe and a number of new junctions and improvements.

Following the line of the Preferred Route, the Red Route would travel in a north-easterly direction from the end of the Temple Sowerby Bypass. It would then cross over Priest Lane and under Station Road, before turning south after passing north of Kirkby Thore village.

The route would pass under Main Street (where we'd build a new junction) and under Sleastonhowe Lane before turning eastwards. The road would then run parallel to the existing A66, to cross over Keld Syke followed by Trout Beck and its associated floodplain. This would be approximately 500m further east than the Preferred Route.

After crossing Trout Beck, the Red Route would head south east to re-join the line of the Preferred Route (near Crackenthorpe) as it follows the line of the Roman Road towards Appleby. We'd connect this option to the existing A66 near Long Marton and Crackenthorpe.

The red route impacts on farms and associated land and requires the demolition of a residential property.

This option also means local traffic would be able to use the 'old' A66 between Appleby and Temple Sowerby as part of the local road network.

Orange Route

The Orange Route mostly follows the route of the existing A66 along the southern edge of Kirkby Thore, before bypassing Crackenthorpe to the north. This option would also include a number of new junctions and improvements.

From the end of the Temple Sowerby Bypass the option initially runs to the north of the existing A66 before crossing to the south, close to Piper Lane. It would then run parallel to the A66, to the

rear of a row of houses, before crossing Trout Beck at Bridge End. At this location the river is confined by the existing A66 bridge and other buildings around Kirkby Thore. Kirkby Thore will be accessible via a junction to the west, the location of which is currently under assessment.

East of Trout Beck, the route would pass through Bridge End Farm, requiring the demolition of some farm buildings, and behind the petrol filling station, running parallel to the existing A66.

The Orange Route would then follow the line of the Preferred Route as it turns in a south-easterly direction to follow the line of the Roman Road towards Appleby. We'd connect this bypass back into the existing A66 at the eastern end of the scheme.

As this route mostly follows the existing A66, we'd need to build a number of new connections and local roads to allow local traffic to use the current A66 between Appleby and Temple Sowerby.

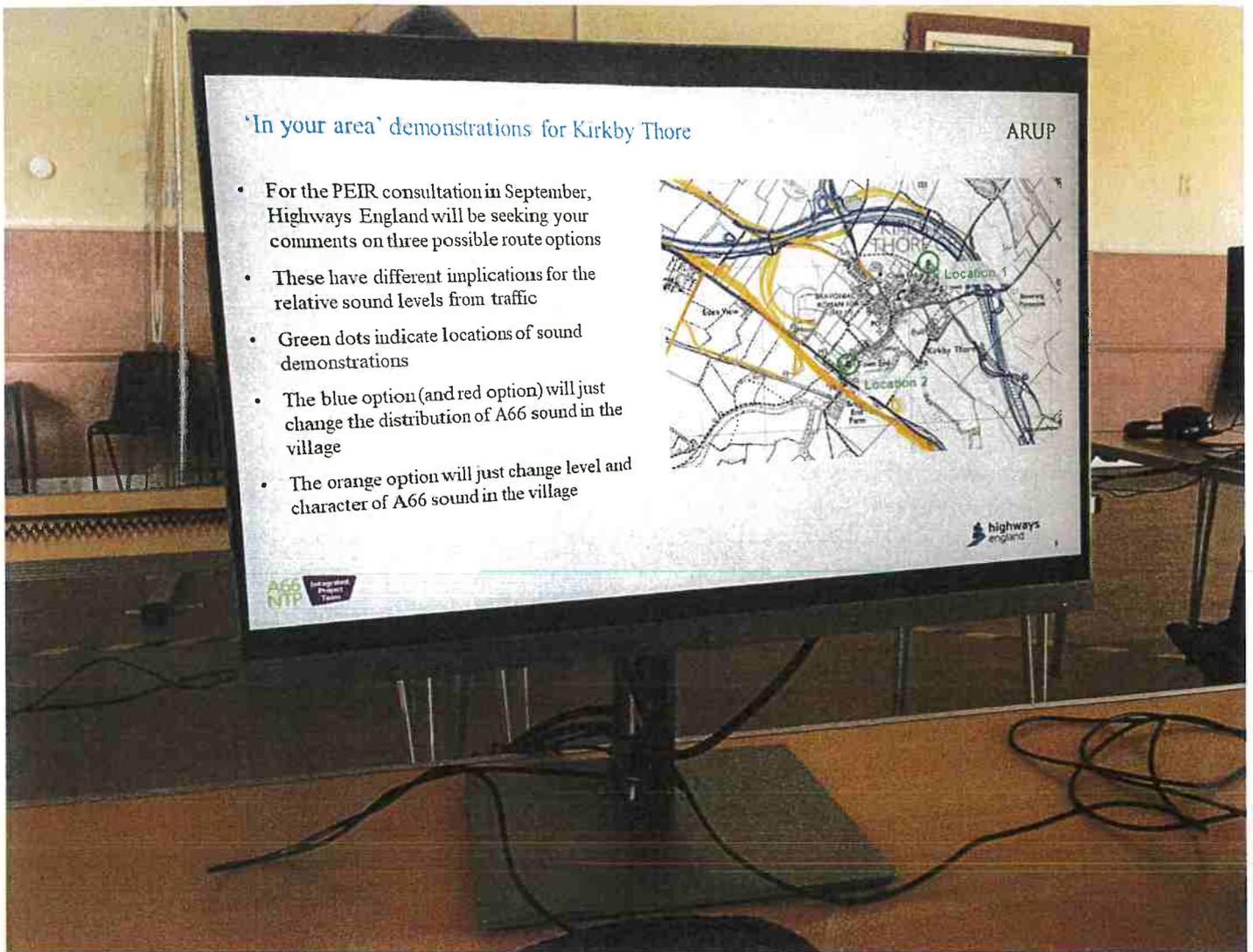
What happens next?

We're engaging with landowners affected by these alternative routes. If you think you may be impacted and we have not been in touch, please do contact us on the details provided in this leaflet.

If our assessment work identifies deliverable enhancements to the Preferred Route at Kirkby Thore and Warcop, we will consult on any further option or options as part of the statutory consultation that we are planning later this year. This will provide you with the opportunity to understand these routes better and have your say about them, as your views are really important to us.

If you have any specific questions in the meantime you can contact us by email on A66NTP@highwaysengland.co.uk, call us on **0333 090 1192** or follow us **@A66NTP**.

For more information of the A66 Northern Trans-Pennine project please visit our website: www.highwaysengland.co.uk/A66-NTP



Sound Lab Visual.

Why are there alternative routes?



Since our Preferred Route Announcement in May 2020, we've carried out a number of environmental and ecological studies to develop the routes and to explore how we might further minimise the overall impact of the project.

As work has progressed on our design for the A66, we've identified two locations – Kirkby Thore and Warcop – where there is an opportunity to revise the proposed route to further reduce the environmental and ecological impact.

We consider the environment and local ecology in every aspect of our major improvement projects, from design through to completion and ongoing maintenance.

We need to investigate these opportunities further so it is too early to say whether this work will result in changes to the preferred route. If our assessment work identifies improvements to the preferred route at Kirkby Thore and Warcop, we will consult on any further option or options as part of the statutory consultation that we are planning later this year. This will provide you with the opportunity to understand these routes better and have your say about them, as your views are really important to us.



Temple Sowerby to Appleby

The River Eden, along with its streams, including Trout Beck, is designated as a Special Area of Conservation (SAC) for its rare and important wildlife and habitats. Our Preferred Route crosses one of the widest parts of Trout Beck and its surrounding floodplain.

While we're confident that the route at this location is technically feasible, we have looked at alternative locations to investigate if there are any other potential crossings where there may be less impact on the ecology and important habitats in this area.

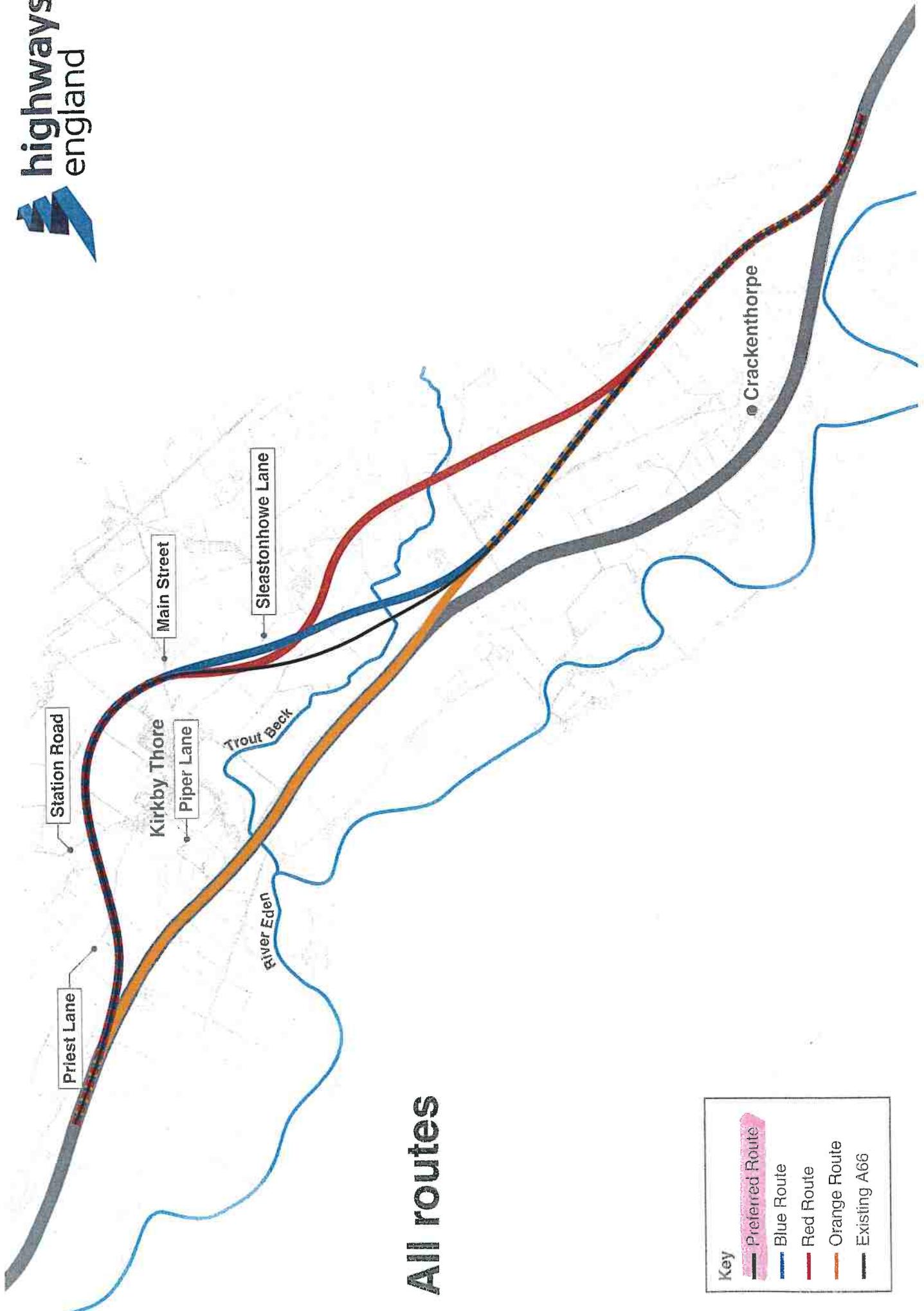
We are looking at these alternatives routes to see how we can minimise the environmental impact our design has on Trout Beck. We'll consider other features such as the mine workings around British

Gypsum and the scheduled monuments and archaeology which are scattered along this former Roman Road.

The maps on display are a graphical representation of our technical drawings. There is still further work for us to complete including additional design and more environmental surveys and studies before these can be fully understood.

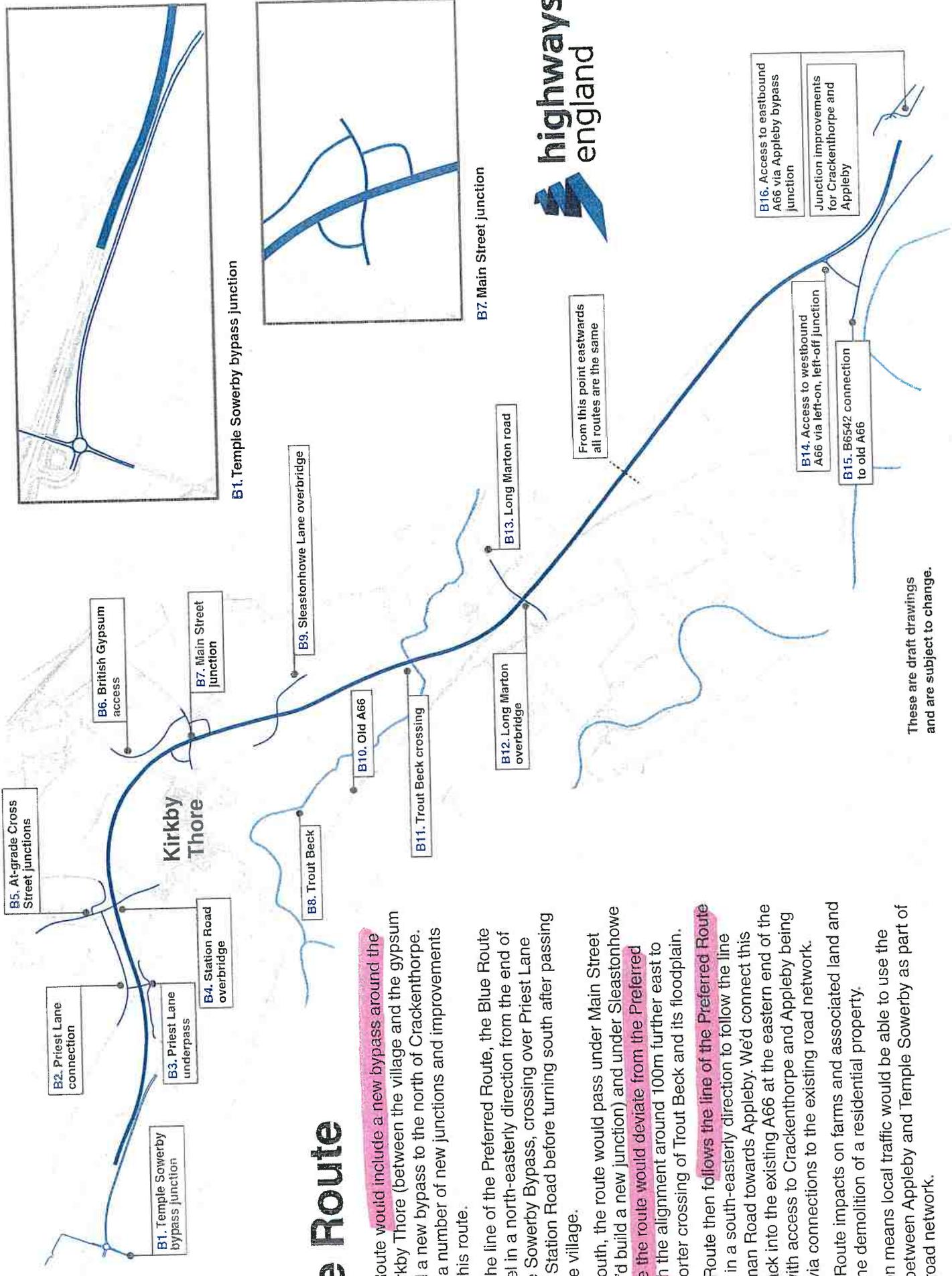
We are engaging with all the landowners who could be affected by these alternative routes and will continue to do so as we move towards the consultation later in the year.





All routes

Key	
	Preferred Route
	Blue Route
	Red Route
	Orange Route
	Existing A66



Blue Route

The Blue Route would include a new bypass around the north of Kirkby Thore (between the village and the gypsum works) and a new bypass to the north of Crackenthorpe. We'd build a number of new junctions and improvements as part of this route.

Following the line of the Preferred Route, the Blue Route would travel in a north-easterly direction from the end of the Temple Sowerby Bypass, crossing over Priest Lane and under Station Road before turning south after passing north of the village.

Heading south, the route would pass under Main Street (where we'd build a new junction) and under Sleastonhowe Lane. Here the route would deviate from the Preferred Route, with the alignment around 100m further east to allow a shorter crossing of Trout Beck and its floodplain.

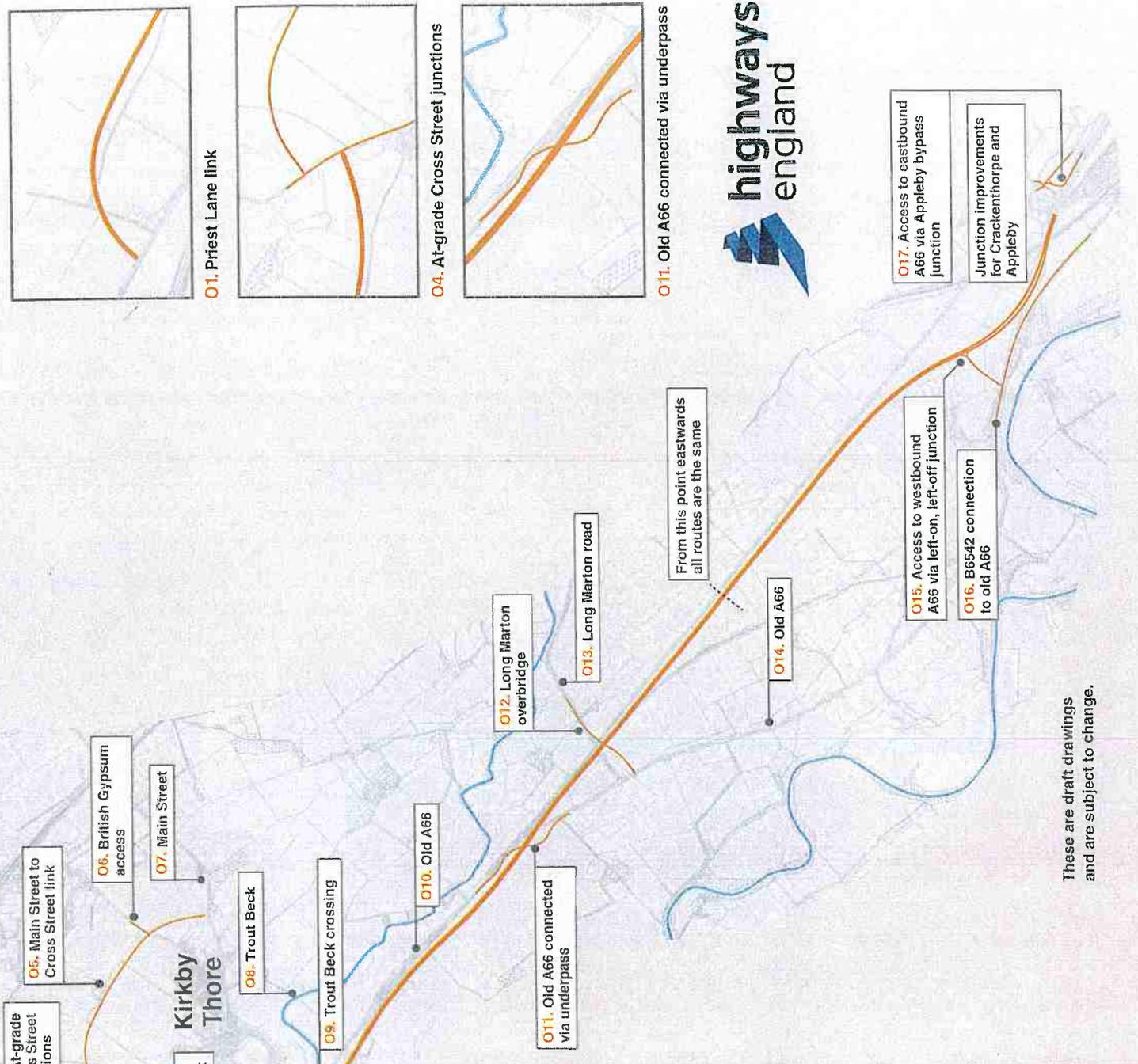
The Blue Route then follows the line of the Preferred Route as it turns in a south-easterly direction to follow the line of the Roman Road towards Appleby. We'd connect this bypass back into the existing A66 at the eastern end of the scheme with access to Crackenthorpe and Appleby being provided via connections to the existing road network.

The Blue Route impacts on farms and associated land and requires the demolition of a residential property.

This option means local traffic would be able to use the 'old' A66 between Appleby and Temple Sowerby as part of the local road network.

These are draft drawings and are subject to change.





Orange Route

The Orange Route mostly follows the route of the existing A66 along the southern edge of Kirkby Thore, before bypassing Crackenthorpe to the north. This option would also include a number of new junctions and improvements.

From the end of the Temple Sowerby Bypass the option initially runs to the north of the existing A66 before crossing to the south, close to Piper Lane. It would then run parallel to the A66, to the rear of a row of houses, before crossing Trout Beck at Bridge End. At this location the river is confined by the existing A66 bridge and other buildings around Kirkby Thore. Kirkby Thore will be accessible via the existing junction at Temple Sowerby and the old A66 which would be connected to the local road network.

Easi of Trout Beck, the route would pass through Bridge End Farm, requiring the demolition of some farm buildings, and behind the petrol filling station, running parallel to the existing A66.

The Orange Route would then follow the line of the Preferred Route as it turns in a south-easterly direction to follow the line of the Roman Road towards Appleby. We'd connect this bypass back into the existing A66 at the eastern end of the scheme with access to Crackenthorpe and Appleby being provided via connections to the existing road network.

As this route mostly follows the existing A66, we'd need to build a number of new connections and local roads to allow local traffic to use the current A66 between Appleby and Temple Sowerby.

These are draft drawings and are subject to change.

Red Route

The Red Route would also include a new bypass north of Kirkby Thore between the village and the gypsum works, a new bypass to the north of Crackenthorpe and a number of new junctions and improvements.

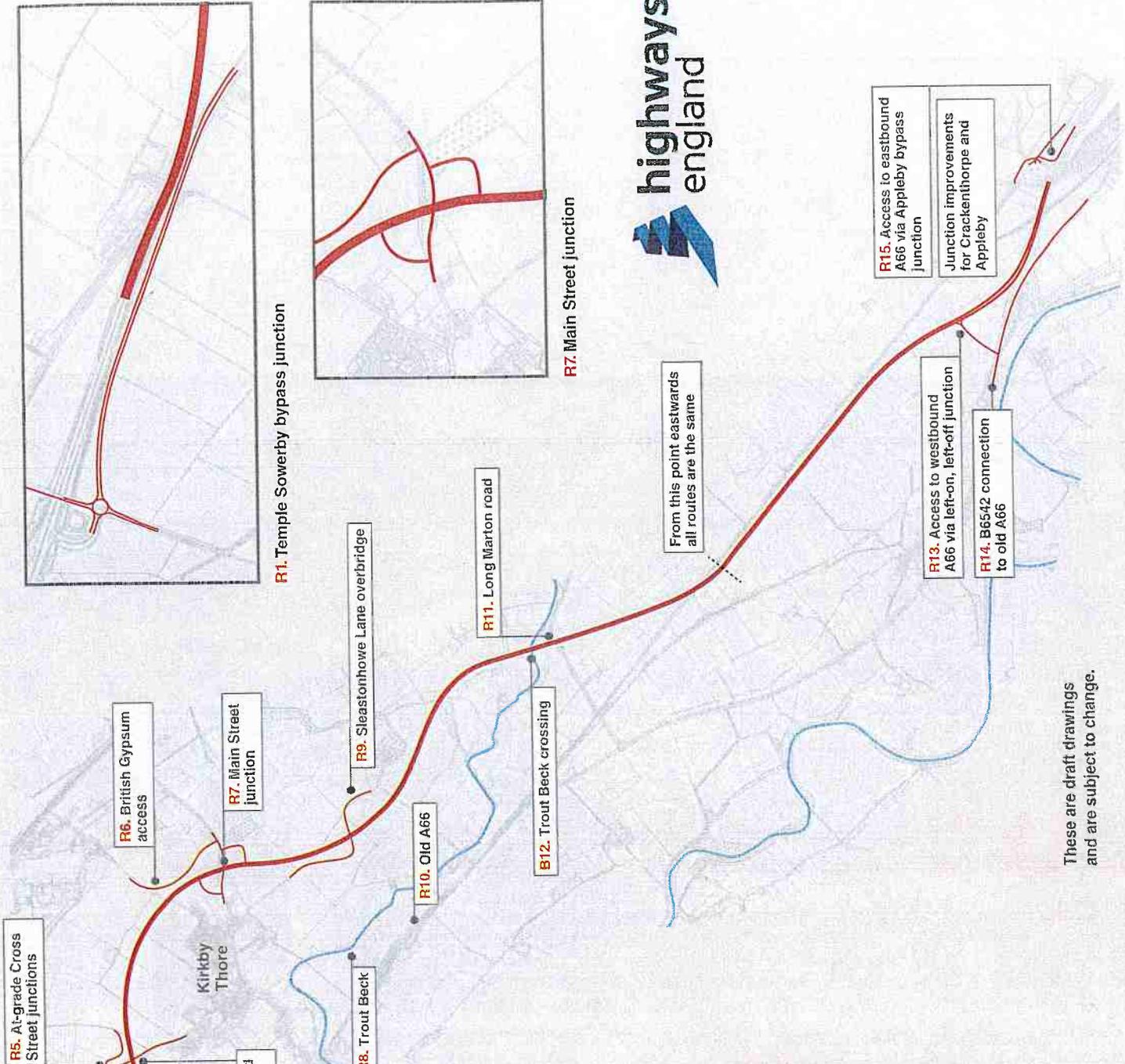
Following the line of the Preferred Route, the Red Route would travel in a north-easterly direction from the end of the Temple Sowerby Bypass. It would then cross over Priest Lane and under Station Road, before turning south after passing north of Kirkby Thore village.

The route would pass under Main Street (where we'd build a new junction) and under Sleastonhowe Lane before turning eastwards. The road would then run parallel to the existing A66, to cross over Keld Syke followed by Trout Beck and its associated floodplain. This would be approximately 500m further east than the Preferred Route.

After crossing Trout Beck, the Red Route would head south east to re-join the line of the Preferred Route (near Crackenthorpe) as it follows the line of the Roman Road towards Appleby. We'd connect this bypass back into the existing A66 at the eastern end of the scheme with access to Crackenthorpe and Appleby being provided via connections to the existing road network.

The Red Route impacts on farms and associated land and requires the demolition of a residential property.

This option also means local traffic would be able to use the 'old' A66 between Appleby and Temple Sowerby as part of the local road network.



What happens next?

If our assessment work identifies further improvements deliverable enhancements to the Preferred Route at Kirby Thore and Warcop, we'll consult on any further options as part of our consultation later this year. Your views are really important to us and this will provide you with the opportunity to understand these routes better and have your say about them.

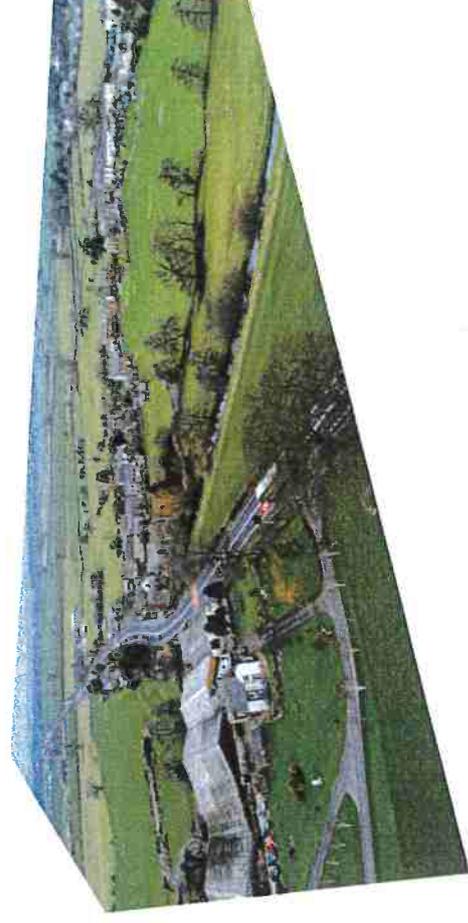
After the consultation period, we'll analyse the responses and finalise our surveys and design work.

By the end of the year, we're aiming to tell you which of these routes we'll take forward as part of our Development Consent Order. This is the planning approvals process for major work like the A66 Northern Trans-Pennine project

The A66 Project is planned to start work on site in 2024.

If you have any specific questions, you can contact us by email on A66NTP@highwaysengland.co.uk or call us on **0333 090 1192**.

For more information on the A66 Northern Trans-Pennine project please visit our website: www.highwaysengland.co.uk/A66-NTP and follow us on Twitter @A66NTP



Minutes of Meeting

A66 NTP

A66 Kirby Thore Options Heritage Discussion

Purpose of Meeting: A66 Discussion on Kirby Thore Heritage Options
Location: MS Teams
Time/Date: 06-07-21 at 15:00-16:00
Attendees:

- ██████████ – A66 Heritage Topic Lead at Amey/Arup
- ██████████ – A66 Heritage Topic Deputy at Amey/Arup
- ██████████ – A66 Environmental Stakeholder Deputy at Amey/Arup
- ██████████ – Inspector of Ancient Monuments for the North West at Historic England
- ██████████ – Historic Environment Officer at Cumbria County Council
- ██████████ – Principal Archaeologist at Durham County Council
- ██████████ – Conservation Officer at Eden District Council
- ██████████ – A66 Environmental Lead at Amey/Arup

Apologies:

- ██████████ – Principal Cultural Heritage Advisor at Highways England
- ██████████ – Regional Lead at WSP on behalf of Eden District Council

Circulation: All

Item	Minutes	Actions
1.0	Introductions	
1.1	██████████ noted apologies for ██████████ (Highways England) and ██████████ (WSP on behalf of CCC and EDC). Minutes will be issued to all parties.	
2.0	Current Options	
2.1	██████████ confirmed the meeting was to discuss the options at Kirby Thore and seek agreement to the approach to ensuring a robust evidence base for the ES.	
2.2	██████████ presented three alternative options (Red, Blue and Orange). Orange is closer to current A66 alignment than Red and Blue. It was noted that there are some sections of the options which have not yet been surveyed due to landowner access constraints.	
2.3	██████████ highlighted that trenching is proposed where all of the options align (west and north of Kirby Thore and at the southern end of the scheme) as this is the common area within each boundary. ██████████ added that these are proposed to be completed this summer and the remaining areas to be completed once an option has been selected.	
2.4	██████████ noted that focusing on common areas prevents abortive work until an option is selected and that in addition to trenching a second phase of geophysical survey will be undertaken to cover all options.	

Item	Minutes	Actions
	A preferred route is unlikely to be chosen until after statutory consultation in October 2021.	
3.0	Questions	
3.1	█ asked if outstanding landowner access has now been agreed. █ noted that the team is working closely with the landowner to facilitate access. Land access takes around three weeks from nomination of the selected land parcel.	
3.2	█ is in the process of agreeing contracts with sub-consultants to complete surveys. At this time surveys will only be possible on pasture areas due to arable land being under crop.	
3.3	█ both raised that they wished the surveys team to first meet with █ (Historic England) to agree methods. █ agreed that a meeting would be useful.	█ to arrange meeting when survey teams appointed
3.4	█ asked for the percentage of un-surveyed area. Although not confirmed, █ noted that geophysical surveys will be completed for the ES and █ noted trenching for the selected route is unlikely to start until November / December time (weather-dependent).	
3.5	█ recommended that targeted trial trenching be conducted based on anomalies in the geo-phys data to de-risk. █ further clarified that the full suite of trenching is required, but to inform option selection a smaller number could be completed. █ confirmed this was the preferred approach subject to agreement with all parties. █ confirmed Historic England support for a targeted approach.	
3.6	█ noted that recent surveys around Kirby Thore resulted in unexpected finds and that survival beneath the current carriageway was much better than expected.	
3.7	█ reiterated that Historic England would want to agree first on the surveys team approach to geo-phys.	
3.8	█ asked if there are any other non-intrusive techniques that could be used by the survey team. █ raised that geo-chemical surveys proved useful on HS2. █ will investigate.	█ to investigate geo-chemical surveys applicability
3.9	Remote sensing report needs to be refreshed following opening of Aerial Photography libraries and delivery of project-specific drone survey.	█ to review remote sensing report
3.10	█ requested trench arrangements be issued. █ confirmed they would be issued following minor amendments.	█ to issue trenching arrangements.
4.0	AOB	
4.1	█ noted that outline programme for procurement of trenching will also be shared. █ to circulate minutes.	█ to circulate minutes and trenching procurement timeline.

Regards,
Tim and Emma

Tim Nicholson

Partner RK&GF Nicholson
Director Cactus Tree Guards LTD

On 26 Aug 2021, at 17:43, Rachel Smith [REDACTED]@cjassociates.co.uk> wrote:

Dear Tim

Further to our recent discussion about the alternative routes in the Kirkby Thore area, I wanted to get in touch and update you on the latest developments in the design process.

As you know, we have been undertaking a wide range of surveys and investigations and that process is still ongoing to an extent. We are currently finalising the draft evidence from the assessments carried out. However, while this information is still in a draft format it is sufficient for us to decide on a preference between the routes proposed in our recent engagement work (including the event you attended at the Memorial Hall).

In order to ready ourselves for the statutory consultation next month we will be taking forward this preference to the public consultation starting on 24 September 2021. Our preference is for the blue route which is a development of the preferred route announced in May 2020.

It is the intention that both Eden District Council and Cumbria County Council will also be looking to review this selection process to reaffirm this preference as part of their independent due diligence.

We would welcome the opportunity to meet with you to discuss options and next steps. If you would like to have this meeting please could you advise of your availability w/c 6.9.21.

Kind regards,

Rachel

A66 Northern Trans-Pennine project consultation

A date for your diary

We'll be launching our consultation on our proposals for the **A66 Northern Trans-Pennine project** on **Friday 24 September 2021**.

Consultation starts
9am on 24 September.

This will be your opportunity to learn more about our plans for dualling the A66 and to view our proposals in more detail.

Find out more:

All our consultation materials, including our consultation brochure, will be available online via our dedicated A66 Northern Trans-Pennine project website once consultation launches on 24 September 2021. In addition, we will be hosting a series of drop-in sessions. The table overleaf outlines when and where you can come along to speak to a member of the team.

If you can't make the events or don't have access to the internet you can call us on **0333 090 1192** to request a hard copy of our materials. **Please call by Friday 3 September** to make sure you receive them in time.

In addition, we will:

- Provide **hard copies** for viewing in public buildings along the A66 such as local libraries. Please refer to our website and press advertising for more information.
- Host an online **virtual consultation room**.
- Run **webinars** and a **telephone surgery**, enabling you to discuss your questions with a member of the team.

Please check our website for the latest information: highwaysengland.co.uk/a66-NTP

Email or call us for more information:

Email: **A66NTP@highwaysengland.co.uk**

Phone: **0333 090 1192*** (Phone lines are open between Monday to Friday between 9am-5pm, or leave us a message and we'll call you back).

Follow us on **Twitter** to stay up-to-date with the latest news and project updates: **@A66NTP**

*Standard call rate applies.

A66 Northern Trans-Pennine Project

SCHEDULE OF SURVEYS REQUIRED BY HIGHWAYS ENGLAND

Property:

Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL) – HMLR CU255362

Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL) - HMLR CU268006

Alternate Land Description - Land surrounding "Trout Beck"

Survey Type	Start	End	Areas of Land	Comments
River Modelling	April 19 th 2021	April 30 th 2021 (initial survey). Further surveys might be required throughout 2021	HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)	Potential for numerous visits to conduct flood modelling, geomorphology surveys and drainage. Extent of work and timeframes may change once initial survey has been undertaken. Geomorphology channel survey (April) Geomorphology walkover survey (April)
Modular River Physical Survey (MoRPH) (river condition for BNG) and fluvial geomorphology walkover surveys	April 2021	June 2021	HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)	These will support the hydrological habitat modelling which will underpin the Habitat Regulation Assessment.

Phase 1 Habitat survey	April 2021	June 2021	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	UK Habitats (including for Biodiversity Net Gain) and National Vegetation Classification.
Specific macrophyte vegetation	May 2021	August 2021	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	Surveys in May and potentially August in line with Special Area of Conservation (SAC) condition monitoring / River Invertebrate Prediction and Classification System (Rivpacs) assessment.
Environmental DNA (eDNA) survey for various aquatic and riparian receptors	April 2021	June 2021	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	<p>Environmental DNA (eDNA) survey for various aquatic and riparian receptors</p> <ul style="list-style-type: none"> eDNA for great crested Newts (Mid March – End of June), eDNA White clawed crayfish (March-May), and Fish (March-April)

White-clawed crayfish surveys	July 2021	August 2021	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	
Invertebrates	April 2021	April 2022	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	Periodical assessments of both habitats and specific invertebrates, across notable species life cycles
Amphibians	April 2021	June 2021	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	Assessments of riparian features for amphibian habitat suitability, and observations of specific amphibian species.

Freshwater Assessments	April 2021	June 2021	HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)	Assessments of riparian features for amphibian habitat suitability, and observations of specific amphibian species.
Aquatic macroinvertebrates	April 2021	November 2021	HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)	
Fish and lamprey surveys. Standard SAC condition monitoring electric-fishing for:	June 2021	September 2021	HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)	Standard SAC condition monitoring electric-fishing for: <ul style="list-style-type: none"> • Salmonids (June-July 2021), • Bullhead (August-September 2021) and • Lamprey (juvenile)(August-September 2021)
Terrestrial invertebrate surveys for river shingles and sandbanks.	April 2021	June 2021	HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)	
Mammals (Bait Marking – Badgers)	April 2021	June 2021	HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL) HMLR CU268006	21 consecutive days (incl. weekends)

				Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)	
Mammals (Otter & Water Vole)	May 2021	July 2021		<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	<p>May - Walk-over scoping, and placement of camera traps</p> <p>June - Walk-over scoping and replacement of batteries/memory cards in Camera traps</p> <p>July - Walk-over scoping and removal of camera traps</p>
Breeding Birds	April 2021	April 2022		<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	<p>Various pre-determined transects walked from sunrise until completion, logging bird sightings and assessing bird behaviour.</p>
Topographic Surveys	April 2021	June 2021		<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006</p>	<p>Assessments on private land likely limited to topographic infill (on-foot surveys using static control equipment), and/or UAV drones.</p>

			Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)	
Geophysical Surveys	May 2021	June 2021	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	To inform the need for further assessment.
Drainage surveys	April 2021	July 2021	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	To establish location of drainage features and identify confirm routes of existing drainage runs.
Photography	April 2021	June 2021	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006</p>	There will be likely requirement for viewpoint photography from publicly accessible locations.

			<p>Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	
<p>Other non-intrusive environmental, drainage, land, landscape and traffic surveys in relation to the A66 NTP Project.</p>	<p>April 2021</p>	<p>June 2022</p>	<p>HMLR - CU255362 Land at Sleastonhow Farm, Kirkby Thore, Penrith (CA10 1XL)</p> <p>HMLR CU268006 Land adjoining Sleastonhow, Kirkby Thore, Penrith (CA10 1XL)</p>	

2021/131.1 Applications

None

2021/131.2 Decisions

None

It was noted that the status of planning application 21/0571 LAND OPPOSITE METHODIST CHAPEL KIRKBY THORE PENRITH CA10 1UH: Reserved Matters application for access, appearance, landscaping, layout and scale, attached to approval 18/0396 had been changed to withdrawn however the parish had not been notified.

2021/132 Outside Body Reports

LB reported that Kirkby Thore Memorial Hall Committee had met but she was unable to attend on this occasion.

2021/133 Highways Matters

2021/133.1 A66 Dualling Consultation

It was confirmed that the consultation would run from 24 September through to 23 October 2021. Councillors discussed the best way to support the local community in this consultation process. Feedback was taken from the residents present at the meeting.

Resident at the meeting reported that Highways had communicated that the blue route was to be the preferred route. It was not clear if this would be the only route that is consulted upon. The clerk was asked to request some clarity from Highways.

Action: LN

It was agreed that the Parish Council would take comments from residents about the plan through public participation at the October meeting of the Council. Proposed date of 12th of October 2021. Councillors agreed to hold an event to assist residents in completing the forms. It was felt that the parish could have most impact on the plans by more residents responding to the consultation.

Resolved: Clerk to contact Highways

Action: LN

2021/133.2 A66 Walkway Hedge

The hedge had now been trimmed back

Resolved: to receive the information

2021/133.3 A66 Bus Stop Bin

No action has been taken. Clerk to chase with Eden District Council

Resolved: clerk to contact EDC

Action: LN

2021/134 Footpath Matters

It was reported that FP336014 British Gypsum to Hale Grange was impassable due to culverting works on a stretch of the adjoining stream.

Resolved: to receive the information

2021/135 Village Amenities

2021/135.1 Parish Seats

The draft specification for the required materials was approved. Three quotations for the work to be sought.

Resolved: to receive the information

Comparison of community and environmental factors 5

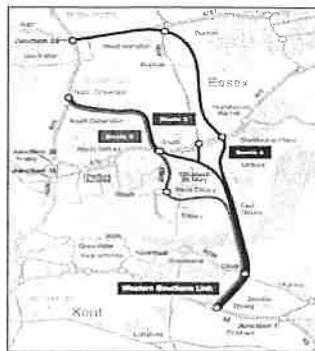
Feature	North of river			South of river	
	Route 2	Route 3	Route 4	Western Southern Link	Eastern Southern Link
Air quality	Limited impact on air quality immediately adjacent to the routes but improved air quality at Dartford			Limited impact on air quality immediately adjacent to the routes but improved air quality at Dartford	
Noise	All routes include noise disturbance for properties close to the existing Dartford Crossing. Has the greatest impact in terms of noise disturbance as the route is closer to more densely populated areas.			Reduced noise disturbance for properties close to the existing Dartford Crossing. There is little to differentiate between the Eastern and Western Southern Links in terms of noise.	
Biodiversity	Routes 2 and 3 have lower impacts on ecological sites than Route 4.		Greatest impact on ecological sites.	Affects Claytane Wood ancient woodland and Shorne and Ashenbank Woods SSSI**	Affects areas of ancient woodland and local wildlife sites east of Shorne and Great Crabbles Wood SSSI**
Landscape	Routes 2 and 3 run through greenbelt in Thurrock.		Route 4 runs through greenbelt in Thurrock and Brentwood.	Lesser area required within the Kent Downs AONB***	Greater area required within the Kent Downs AONB***
Cultural heritage	Requires land within West Tilbury conservation area and scheduled monuments. Potential impact on listed buildings.	Requires land within a scheduled monument. Potential impact on listed buildings. Avoids conservation areas. Has the least impact of Routes 2, 3 and 4.	Runs through Thorndon Park, a Registered Park and Garden and conservation area. Potential impact on listed buildings.	Potentially impacts the setting of listed buildings. Route is close to but not in the conservation area of Thong.	Potentially impacts the setting of listed buildings. Route is close to but not in the conservation area of Shorne.
Properties*	9 residential 3 agricultural	14 residential 22 traveller plots 3 agricultural	14 residential 9 commercial 3 agricultural	4 residential 3 commercial	10 residential 2 commercial

*Properties along the route require demolition, £4401.00 (preliminary illustrative route design) **SSSI = Site of Special Scientific Interest ***AONB = Area of Outstanding Natural Beauty

6. No comparison done for Location A on cost, benefits or journey times

Comparison of costs, benefits and reductions in journey time

6



Features	Western Southern Link with		
	Route 2	Route 3	Route 4
Estimated cost (nominal)	£4.1 - £5.8 billion	£4.1 - £5.7 billion	£4.4 - £6.2 billion
Adjusted benefit cost ratio*	3.1-2.2	3.1-2.2	2.9-2.1
Value for money*	High	High	High
Reduction in journey time between junctions 3 and 28 on M25 using the Dartford Crossing	3 mins southbound, 4.5 mins northbound	3 mins southbound, 4.5 mins northbound	3 mins southbound, 5 mins northbound
Reduction in journey time between M2 junction 4 and M25 junction 28 using new crossing at C	9 mins	10 mins	9 mins
Route length	13.8 miles	13.3 miles	15.9 miles



Features	Eastern Southern Link with		
	Route 2	Route 3	Route 4
Estimated cost (nominal)	£4.3 - £6.0 billion	£4.3 - £5.9 billion	£4.6 - £6.4 billion
Adjusted benefit cost ratio*	3.3-2.4	3.4-2.5	3.1-2.2
Value for money*	High	High	High
Reduction in journey time between junctions 3 and 28 on M25 using the Dartford Crossing	3 mins southbound, 4.5 mins northbound	3 mins southbound, 4.5 mins northbound	3 mins southbound, 5 mins northbound
Reduction in journey time between M2 junction 4 and M25 junction 28 using new crossing at C	11 mins	12 mins	11 mins
Route length	14.7 miles	14.2 miles	16.8 miles

*As determined by Merit and Government guidelines

Temple Sowerby to Appleby – Kirkby Thore

More information on this section can be found in the consultation brochure.

Q3(a) Do you agree with our preferred alignment for this scheme?

Yes No No preference

Q3(b) Please provide any information that supports your answer above.

Q3(c) Please share any additional comments you may have on the Temple Sowerby to Appleby – Kirkby Thore proposal. Below is a list of key topics you may like to consider when sharing your comments. Please use these topics as headings throughout your response.

- | | |
|--|---|
| ■ Construction | ■ Land ownership |
| ■ Costs and funding | ■ Traffic, transport and junctions |
| ■ Engineering design | ■ Walking, cycling and horse-riding |
| ■ Environment (including comments on the PEIR) | ■ Other (such as any additional important local knowledge relevant to the scheme) |

**Inadequacies of the
A66 consultation
process**

**Specifically,
the Temple Sowerby
to Appleby scheme**

Text in red is taken from NH own documents

Introduction

Government guidance on the principals of good consultation include:

1a) Consultations should be clear and concise using clear English and avoiding Acronyms

The consultation documents are extremely technical and in no way user friendly or accessible to members of the public. Despite numerous requests made by individuals and the Local Parish Council for the provision of a clear and understandable summary setting out the pros/cons of each route, in a way the public can understand, the information was never summarised. Only those motivated to locate information within documents such as the PIER would have been able to locate this information. Basic information such as noise levels, distance road would be located from village, costs of each option, pollution, duration of build, impact on landscape and impact of the residents of Kirkby Thore (due to blight on properties) has not been made available and are poorly understood as a result.

b) Consultations should be informative and include key information cost and other benefits attached to each option

The key information has been buried in technical documents and even statutory consultees do not understand the pros/cons of each option. National Highways (NH) declared a preferred option in May 2020 (at the height of the pandemic) and all material released by NH since they announced the preferred Northern route has made its preference clear. This has led the public to conclude the decision was made and caused the public to disengage from the process a full 18 months before the Statutory consultation opened in September 2021 and before provision of key information on Costs etc.

NH have failed to provide key information to assist comparison on cost, carbon impact, length of route, increased travel time and safety. This remains the case, even after Freedom of Information requests and requests from the local MP. NH state that no costing analysis of the route alternatives have been made. They state costs comparisons between route options is not a major consideration. NH's only consideration is whether NH remain within its allocated budget of 1.2 billion. – **Reference – Meeting with Lee Hillyard and Monica Corso-Griffiths (meeting at Llama Karma Café project hub on 30/03/2021).**

c) Consultation is only part of the process

NH are required to be open and collaborative for duration of the project. This duty is even more pressing in the project speed environment but instead they have failed to work openly with any consultee or landowner who challenges its decision making.

For example, they have purposefully excluded Friends of the Lake District. Friends of the Lake District represent Campaign to Protect Rural England (CPRE) in Cumbria. There has been a total failure to respond to regular letter sent by Dr Kate Wilshaw asking to attend meetings so that input could be given on Landscape issues.

d) Consultation should be targeted

NH have failed to understand the dispersed nature of the rural communities living along the A66. They have adopted a consultation technique unsuitable for a rural community. The practice of consulting only villages within a limited distance of the A66 itself has meant that most Parish councils in the area have not been consulted. Only those villages which are located on the A66, such as Kirkby

Thore and Warcop, have been directly consulted. NH have not held information evenings in other villages to seek views on how the road alignment or upgrade to Dual Carriage way is viewed. In failing to do so they have limited responses sought and the range of views sought. Villagers (who do not live in immediate proximity to the road) have not felt consulted. Issues such as loss of night sky, increased noise levels in the AONB, impact on tourism and landscape are issues relevant to villages further away but there is no outlet for people who wish to express these views through a formal channel such as a Parish Council.

e) Consultation should take account of the groups being consulted

Charites and all stakeholders should be consulted in a way that is likely to produce engagement. Time should be given to reflect when staffed by volunteers. Consultation should not occur during holiday periods when people are less likely to respond.

This guidance has been ignored. Engagement events for villages took place just as Covid restricted ended and during summer holidays when attendance was likely to be lowest and peoples focus was simply on the ending of covid restrictions. The Statutory Consultation for the A66 has been remarkably short when compared against other smaller projects and several Statutory Consultees (including Cumbria County Council) asked for an extension.

No assistance was given to Parish Councils to formulate a response or to help parish Councils understand very technical documents. Requests made by Kirkby Thore parish Council for a Public meeting to properly explain the implications were ignored.

It is unclear what further information has been provided to Non-Statutory Consultees post the Statutory Consultation. Parish Councils were given no advance warning of Supplementary Consultation and have not responded as a consequence.

2) Failure to provide information/consult on Project Objectives – As described in Route Development Report

A) Safety

NH assert that it is necessary to dual the entire length of the A66 to improve safety but have declined to provide any evidence to support this assertion. This includes refusing FOI request on whether the installation of average speed cameras has reduced accidents at Kirkby Thore or the provision of a comparison for accidents along single road carriageway versus dual carriageway sections of the A66.

NH have failed to respond to similar requests made by Friends of the Lake District which is an example of how they fail to engage with agencies or charities who challenge them.

In meeting with Landowners NH gave assurances they would consider upgrading the existing road, but no single carriageway alternative was put forward for consideration. It was only within the Route Development Report prepared for Statutory Consultation that the existence of a Purple single carriageway option was revealed. This option was never disclosed. It was discounted as it would not fulfil the project requirement for 70mph dual carriage way. However, the public and others were not given an opportunity to respond on this.

Reference is made to Senior Planning Sift Minutes (Attendees redacted) which took place on 21 April 2021. These minutes were obtained after significant pressure and delay via a FOI request. The Purple route is described as having safety issues due to Driver Behaviour if this were the to be the only section which was not dualled. There is no acknowledgement of the fact this section is already subject to average speed cameras which have been enormously successful. Suggestions to extend this have not been responded to. This route is discounted in a short meeting with no input or even awareness that it existed

Even the attendees acknowledge that the public are not aware of this route. In discussions about the Cost implications of the Northern Route (described as 80 million more as 800 metres longer) it is stated that **“Non – Statutory consultees support the northern route as it removes HGVs from the village, but concern was raised that the respondents didn’t necessarily appreciate the environmental impacts of the route to the north. It was suggested for this reason that the Purple Route might be well received by the Public.”** THE PUBLIC HOWEVER WERE NEVER INFORMED OF THIS ROUTE

b) Connectivity

The village of Kirkby Thore was not given full information about how the various route options will impact on connectivity with local villages and access to recreational amenities within the village including simple activities such as dog walking. No visual examples were provided pre consultation, so people were left to respond without full information.

This concern was raised by the Parish Council but ignored. Instead, NH have focused on registered footpaths and input from Statutory Consultees. The suggestion that the old A66 can become a route for walkers and cyclist does not address the loss of amenities to the village.

NH have not included any proposal about how they would improve Walking/Cycling within the Statutory Consultation. Instead, section 13 of the PIER simply recounts the PROW’s which exist rather

that what they would propose. People are asked to express views but are being asked to do so in a vacuum.

The Consultation on Walking/Cycling was done separately in a mini-consultation 6 months later in March 2022. Kirkby Thore Village has received no information on this and only a few motivated people will have responded. PINS is referred to separate letters sent directly to PINS on this issue by Transport Action Network and Friends of the Lake District.

It is also the case that a proposal by EDC to upgrade part of the old railway line to improve walking and cycling is dependent on the proposed land being within the DCO and this is not guaranteed. EDC have not sought to speak with the Landowners concerned as to their position on this.

The DCO line at the point of the Statutory Consultation is believed to have reduced significantly but again this has not been made public and how this may impact on the provision of Walking and Cycling is unclear.

c) Economy

Eden District Council (hereinafter referred to as EDC) assess the Gypsum mine as having a limited lifespan. This is common knowledge locally and has been confirmed by Gypsum Representatives. Gypsum is now imported from Spain to the plant at Kirkby Thore due to the dwindling supply. As the traffic generated by Gypsum is one of the major factors influencing route selection (see all publication produced by NH and Sifting Minutes) disclosure as to how long the Gypsum mine will remain viable is relevant. This has been entirely overlooked and never formed part of the consultation.

It is also the case that British Gypsum state within their transport policy an intention to shift transport from road to rail and are uniquely positioned to do so. Although British Gypsum already use the Settle-Carlisle railway to transport imported Spanish gypsum from Hull docks to Kirkby Thore the parent company have a stated intention to reduce carbon by transitioning to rail. Using the available rail network is a more proportionate response to the problem of Gypsum traffic passing through the village of Kirkby Thore, than surrounding the village with a 70mph road. It could be encouraged by changes to their planning permission granted by EDC. It would also be in keeping with the Government objective to shift freight to rail to help reach the net zero target.

d) Tourism

Despite traffic associated with tourism being cited by NH as a major factor in the need to dual the A66, it is now known that NH have not consulted with the Lake District National Park. The chief Executive of the National Park, Richard Leafe, was approached as to the Parks transport plan. He advised that the park had not been approached to prepare a statutory response and have not been involved in any of the meetings. Richard Leafe expressed surprise at the reliance placed upon tourism travelling to the National Park by NH to justify further road building, given the Parks objective of dramatically reducing car-based travel and encouraging visitors to use rail. The National Parks target to cut traffic appears to have been overlooked by NH.

e) Environmental Noise and Landscape

Former NH head of project, Matt Townsend, gave a commitment to consider the production of a 3D model providing a visual representation of the route options prior to Statutory Consultation. The

intention was to allow residents of Kirkby Thore, and all interested parties, to see a proper representation of how the route options would impact the village of Kirkby Thore. This would have assisted understanding of issues such as noise impact, air pollution, landscape and proximity of road. This did not materialise.

The sound labs provided an average sample of noise over a 24-hour period. It was not an accurate assessment of peak time and quiet times. The examples given were from points where noise was likely to be less (in a cutting) and not points where it would be at its worst. This was a manipulation of information and at no point were attendees informed that more properties would be impacted by noise than is currently the case.

No explanation was given as to which properties would be adversely affected by one route over the other

f) Landscapes

NH have not engaged with CPRE/ Friends of the Lake District on Landscape issues.

Fellside villages such as Long Marton, Dufton and Milburn have not been consulted on the encroachment in the setting of the AONB due to the limited geographic area over which NH consulted.

EDC and CCC have both recommended Consultation with the Yorkshire Dales National Park and Lake District Park as the route of the A66 lies between both and the changes could fundamentally impact this landscape. It also recommends consultation with the North Pennine AONB. None of this happened before the Statutory Consultation and Landscape Surveys only commenced after the Statutory Consultation taking place between 26th February and 29th April 2022. The Survey ended 17 days before the date NH planned to submit its DCO which gives little time to consider the findings let alone distribute and consult.

See Attached Annex for Schedule of Surveys.

g) Reliability

The possibility of disruption on the A66 resulting in Kirkby Thore village and surrounding roads becoming a rat run due to the siting of a junction of the head of Kirkby Thore village has not been disclosed to the Village or consulted on. This was acknowledged by Paul Carey (lead designer) during a meeting in May 2022. NH are aware this is a problem but as is often the case their response is "we are where we are."

3.The Consultation Process

Time period –Summer 2019 2019 -May 2020

(A)Formulation of Route Options

It is entirely unclear what assessment was undertaken to decide on routes at this early stage. NH have refused to disclose any information even in response to legal letters or FOI requests. There was no consultation with landowners at this stage. Visits to landowners did not take place until late 2020/Jan 2021. It seems that NH simply adopted the old routes from 2003.

The Route Option report acknowledges at 3.5.6 (page 11) **that those who engaged with and responded to the consultation demonstrated that there was overwhelming support for the need to make improvements to the A66, although it is acknowledged that this is not necessarily representative of those stakeholders who did not engage with or respond to the Consultation.**

This can be taken as NH itself recognising that from the outset it existed in an echo chamber. It had already ceased inviting /engaging with stakeholders/landowners who may oppose its view to the extent that it has no choice but to acknowledge it

(B)The Consultation Brochure - Level of engagement / Poor advertisement.

The consultation booklet on route options was only sent to residents within 250 metres of the A66.

The brochure was mailed to all residents living within 250m of the A66 between the M6 junction 40 and the A1(M) at Scotch Corner to arrive on the first day of consultation .

This is undoubtedly an inadequate approach to consultation. Very few residential properties are located within 250 meters of the A66, due to the disadvantages of living beside a major trunk road. Very few of the people who will be impacted by an infrastructure project, which could take a decade to complete, and which has been contemplated for close to 20 years, actually live within 250 metres.

At Kirkby Thore the route ultimately selected travels away from the existing A66 so people up to 1km away from the existing road would be within 250 of the new road. Failure to account for this meant many people, including landowners who now face DCO were not consulted at this point.

It is also the case that people are motivated to respond only when they have detailed information to respond to. At this point there was no information as to the impact of the routes and what each would involve. People were being asked to respond in a vacuum. Any responses received were poorly informed and based on limited information.

(c) Inadequate Information for Route Option Consultation- 2019

The Route Development Report advises that Environmental, Engineering, Safety, Economic and Costs analysis assessments were undertaken before the Public Consultation in 2019 **as Desktop surveys** to inform the choice of routes put forward. None of this information was within the Options Consultation Brochure or available to the Public. To allow informed decision making on choice of Route Option it is essential, (as is clear in other Option Consultation Brochures) to see detailed summaries on each route option as follows;

Estimated Cost

Cost benefit Ratio/Value for money

Increased/decreased Journey time (no of minutes)

Route Length (by distance in meters)

Landscape impact

Noise

Air/quality

Properties destroyed (by number)

Cultural Heritage

Biodiversity

Detailed map

Carbon/Climate

None of this appeared and several of these studies had not been conducted. Instead, NH lifted the route options from 2003 and reused them without considering how the attitudes of society may have developed on issues such as climate, road noise or pollution.

Only 854 responses were received for the **entire route** and only 764 of these were from the Public. The A66 project is one of the biggest infrastructure projects in the country. It is effectively 9 schemes. This level of response should have been considered low for even one section.

The lack of response should have triggered an awareness that the public were not being reached. The lack of responses is directly attributable to the fact that the Public Consultation was poorly advertised and as this point there was a total void of information to cause people to respond.

(C)First Consultation Events

The Initial two consultation events were inadequate and poorly advertised. Leafletting advertising the events were limited to 2.5 km of the road. The extension of the boundary for leaflet distribution regarding the Public events did not mean these people then received the Consultation brochure. The matter was further confused by a change of date – see below

Two planned consultation dates at the start of the programme were moved to accommodate a consultation launch event attended by the then Secretary of State for Transport, Chris Grayling. An updated project flyer with the amended dates was therefore produced and distributed to all

households within 2.5km of the A66 between the M6 junction 40 and the A1(M) at Scotch Corner (See Map 3 for distribution area)

(D)Further Consultation Events – Failure to hold consultation at Kirkby Thore/Biased involvement with Kirkby Thore Steering Group

After the initial two consultation events NH held twenty-one consultation events in May 2019 including one for employees at Centre Parcs. **They did not hold a consultation events in Kirkby Thore** but instead attended at Kirkby Thore Primary school to speak with Children. No event was held for adult residents

Kirkby Thore is one of only two villages on the A66 directly impacted by the project. The failure to hold an event in the village before choosing a preferred route, whilst engaging with the Kirkby Thore Steering Group (a group established by residents who reside in homes adjoining the A66 and who have campaigned for a bypass with a clear agenda) is indicative of bias. The lack of a consultation event meant residents of Kirkby -Thore had no opportunity to ask questions or seek information before the Preferred Route announcement in May 2020

NH was therefore not challenged on their route selections and avoided questions about noise, proximity and pollution or other features associated with the various routes. It is significant that no Consultation Event took place at Warcop, which is the other village impacted.

It is also relevant that in the 3 months before the Preferred Route Announcement, the Country was in lockdown and people were homebased. NH acknowledges that they decided on route preference prior to the completion of several surveys. Residents of the village did not actually note any surveys being undertaken prior to the PRA. It is now known that the surveys were completed primarily as desktop surveys.

Low response Rate

Only 854 responses were received for the entire route and only 764 of these were from the Public. The A66 project is one of the biggest infrastructure projects in the country. The lack of response should have triggered an awareness that the public were not being reached. The lack of responses is directly attributable to the fact

3.1 Spring 2020

(a)Options Consultation Report & Preferred Route announcement documents. See annex for extracts

Misleading and Biased Descriptions

Despite purporting to give a neutral description of the two options NH preference is clear within these documents. The statement that 4 new bridges will be required (which are then listed) indicates the fixation on Option E.

Four new bridges will be required over the existing road network at:

- New Kirkby Thore junction, north of the village
- Station Road
- Main Street
- Sleastonhow Lane

It would also require a new bridge over Trout Beck just before the new road returns to the original alignment.

The necessity for 4 bridges (which is reality was 5 as the largest span bridge is the one required to cross the Troutbeck) only applies to northern options. In stating these bridges as being necessary, rather than only relevant to northern Option E, NH indicate fixed thinking and a clear indication of the lack of attention they were giving to other routes. No indication of the structures required for the southern route was mentioned. The southern Route would require one bridge

The description of route options in the Consultation brochure indicates a clear preference by Highways. The text describing each route is set out below.

Option E (northern bypass) A new dual carriageway bypass to the north of Kirkby Thore as an extension of the current Temple Sowerby Bypass. It will pass through several fields to the west and then travel away from the village to the north and east. It will mostly be built along a route which is generally lower than the surrounding land which will help preserve the visual outlook of properties in the north of the village. An additional junction will be created to allow direct access to and from the British Gypsum site and will reduce the level of heavy goods vehicles moving through the village

The negatives of Option E are not stressed such as

- Additional underpasses
- 5 bridges
- Demolition of properties
- Loss of farmland
- Longer/more expensive route
- Increased noise/air pollution to more properties
- Proximity to school
- Cost (Already understood to be 80 million more than the Southern Option F route)

Option F (Northern Route) includes following positive references

- Travels away from the village
- Built lower than the surrounding land preserving the visual outlook of properties in the north
- Additional junction will be created to allow direct access to and from British Gypsum and reduce heavy goods vehicles moving through village

Option E brings the A66 closer to the village so this description of it travelling away from the village is misleading. No clear information about how much closer to the village the road would come was provided.

The maps provided to illustrate the road in proximity to the village does not state how close to the village the road comes and leaves it to the public to calculate.

The description of the road being built lower than the surrounding land to preserve outlook is again vague and not supported by any clear information to allow the village a clear idea of future impact. It is not enough to allow proper decision making but is made to make this option sound more appealing

The inclusion of a reference to HGV's moving through the village and the alleged reduction in traffic is again designed to make this option sound more attractive. It fails to make clear (as do the maps) that both the northern and the southern option would require a designated junction to Kirkby Thore and therefore both routes would have the desired effect of removing/lessening the presence of HGVs from the village.

This is a key omission. NH long engagement with the Kirkby Thore Steering Group means NH is very aware that a key factor for the village is removal of gypsum traffic. The failure to make it clear on maps and in every subsequent description that either option would achieve the objective of minimising Gypsum Traffic fundamentally undermines the consultation process.

Option F has a more negative description as follows:

Option F (southern bypass) A new dual carriageway would be constructed towards the south of Kirkby Thore as a continuation of the Temple Sowerby Bypass. It would cross several fields and follow the path of an old railway line until it re-joins the current A66 just after the BP petrol station near Bridge End Farm. Additional underpasses would be required to provide access for local farms and pedestrians, walkers, cyclists, and equestrians. A new junction would allow access to the former A66 and the village. This option would require the demolition of several buildings.

- Additional underpasses required to provide access for farms, pedestrians, walkers, cyclists, and equestrians
- This option would require demolition of several buildings

This description fails to include that Option E will also require additional underpasses for Farm access at Sleastonhow farm. The need to provide access for walkers, cyclist etc due to the impact on Lady Ann way.

The description fails to explain that Option E also requires the demolition of buildings.

The suggestion of several buildings requiring demolition is mis-leading. The map shows Option F travelling away from houses built along the A66 and indeed it is Option E that results in property demolition

Most importantly the description of the additional junction does not make clear that Option F would have the same effect of removing traffic from the village which was a major factor influencing responses to the Consultation. An additional junction will be created to allow direct access to and from the British Gypsum site and will reduce the level of heavy goods vehicles moving through the village. To achieve balance the description of the junction for Option F should have been the same as Option E. An additional junction will be created to allow direct access to and from the British Gypsum site and will reduce the level of heavy goods vehicles moving through the village.

Option F does not show a designated junction to the Village which is mis-leading as when it was highlighted that Option F must include village access it became apparent that the options being considered could include a designated junction utilising Priest lane and removing gypsum traffic.

Preferred Route Announcement – Ongoing biased information

Within the Preferred Route announcement brochure there are more factual inaccuracies which indicates bias towards NH choice of the Northern Route. Including

- **Option E has reduced environmental impacts** This is Completely inaccurate when compared to F and NH continued to assert that Option E had less impact on the SAC than Option F. However this was because they failed to understand that the SAC was also within the SAC and SSSI. They had attempted to reduce objection by steering away from the Eden but failed to understand the extent of the SAC and consequently sought to develop a route which travelled straight through an SAC by a causeway.
- **May be more expensive** It is estimated as 80 million more expensive and that is before the single span bridge is factored into cost.

NH have continued to state these benefits in correspondence to include with the Local MP despite knowing them to be entirely inaccurate and the reason why they decided to reconsider other alternatives.

(b) Failure to correct misunderstandings

NH failed to address the commonly held belief that only the Northern Option, Route E would remove British Gypsum trucks from the village. This belief was repeatedly compounded by NH material and leaflets. Extremely basic diagrams of the two routes were repeatedly circulated but these failed to show Option F having a separate junction. Unlike the narrative description given to Option E (explicitly stated that it would have the benefit of removing British Gypsum trucks from the village), Option F simply stated at the end of the description

A new junction would allow access to the former A66 and the village.

The failure to include a visual depiction of the new junction in the diagrams and the failure to include this as a benefit in the description was a fundamental failing. NH knew from very protracted involvement with the Village, including the Kirkby Thore Steering Group that this was a key issue for the village and appear to have exploited that concern to steer the response to favouring Option E. This was the Option Preferred by HE in 2003.

The impact on that can be seen in the summary of what are described as the most common response as to why people favoured Option E as extracted from a summary of responses given.

Most frequent reason for support Option E - would remove HGVs and other large vehicles from the village of Kirkby Thore – 186 mentions. “British Gypsum trucks diverted from a real accident hotspot at Kirkby Thore turning.” Local Resident

And again, why respondents did not support Option F

Most frequent reason for not supporting this option Negative economic impact on local businesses and jobs – 40 mentions. “The south bypass is much worse because it will send all heavy goods vehicles that are going to the British Gypsum plant right through the village of Kirkby Thore just like now.”

(c)Exploiting Fear

Kirkby Thore is a community close to the road. Residents find living by the road are impacted by the road. NH regularly report on how many HGV's this section of the road carries. This is misleading as presumably the no is broadly like all other sections as HGV's are travelling the entire road as the A66 is used as a link road between east and west. Only on the page relating to Kirkby Thore does the Preferred Route Announcement document reference HGV's.

This section carries approximately 16,500 vehicles per day, 27%of which are HGV', much higher than the national average.

The description of the number of HGVs travelling this section of the A66, placed beside a description of HGV's accessing Kirkby Thore to reach the Gypsum plant exploits the worry about HGV within the Village.

MAY 2020- APRIL 2021

3.3 Consultation between Preferred Route Announcement in May 2020 and announcement of further routes in April 2021

(a) Virtual Engagement Event- Poor advertising/No local engagement

Despite residents responding to the Consultation raising concerns about the poor understanding of the route options within the village of Kirkby Thore, NH failed to engage with the village or local landowners over the next 12 months. This only public event was a Virtual Engagement Event. As the country was in its second lockdown and completely preoccupied with Covid this was extremely poor timing. NH give no figures for attendance at this virtual event which is unusual. The opportunity to join may have been known to Statutory stakeholders but not to landowners or members of the community

(b) Landowner Engagement

Several Landowners did not receive a visit or any attempt to engage until after the preferred route announcement in May 2020. NH decided on their preferred route in May 2020 without surveys and consultation with landowners.

The first visit to Sleastonhow Farm which NH accepts would “host” more of the new A66 than any other landowner on the entire nine projects, did not take place until January 2021. This was 8 months after the PRA in May 2020. Representatives from NH who attended, including the then Project Director, Matt Townsend, had not read the detailed response documents prepared by the Landowners. They were unaware of the extent of the Troutbeck floodplain and expressed surprise at the extent of flooding. Their design had been completed by Desktop planning and the failure to consult or visit the land through which they intended their Preferred Route to travel had caused them to overlook the significance of the Troutbeck floodplain. NH felt they had conducted a detailed assessment process and stated they understood concerns about the detrimental impact on the Troutbeck river but, they had failed to consider responses to the Consultation provided by Natural England and the owners of Sleastonhow farm which hi-lighted this exact difficulty.

The Troutbeck and its floodplain like the River Eden is an SSSI and an SAC. They appeared unaware of this and as the Landowner is actually an employee of Natural England and had extensive knowledge of Natural England’s position due to his involvement with them on the river restoration project he had to advise on the status of the river and Natural England’s frustration at the lack of interaction with NH.

The ongoing circulation of written material describing this as the option with least environmental damage was raised given the clear intrusion into the floodplain and carbon consequences.

SEE ATTACHED MINUTES- 12/01/2021

(c) Carbon Assessment

A carbon assessment has not been carried out. It seems this was conducted after Route selection. It was not a factor in the choice of Original Preferred Route.

(d)) Lack of engagement with Statutory Stakeholders

NH have failed to provide stakeholders with the necessary survey outcomes or design information that would allow Statutory stakeholder to input into option choices. With regards to the Troutbeck SAC, NH have concealed that they opted for the northern option (Original Preferred Route -announced in May 2020) believing they would be able to route a causeway through the Floodplain of the Troutbeck.

NH did so despite guidance from Natural England that a Causeway would be objected to by both Natural England and the Environment Agency.

By overlooking the significance of the Troutbeck Floodplain NH overlooked the need to build a single span bridge which was 800metres in length. The cost implication was not properly factored into cost implications when selecting the Northern Route.

NH's failure to properly consult with Statutory agencies or the owners of Sleastonhow Farm (whom NH failed to visit until 8 months after the announcement of the Preferred Route). This meant NH remained blind to the significance of the Floodplain which is within the SAC. It was only after an on-site visit to Sleastonhow Farm in January 2021 that NH began to understand the cost/design implications. However, by this time they were under self-imposed pressure to reach the Statutory Consultation by virtue of the "Project Speed" title. NH were reluctant to properly develop alternatives and began the process (whether consciously or unconsciously) of trying to justify their original choice of route. A change would mean:

- Professional Embarrassment
- Further Delay/Cost associated with developing another route
- Antagonising Landowners who now believed themselves Unaffected (a reason relied upon when performing the sifting exercise)

The realisation that a Causeway would not be accepted by Natural England and that the Original Preferred route would require an 800metre bridge caused a last minute assesment of routes in March 2021.

(d) Alternative Route Development

It appears that up to fifteen new routes were formulated within a period which appears to have been less than 6 weeks. The development of new routes was **not** subject to any consultation with Kirkby Thore Parish Council or Landowners. It is not known whether Statutory Consultees were consulted. This indicates an unwillingness to take on board the views of others and indicates an inability to learn from mistakes. The formulation of routes happened in a vacuum and without the information required to make some of them viable.

Indeed, in respect of the Southern Route rather than simply adopt the alignment of the route consulted upon in 2020 (then known as Option F) this was changed and brought closer to the Roman Viccus. That Historic England would oppose a route which came closer to the Roman Viccus than previously must have been known to NH.

It does appear to be purposefully sabotaging the Southern (now known as the Orange route) as an option.

(d) Quick Elimination of Alternative Route- Sifting Minutes 26/04/2021 and Landowner Minutes March 2021

NH informed Landowners of their intention to formulate new routes in March 2021. Input was not sought from landowners about their views on route options in advance of formulating these new routes. They were informed after the event. Had discussion taken place this would have given an opportunity for consensus on some issues.

Representatives of NH continued to attend Meeting with Landowners having failed to have read or discussed issues raised in written responses from impacted Landowners. However, NH gave reassurances that **all routes would be taken to consultation later in the year so that the public could have their say about them.** That did not happen, and the routes were whittled down without the Public ever being aware of other options – **See Minutes of Meeting with Paul Carey and Rachel Smith – Minutes prepared by NH**

NH were already aware that the Planning Inspectorate (**Planning Inspectorate Meeting 2nd March**) had indicated any departure from the Original Preferred Route (now known as the black route) in either route or design would trigger consultation issues. The imperative to choose the Original Preferred Route or something similar was pressing. A departure would increase delay and Project Speed prevent is the imperative in every decision. It is notable that the Sifting Minutes describe the Blue Route an evolution of the Original Preferred Route. This is a manipulation of the facts. The Blue Route has its own distinct issues. The Owners of Sleastonhow farm were not consulted about the shift east which impact of houses, farm buildings and creates even greater severance of farmland

The Sifting Minute disclose that within the meeting of 26th April the Original Preferred Route was quickly discounted in Preference to the Blue Route. The decision to discount the Original Preferred Route and instead advance the Blue route was never disclosed to the Landowner impacted. NH continued to suggest that the Original Preferred Route (the Black Route) remained their Preferred Route and it was described as such in ongoing material – **See May 2021 leaflet below.**

NH have always maintained that an upgrade to the Existing A66 was being actively considered due given the unique physical challenges presented by dualling around a village, an SAC floodplain and Roman archaeology. Despite those reassurances this Sifting Meeting appears to have been the first time an upgrade to the existing road was considered. The suggestion that the priority of the meeting was to avoid challenge at DCO does suggest that the questions being faced by NH caused them to introduce a Purple route simply so they could be seen to have considered this option. They had no genuine intention to advance this option. NH key objective of Dualling meant that an online upgrade to the existing road was quickly dismissed within the Sifting meeting. These minutes indicates very minimal consideration was given even though the Purple online option is described as the option **“with least environmental damage and the one which might be received well by the Public.”** The option was never made available to the public. Its existence is only known as a result of obtaining these minutes. The objectives of business interest have prevailed over environmental, residents and the taxpayer who will foot the bill for costs which NH refuse to disclose

Attempts to understand or challenge the decision-making process has been consistently thwarted by NH who have not only declined requests to provide information voluntarily but were also obstructive when responding to requests made by Solicitors. The attached minutes were not provided until February 2022 despite them having been available since April 2021 and despite legal and FOI requests.

The Sifting Exercise states as one of the key goals for the day to be “enabling a robust determination now and if challenged at DCO.” It seems NH’s focus that they were seen to be considering alternative

routes to stave off legal challenge, rather than an open consideration of alternatives given the delay to the project this would cause.

NH provided the Sifting Matrix in May 2022 again after further FOI request. It was provided in an unreadable format with miniscule font size to the extent that the sifting criteria applied cannot be deciphered. A legible copy is awaited as the criteria they included is unclear. There is concern that they have deliberately selected criteria to justify their original decision to go north round the village of Kirkby Thore.

This exercise was completed without first providing Statutory Agencies with key information

- Whether NH agreed a Single Span Bridge for the Southern Options
- The length of the bridge for the Southern Options – described as between 110 to 350 metres

The means NH were making assumption and increases the risk of bias to the northern route which they have already selected. It is significant that Natural England comments are only given when comparing the two northern routes. They are not given in relation to how Natural England view the Northern Route in comparison to the Southern Route. The Sifting Minutes say **Natural England and the Environment England have indicated that subject to the form of the structure the route is viable and that the Blue Route offered a preferable solution when compared directly against the black route.** NH do not include Natural England's view of the environmental comparison of a Northern Route against a Southern Route. They have consistently ignored Natural England's concern about entering the Troutbeck Floodplain and the potential impact on the Troutbeck Restoration Project. Indeed, NH were not even aware of Troutbeck Restoration Project when they announced their preferred route. NH only became aware of its existence when they visited Sleastonhow Farm several months after selecting the Original Preferred Route. How Natural England and the Environment Agency may have viewed the performance of the northern as against the Southern Route seems to be entirely overlooked save for one comment in which it is acknowledged that the Dark Orange route means **the Crossing of the Trout Beck potentially had the least impact on the SAC due to the constriction created by the existing A66 structure**

The commitment for routes to be progressed on an equal basis was not fulfilled. It is evident from Natural England Response to Statutory Consultation that Natural England still did not have clarity on whether there would be a Single Span bridge and the length for the Southern Route by the time of Statutory Consultation as Natural England state **For the Orange route. Would this also be open span across the floodplain with no structures on the Floodplain?**

The minute of this meeting also reveals NH have purposefully concealed information on the cost implications of the various route options. At the outset NH representatives openly acknowledged that the Northern Route was more expensive but declined to give any specific information as to how the options differed. They stated that if they were within budget the cost difference of the different options was not a factor. This seems an enormously careless approach to public money. Requests for information had to be advanced by the local MP. This response states

I can confirm that a land cost estimate was undertaken for the whole project.....This did not include separate assessments for each individual route. – See attached

The minutes disclose an assessment of the Northern Route being 80 million more than the Southern Route. It is unclear whether even this assessment includes the cost of the 400-850 bridge as NH had considered they could cross the floodplain with a causeway. The minutes make repeated reference to the Costs analysis. For instance

- Re-run economic assessment of routes to confirm the impact of the shorter Dark Orange route on BCR
- Name Redacted – to price red, blue and Dark Orange Routes. AH to advise. KC to provide appropriate information

The cost estimate still hasn't been disclosed and was not available at Statutory Consultation

Includes in Annex

- Sifting Minutes / Matrix
- Correspondence with Dr Neil Hudson MP
- Email to Bernice Sanders of 23 November requesting clarification on cost
- Further response to FOI request refusing to release information despite reference to the costs

(e) Leaflet provided to Public May 2021.- See Attached

This leaflet says it is too early to say whether the additional investigations **would result in changes to the Preferred route.**

This is factually inaccurate and entirely misleading. NH had already decided to abandon the Preferred route and this statement is a misrepresentation. The Preferred route is mentioned several times even though the Minutes of the Sifting meeting in April 2021 indicates NH had already made the decision to progress the development of 3 routes. This was not communicated and constant reference to the Preferred route within this leaflet and Map is misleading given the decision was already made to abandon the Original Preferred Route.eg

- “Our Preferred route crosses one of the Widest parts of the Troutbeck”
- We’re confident that the Route (meaning the Original Preferred route) is at this location is technically Feasible”

Other inadequacies/evidence of bias includes

- Sleastonhow Lane is spelt incorrectly
- The leaflet was only circulated to residents within close proximity of the road notwithstanding the routes being classified as of national significance and having distinct features - Within an SSI, a SAC and the setting of a Setting of AONB
- The map includes the Preferred Route which NH had discounted
- The Orange Route did not provide a visual illustration of a separate access to Kirkby Thore which NH knew from its long involvement and early consultation was the main reason people had preferred the Northern Route. They did not take advice on the format or wording of the leaflet and did not recirculate when this **absolutely fundamental error was** raised. This is despite the need to properly communicate the merits of each route being an objective acknowledged in the Sifting Minutes which say **ensure the North v South argument is properly understood**
- It suggests NH were engaging with Landowners affected by the Route. The Landowner accepted by NH as “hosting” the largest section of the new development had no communication with NH between May 2021 when this leaflet was released and September 2021 when NH attended late on the afternoon, they announced their new Preferred route to coincide with the Statutory Consultation. The only contact in the interim was to try and

arrange a visit to the noise lab. There was no contact on route development, how this would impact on the farm business and NH resolutely refused to share any information of route selection to this point. This is in direct contrast to the approach with landowners on the Orange route who are referenced stating the demolition of farm buildings would be required.

- NH did not seek input on wording which would have hi-lighted the fundamental error in the map not showing a separate junction and then failed to correct this when hi-lighted

- Key information is missing- For instance
 - The estimate the Northern Routes were 80 million more expensive.
 - The Northern Route is longer and would increase journey time
 - The Northern Route has a greater environmental and carbon impact
 - The Northern Route impacts more on the village in terms of Noise, Air pollution and light pollution
 - The Northern Route comes closer to the village and the school

(f) The Sound Lab July 2021- See attached visual

- NH Provided a limited no of slots citing Covid restrictions and Social distancing as the reason. This limited the no of attendees. The Sound Lab was not made available for an extended period to counter these restrictions.
- The Visual display suggested 3 routes Orange, Blue and Red. There was no inclusion of the Original Preferred Route. This was noted by attendees but when this issue was raised the explanation given was not that NH had already abandoned the Preferred (Black Route). Instead, attendees were told that as the northern routes were the same as they passed to the north of the village there was no difference from a sound perspective and that accounted for the fact the Original Preferred Route was not specifically referenced.
- The visual for the Orange option is chaotic and seems to include both version of the Orange Option making it seem appear excessively complicated. Only one of the new junctions associated with the southern route would be required.
- The noise was an average of projected future noise throughout a 24-hour period. This was not hi-lighted until questions were raised on how the noise had been calculated. The noise was therefore a total misrepresentation of the peak noise levels the village would experience. Attendees in other groups would not have received this information as it was not part of the presentation but came out in questioning
- There was no sound illustration for different road conditions such as in wet conditions
- There was no sound illustration for different wind conditions
- The projected noise was taken from locations that were likely to be quietest due to being within a cutting.
- The demonstration provided no examples of how noise would be in key sites such as the school or church.
- The demonstration was unable or unwilling to answer how sound would increase when compared to the current level.
- The information on noise impact was not circulated despite being available and the entire objective was focused on persuading attendees that mitigation measures could be applied if

the village was lucky. The comparison was more on the difference between sound with and without sound reducing tarmac than on current as against future levels of noise

- The information on noise was available to NH at this point as less than 2 months later figures stating 256 residential receptors would experience significant adverse effects from the northern routes as compared to 20 residential receptors for the southern orange route. This information on Noise was concealed within the PIER and villages still have no idea which properties will be more impacted.
- The Sound Lab did not give a visual illustration of the properties in the village who would suffer a greater impact from noise because of each option. This information was available.
- There has been no updating information on sound impact since the decision to move the junction closer to residential properties at Sanderson croft.
- It is unclear whether the figures given for Properties which will experience a significant adverse effect does includes the new development for which Planning permission has been granted.
- The visual states the Blue and red (norther routes) it would just be **a change in the distribution of sound**. This is a blatant misrepresentation of the information NH had available to it at this time. It will be louder. This should have been stated clearly
- The Visual state the Orange (Southern Option) would change the **Level and character** of sound. Again, this is a complete misrepresentation of the information available to NH at the time
- WHAT HAPPENS NEXT – This does not mention plans for consultation . It places the onus on people who feel they may be impacted to contact NH. It does not mention plan for meeting

(g) Public Meeting re new route Options July 2021– See attached Visual Boards

- This meeting took place when covid restrictions were still in place. People who had health vulnerabilities were isolating and social distancing was being practiced. People were reluctant to attend events such as these. Indeed, the group of people most likely to attend a public event die to difficulties using technology (being the older demographic) were those least likely to go.
- People with health vulnerabilities in particular respiratory issues are also the category of those most impacted by air pollution. They will have been isolating due to covid
- The event was poorly advertised as the leaflet had been sent several weeks previously.
- The meeting took place during the summer holiday when people were less likely to attend.
- People whose priority was the removal of traffic from the Village would not have been been alerted to the potential for the Orange route to remove Gypsum traffic from the village as the visual advertising provided on the leaflet did not show a separate junction.
- The need for the Orange route to show a separate junction was raised after the error on the May leaflet and not corrected
- NH representatives were unable to answer questions which arose on the Orange route such as what exactly was meant by new provision for HGV traffic
 - How much shorter was this route
 - How much cheaper was this route
 - What were noise implications for this route?

- Representative from NH were not equipped with a notepad or pen. They did not record the comments that people were making. They did not take contact details of people who made comments and had to be prompted that this was necessary. As this meeting was the only known occasion that members of the public had to see a visual representation of the Orange route the failure to record comments on how the route could be developed is indicative of NH's unwillingness to genuinely develop this route due to the increased in timescale to Project Speed this may create.
- The event was primarily staffed by PLO's who did not have technical knowledge and could not answer questions. They just continued to pump out positive information and tried to shut down concerns with how they could be mitigated. The focus was mitigation not prevention.
- Requests to produce a summary of attendee's comments has been ignored. No reason was provided. The failure has been pursued in correspondence with NH and in meetings with no success. It seems either no record was taken, or NH are unwilling to release the comments/observations.
- The Blue and Red route are described as a Bypass. The Orange route is not given this term even though it takes traffic further away from the village than the other options.
- The Preferred Route continues to appear of the map and indeed the Board stated **it is too early to say whether this work will result in changes to the Preferred Route. If our assessment work identifies improvements to the Preferred route.... We will consult on any further options as part of the statutory consultation that we are planning later this year. This will provide you with the opportunity to understand these routes better and have your say as your views are really important to us.**
- The Orange route specifically mentions the impact on Bridge End Farm. Sleastonhow Farm (mis-spelt) is severed by NH plans, but it is not mentioned.
- The Orange Route text does not include an explanation of it would now including a new junction access to Kirkby Thore, which is the feature distinguishing it from the previous southern options.
- The description for the Orange Route does not include its removal of traffic from the village.
- No explanation was given as to why the Orange Route was not designed in such a way as to utilise the designated alignment for the blue route, as an access road solely for British Gypsum, which would have removed HGV traffic entirely from the village.
- **What Happens Next** – The explanation board makes no mention of the Statutory Consultation and the fact this will commence within weeks. Instead, it states **After the consultation period, we'll analyse the responses and finalise the surveys and design work. By the end of the year, we're aiming to tell you which of these routes we'll take forward as part of our Development Consent Order.** This is to preserve the impression of consideration being given. It seems likely the dates for Statutory Consultation were already in place given the proximity to this meeting. Instead, it just references continuing to Consult.
- NH representatives overtly stated the Preferred route remained their preferred choice and were overt in explaining describing the Northern Routes as their preferred option. This approach inevitably reduces people's motivation to engage in the Consultation Process or express disagreement as the feel it is a foregone conclusion and there is no point engaging as it will not alter the decision.
- **Too early to say whether it will result in change** – Again signalling it is unlikely they will change their mind
- **What Happens Next** – Again the impression is given that the Preferred Route remains and states that **IF our assessment work identifies further improvements deliverable**

enhancements to the preferred Route at Kirkby Throe and Warcop we'll consult on any further options as part of our Consultation later this year. This is simply untrue. The sifting minutes make clear that the Preferred Route had been abandoned and, become economic suicide the once NH realised their failure to listen to Natural England has caused a fundamental error as the northern route would require an 800-metre single span bridge and not a cause way. Not appreciating that the Troutbeck floodplain was also an SAC until approx. Jan 2021 when it was spelt out to the project lead (acknowledged by several team leaders as someone who had to be replaced) allowed NH to go down a blind alley a simply assume that pleasing the village with an option that removed Gypsum traffic was all that was needed.

- The Statutory Consultation was not the forum to consult on further improvement. These merits of each route should have been clear before Statutory Consultation. They should have been properly explained to Government Agencies and presented in table form in a way that the public could easily understand, NH have failed to properly frontload their assessment and much of the detail that would normally inform route choice had not been completed.
- In mentioning only environmental concerns as the reason for further consultation NH are purposefully failing to hi-light other concerns existed other than the Troutbeck SAC, which they acknowledged. Concerns such as noise, pollution, proximity to village, school
- Maps on Map Board had no scale so people could not assess proximity to village

(H) Information given to Statutory Agencies – 06th July 2021 – See minutes of Meeting with Historic England

NH are advising Historic England that they will not **select a Preferred Route until after the Statutory Consultation in October 2021**. This is completely undermined by NH confirming their choice of the Blue Route 4 week later

(I) Communication of Route Choice- 6th August 2021- See email

Having consistently said the Preferred Route remained NH preferred option and indicating to Statutory Agencies , the public and Landowners that they would consult further if assessment work identified a need to change the preferred route less than 4 weeks after the Public Meeting and without disclosure of the comments made in that Public Meeting (the only occasion the Routes were available to see) NH communicated its decision by email. This was only communicated to Landowners. The Public continued to believe the Black Option was the Preferred Route. It continues to be described as the Preferred Route in all literature, advertising and maps.

3.4- Comment on Statement of Community Consultation

- The SOCC was not updated to manage the consultation process after it became clear a re-think of route options was required at Kirkby Thore. This consultation was rushed through in the summer period with just one engagement meeting.
- There is no reference to the Temple Sowerby – Appleby section being within the setting of an AONB
- The recommended engagement with Landowners did not happen. NH have conceded this has been shambolic but respond with comments like “We are where we are”- **Lee Hillyard in meeting with Landowners impacted by route selection.**

- No public meeting took place to discuss the merits of each option which would have allowed a better understanding by the public. The request by KT Parish Council for a public meeting was ignored. This meant the opportunity to identify how the route may support the local community, a key strategic objective was missed.
- The SOCC emphasises that Walking Cycling and Horse riding is a key objective. No surveys or proposals are in place in advance of the Statutory Consultation meaning that there can be no responses to inform the development or formulation of routes. Plans for WCH should have been formulated for each option and formed part of the comparison exercise rather than be tacked on as an afterthought.
- NH have ignored Community Consultation

3.4 Leaflet announcing Project Consultation

- Described as a Project Consultation, not statutory Consultation.
- Again, not circulated widely enough
- People seeking a hard copy had only a few days to request these before the deadline of 3rd September was met.
- The manned phonenumber was not manned

3.5 Long Marton

NH stated they were genuinely consulting on all routes to include the Red route. However despite the red route bringing the A66 close to Long Marton the village were not leafleted about this option. Only a few houses on the western edge of the village received a letter. The Village was not offered a consultation event about the route option or Junction. The chairperson of Long Marton Parish Council resorted to attending Kirkby Thore Parish Council Meeting to relay the views of the Parish as he had been unable to achieve communication with NH representatives.

The lack of focus on the Red Route, to include a total failure to conduct any surveys on this route suggest it was thrown in as a decoy to create the impression that alternatives were being consulted on. The failure to do any surveys or consult/leaflet indicates this was never correct.

3.5- The 6-week Statutory Consultation

The statutory consultation was premature. It should have been a further consultation on route options leading to National Highways and informed the choice of a Preferred Route. This is further reinforced by the paragraph 5.4 in the Statement of Community Consultation which states:

5.4 The consultation will run for six weeks from 24 September until 6 November 2021. During

the consultation period, in addition to the project generally, we will be consulting on the following particular elements of the project:

- Route alignment and preliminary design, including route alignment alternatives considered within specific areas*
- Junction layouts, including junction location alternatives considered within specific areas*
- Construction compounds and other land potentially required for construction*
- Proposed DCO boundary (the area of land needed to carry out the project)*
- Proposals for walking, cycling and horse riding including the diversion of routes*
- Environmental assessments and potential environmental impacts*
- Environmental mitigation measures and associated land requirements*
- Arrangements to mitigate the impact on any communities, farms or businesses [our emphasis]*

As NH had not completed the necessary survey work to inform its route options by this point, having introduced new route option last minute, the information necessary to properly conduct a Statutory Consultation was missing. NH has tried to fudge the Consultation by suggesting it is inviting comment from participants but comment can only be given with the benefit of full information. That is not the purpose of a Statutory Consultation. National Highways is meant to be consulting on all the different options contained within the project and providing full information.. However, it achieves neither as the route selection is presented as a fait accompli. Therefore there is the potential for the public to be misled and fail to understand what they can comment on .

Inaccurate Descriptions- This consultation is being progressed as a statutory consultation yet is called a 'Preliminary design consultation' in almost all of the documentation titles. A Statutory Consultation should be the consultation on the final route option that will be taken forward as a Development Consent Order (DCO). Instead there are several route. In the Temple Sowerby To Appleby Section there were understood to be Four Routes. At no point was it explained that the Preferred Route had been discarded.

The number of schemes - 9 schemes and several with multiple options makes this a hugely complex and confusing consultation.

Time Given- 6 weeks is an inadequate period to respond to a Statutory Consultation of this magnitude. Much smaller schemes are given longer. Additional time had to be requested. Project Speed dictated this timescale and the quality of responses from Statutory agencies has been impacted by the lack of time. Parish Councillors in Kirkby Thore resigned due to the pressure felt and being overwhelmed by the mass of material

Changing names and colours-The names and colours given to the various options are different to the previous names given to previously consulted on routes, adding extra

layers to the confusion. On the Kirkby Thore section there were A, F and K in 2003, Routes E and F in 2019/2020 but then change to Black, Blue, Red and Orange in 2021. The documentation frequently refers to the wrong colour.

Technical Language/Inaccessible to Layperson- Even the Non-Technical Summary (NTS) for the scheme, which should be a simplified version of the PEIR for an ordinary layperson to be able to understand and easily grasp the environmental impacts of a scheme, extends to 89 pages. The NTS is full of highly technical assessments using specialist language. Long and complex tables using technical jargon have been copied over from the PEIR, giving detailed technical information about all fifteen

options. There does not appear to have been much attempt made to simplify and condense

the environmental impact assessment so that the impacts are obvious and clear to the

layperson. No simplified summary was prepared in advance that would allow people to understand and make informed comparisons.

Lack of important information in the PEIR. Failure to complete surveys

Field studies and surveys normally undertaken to inform route selection were not undertaken until after the Preferred Route announcement in May 2019. NH simply latched on to the 2003 decision and stuck with that decision feeling the truck issue would convince enough people in the village. They had been seduced by their interaction with the Kirkby Thore Steering Group into believing this was the prevailing view. Instead the village never contemplate that the route could come north given the cost implications of doing so. Attached for a sample list of some surveys not commenced until April 2021. There are several more including landscape and geomorphology which did not begin until February 2022.

This is unacceptable and confirms that the Statutory Consultation and route selectin was premature.

It prevents proper response when totally inadequate information is available

Local Confusion – Residents in the area – See parish council minutes

There was confusion on how long the Consultation would run as it was only with an extension that it was extended to 6 weeks. Local residents were told the blue route was the preferred route in advance of this being announced. What they did not make clear was that they were consulting on the other options. Lots of people who object to the Blue Route were never aware that they had the option to respond.

Map Booklet Provision.

A detailed map was only in large scale was only included in respect of the blue route. As this was the only realistic map provided in the material, this was pieced together by the Parish council and placed in the post office window to provide a visual representation. This reinforced the perception that this route was a foregone conclusion and many people later explained that they had never understood other routes were being consulted on. **No equivalent map provision was made for the other routes.**

Question and Answer – Revert to online- After a Public meeting in Warcop the question and answer session reverted to online as NH representatives had faced uncomfortable scrutiny. Kirkby Thore was not offered a public meeting

Availability of Feedback Form- For those who did not want to submit a response online Feedback Forms were made available at various locations. A visit to two of the locations revealed that there were no forms.. When calls were made asking for more forms to be delivered the phone was no manned. Messages were left but not answered. On 4th November a day before the Consultation ended a representative of NH rang a workplace and asked for the following message to be relayed.

Anna called re the A66

Feedback forms /; brochures are in the church and she has also sent out 2 more boxes which were hand delivered on Monday.

To relay this message Anna has called the workplace of the person leaving who left the message. It is not clear how or why she did so as a mobile number was left and the person practices under a different surname.

Poor Advertising- The pattern of circulating leaflets only to those NH considered directly impacted meant lots of communities impacted did not learn of Statutory Consultation and many Parish Councils have failed to respond even though parishioners utilise the A66 every day.

Environmental Mitigation- NH have ignored advice from PINS to ensure it properly understood what land was required to ensure no biodiversity net loss before drawing DCO line or choosing route option. Instead its policy of adopting a worst case scenario strategy and using this as an excuse not to complete the necessary surveys means not only have NH opted for a Preferred Route before knowing the environmental consequences of each option, (thereby prioritising business interests over climate and habitat concerns) but they have caused real distress. As they have not known what amount of land they would require as mitigation they have opted for the higher figure and left landowners paralysed not knowing how much land would be taken or the boundary. They have been deliberately evasive and refused to provide detailed plans. Their tactics have included

- Failure to provide any maps or withdrawing them
- Asking landowners not to talk to other landowners
- Only talking to landowners who would willing sell
- Being entirely unable to justify how they have reached a decision about the extent of land in the DCO boundary simply stating it is needed for mitigation.
- Avoiding questions by suggested meeting with their ecologist, but then failing to arrange meetings with said ecologist.
- Suggesting the lure of future Land Management Schemes but then withdrawing these when they felt less land was required
- No entering into any negotiation as they did not have a clear handle on what they wanted.
- Failing to give the District Valuer the information he needed to discuss voluntary purchase as the absence of survey work meant they did not have detail needed to begin negotiations, a situation which is ongoing, and adds to assertion that the Statutory Consultation should have been a further route option consultation and both the Statutory Consultation and DCO submission are premature.

Non- Statutory Environmental Bodies – Eden Rivers Trust

NH miscalculation of how much land they would need to mitigate has led them into a headline rush to approach charities and non-statutory bodies with offers to fund existing schemes in the hope this will count as mitigation. This is simply kidnapping something that already existed. In the case of a planned River Restoration Project designed to reduce flooding NH initially (due to its premature decision-making) determined this project would be within the DCO line and offered to fund this project as a form of mitigation. The DCO line is now understood to have contracted (but who really knows) and NH no longer plan to include this land. However the failure to include the landowner in this discussion and the underhand tactics in approaching Eden Rivers Trust without consulting the landowner who had devised the project (simply seeking to kidnap it and present it as a new addition) has soured the relationship with Edens River Trust.

NH can not say that the Blue Route has no impact on this route as they have done in their sifting minutes. The underhand and chaotic approach means they no longer want his land and the working relationship with Eden Rivers Trust is extremely damaged. This is relevant to the assessment of Flood Risk

Ever Changing/Incorrect DCO line.

The DCO line is now very different to that at DCO. There has been an ever changing situation. Even the chair of the Parish Council has been impacted. On the morning the Statutory Consultation was released various people lined up to do press interviews discovered they were unexpectedly within the DCO line. There had been no maps provided in advance. People withdrew to try and resolve their own situation. Many discovered it was an error.

People who though they were within the DCO line in September have not been informed about how the situation has changed.

Failure to consult on Landscape.

The Eden valley is between two national parks, A World heritage site and an AONB. Yet NH have persistently and actively avoided Friends of the Lake District to the extent that a separate meeting had to be organised with EDC and CCC asking if they could facilitate/encourage a meeting. This should have happened as part of the route selection process and is unfathomable in this area where landscape is the major draw and economic contributor to tourism.

Tourism

Despite citing tourism as a major reason for the increase in traffic and need to dual NH have not consulted with the Lake District National Park. Richard Leafe has expressed his surprise that the Park is being used to justify the 3rd biggest carbon emitting infrastructure project in the country when the Park are doing the opposite and developing car free polices and encouraging car free options. In short they do not want to be used as an excuse and would prefer to work to car reduction in line with the Climate Change Committee recent report on how traffic must reduce. The over reliance of electrification is simply not enough

Failure to be honest on increasing cost- Reported at 1.2 billion in transport press

The cost for the entire route is repeatedly described as 1 billion. This continued throughout the Stat Con. Media outlets and press coverage describe it as the 1 billion route. This has not been

corrected by NH who allowed this to be touted as the figure throughout the Statutory Consultation even though industry press such as The New Civil Engineer reported the Office for Road and Rail estimating the cost having increased by 28% to 1.28 billion in July 2021

Junction at Kirkby Thore- Safety

NH were advised by the Planning Inspectorate about the importance of having size and location of key features such as Junctions resolved before progressing to Statutory Consultation presumably to ensure respondents had full information when expressing a preference. The Highway standard compliance was described as requiring departures for the Blue route. Rather than reflect this difficulty at Stat Con when the siting closer to residential properties may have impacted of the preferred option, NH have (without consultation with residents or the Parish Council) relocated the Junction.

This is consistent with it drip feeding bad news about its route choice after consultation.

Fatigue/ Piecemeal response

Drip feeding bad news after Stat Con means people do not have full information to properly engage in a Consultation process and cannot properly make informed choice. Supplementary consultation on issues after the Statutory Consultation are not as effective. Respondents should have full information at the point route preferences are expressed as otherwise they begin to suffer from Consultation fatigue. This means an accurate representation of views cannot be achieved as responses are received piecemeal.

Bridge Length for Route Option

The response of Natural England highlights that even at Statutory Consultation they do not have full information about the predicted bridge span relevant to each option. The Orange route is still unclear with bridge span being described as between 110-350M. Natural England question whether the Orange route would have an open span crossing across the floodplain. This evidence that this route was not sufficiently developed even though it is acknowledged as less damaging.

Flood Risk Management

Flood Assessments have not been completed. NH do not recognise that the consequence of their poor consultation has been to damage the relationship with Eden Rivers Trust such that the floodplain restoration project which they seek to fund as Environmental Mitigation may not proceed. The impact of this Project being withdrawn has not been assessed on future flood management.

Bats- Green Bridges

Bat surveys were incomplete at the Point of Statutory Consultation. NH ecologist has openly recognised that they are largely ineffective but the only mitigation alternative. Route selection and consultation proceeded without this information

Landscape – Assessment post Stat Con

NH have consistently been told to consult with both National Parks (Yorkshire and Lake District) as well as the North Pennine AONB. Kirkby Thore is within the setting of the AONB. This is not recognised in any literature. NH have purposefully avoided Friends of the Lake District to the extent that they have consulted with EDC and CCC about their exclusion and the failure to

include Landscape in Route selection. That is particularly concerning at Kirkby Throe as the proposed route leave the established corridor and cuts into open farmland

Historic England

Statutory Agencies are being given selective information. Historic England include one reason for preferring the Blue Route as being its ability to remove HGV traffic from Main Street. The Orange route achieves the same objective due to the new junction but Historic England did not understand this

3.6 Statutory Consultation response Booklet

The Booklet did not list the route option as has happened in other consultations where different options were being consulted on. Given the ongoing impression that the Black route was the Preferred Route people responding would not even have been aware that this had changed.

The question was closed. – Do you agree with our preferred alignment for this scheme?

AS the Statutory Consultation Documents contained maps with eh Black route still described as the Preferred Route people would have assumed they were agreeing to the black route or potentially not even been aware what alignment they were being asked to agree to.

Additional Comments – The topics on which people are invited to make additional comments were largely unassessed or undisclosed. There was no detail available on

Build time

Cost Walking cycling Horse riding (no proposals/maps at Stat Con

Compounds

Landownership. The DCO line was not in easily accessible and not maps provided t landowners ere withdrawn

3.7 Covid

The impact of Covid on the efficacy of the Consultation Process should not be underestimated. Government Agencies were homebased. Voluntary agencies were not functioning. People were isolating and pre-occupied. Project Speed is already attempting to bulldoze through decisions without disclosure of normal levels of information. Covid gave it the cover to do so.

We reserve the Right to add to the Consultation inadequacies observed.

This Document should be read in conjunction with the response to Statutory Consultation filed on 5th November and sent to NH, PINS, EDC and CCC by Emma Nicholson. This also raises concerns about the biased assessment and lack of detail informing the selection of the Preferred Route.

[REDACTED]

From: Emma Nicholson [REDACTED]@gmail.com>
Sent: 06 July 2022 13:53
To: [REDACTED]
Subject: Fwd: Emailing: Rk and GF Nicholson
Attachments: Rk and GF Nicholson.docx

Dear David,

I attach representations I would like you to relay to PINS by either incorporating into your own submissions or attaching. It represents how we have been treated.

To illustrate, we were not told that the DCO would be submitted and as things stand we are still unclear about how the DCO boundary is drawn on our farm. We are losing a significant amount of land and only two weeks before the DCO submission date did we receive any indication of the extent of land sought.

This cannot be allowed to stand as an acceptable standard of Government consultation and I urge EDC and CCC to properly represent their constituents on this matter.

Landscape surveys were only completed in late April and this is indicative of the level of care. Each section of this route should be treated individually and the norms of Planning cannot be trashed to facilitate project speed. The section at Kirkby Thore has entirely different considerations to others.

I'd be grateful if you could acknowledge receipt of this email and the summary of inadequacies sent yesterday.

Many thanks,

Emma N

Your message is ready to be sent with the following file or link attachments:

Rk and GF Nicholson

Note: To protect against computer viruses, email programs may prevent you from sending or receiving certain types of file attachments. Check your email security settings to determine how attachments are handled.

WARNING: Email attachments may contain malicious and harmful software. If this email is unsolicited and contains an attachment DO NOT open the attachment and advise the ICT Service Desk immediately. Never open an attachment or click on a link within an email if you are not expecting it or it looks suspicious. Do not forward chain emails.

RK & GF Nicholson

Dear Sirs,

We understand the Eden District Council and Cumbria County Council are required to give a response to the Planning Inspectorate as to the Adequacy of Consultation by National Highway (NH) prior to submission of the DCO.

We are Landowners impacted by the A66 project and throughout this process we have had cause to contact our Local MP, EDC and CCC seeking assistance to extract information from NH. It is our understanding that the DCO process requires NH to work constructively with interested parties with the objective of trying to reach agreement on as many issues as possible before submitting their DCO. Identifying what areas are agreed, what areas are not and what can be worked on is a process that requires the provision of detailed information. This is a project that will change the lives of people living near the A66 forever. It will have a detrimental impact on historic landscape, noise and pollution levels along the entire route but particularly in Kirkby Thore.

For us it will irrevocably change our farm and the future of our child/grandchild. That is a loss which should be respected and addressed with a level of sensitivity. Instead, we have from the outset, faced an approach which is dismissive and, on some occasions, disrespectful. However, as the purpose of this letter is to address consultation issues, we will limit our points to those issues.

NH had only one contact with the Farm before the announcement of the Preferred Route in 2020. The purpose of that meeting appeared to be a fact-find mission to establish whether we would be prepared to sell the entirety of the farm. We can only assume that other Landowners were approached but local information suggests that only Landowners on the Northern Route received visits. The decision by another local Landowner to establish a limited Company (Northern Trading Ltd- residential property developer) and advance applications for planning permission in respect of residential housing, close to what later became the Northern route, indicated to many local people his early confidence on the ultimate route choice.

Even before route options were announced for comment in 2019, the local community were being led to believe that a decision had been made as Landowners were making decisions based on purchase of land, they believed was a certainty.

NH are entitled to negotiate but it is suggested the approach they took in seeking to secure land on just the Northern Route influenced their decision-making process and that has filtered through into the Consultation process. All literature and communication from NH has openly preferred the Northern Route.

Whilst this conversation may have been happening with other Landowners no representative of NH met or spoke with Sleastonhow Farm during the option selection process. Indeed, we didn't

even know it was happening as they was no presence in the village and no visible surveys being conducted. Timothy and Emma Nicholson live at Sleastonhow bungalow (adjoining the Farm) but have no recollection of receiving information about the consultation process.

We therefore submitted a last-minute response in writing to the route selection consultation in 2019 but as we had very little information this was quite generic. The response hi-lighted the SAC, the proposed floodplain restoration project, the impact on the farm of severance and the fact that our farm tenants would also be impacted. Nobody from NH replied with queries or a request that we expand on some of the difficulties our response hi-lighted. As well as running the farm Tim is an employee with Natural England. He was also at this point very involved in early-stage discussions about a River restoration project and therefore knowledgeable about the relevance of the SAC and the Troutbeck Floodplain. He was baffled by the complete lack of enquiry.

We heard nothing throughout 2019 and then off course we entered the pandemic and lockdown. The preferred Route Announcement in May 2020 was relayed to us by a neighbour who expected that we would have been informed. There had been no visit from NH before the announcement which seems enormously unprofessional and indeed there was no approach from NH until January 2021. We had instructed an agent by this point, and he too was baffled by the complete lack of engagement. He was instructed by other landowners along the route and considered our position unique. He could not understand why, given his understanding of us as the landowners most impacted by the entire project, NH were not seeking to engage with us.

We received our first visit in January 2021. The project leader, Matt Townsend, attended. He was accompanied by representatives from Arup and Amey who wanted to view the route for the first time. Upon being asked why this was the first time they had attended we were advised that we were wrong and there had already been extensive engagement with us. This meeting unfortunately set a standard for future engagement. The project lead had turned up with no current map (they resorted to drawing a line on a OS map we got from the house), not having read our response to the Route Consultation and completely unaware of the fact that this was the first contact whatsoever by his agency.

The team that attended were also unaware that the Troutbeck was within the SAC. It became apparent that they felt the decision to route the road to the North they would reduce difficulties by avoiding the Eden SAC but had just walked themselves into a large problem that could have been avoided by proper consultation when developing the route.

That this issue had been hi-lighted by Natural England several times seemed to be something of which they were unaware and the design lead in attendance continued to refer to the plans for a causeway. It was already known that the possibility of a Causeway through an SAC floodplain was a non-starter. Representative attending that day were unaware or unable to answer questions on following issues

- Cost Comparison (Answer lots more but agreed to obtain this information– They had not factored in the cost of a bridge at his point)
- Carbon Comparison for route options (not yet completed)
- Extra length of northern route

- Flood levels in the Troutbeck floodplain (we were asked did it flood – yes it does)

We were given an assurance by Matt Townsend, that given the appalling level of consultation to date, he would be our personal point of contact. We never saw or heard from him again.

Matt Townend promises to provide details on how the original routes choices were selected/narrowed have never been fulfilled. NH have actively opposed FOI request on this issue and denied requests from solicitors. Despite several representatives making comments on how much more the Northern Route will be, the official line is that no costing comparison exists. Minutes obtained indicate the Northern Route was being assessed at PCF stage 1 as 80 million more than the southern route. This assessment seems to have been made when costing for a causeway and didn't even include a 800 M single span bridge. It is absurd for NH to continue suggesting there is no analysis of each section when information clearly indicates this is wrong. If true it would be terrifying. It stands as an example of how evasive NH have been in the information they chose to present. This cannot be considered proper consultation.

In March 2021 NH sought a visit to discuss the possibility of developing other routes. However, they used this as an excuse to now refuse the promised provision of information on the original selection process. See below in red for extracts of responses to meeting and emails sent on the subject. In short, they wanted to brush the original selection process under the carpet and create an illusion of starting again. The failure to factor in the Troutbeck SAC floodplain indicates the route selection was fundamentally flawed and it is not acceptable to just bury this without analysis. That is particularly the case as NH had backed themselves into a corner and were determined to proceed with their original route choice so as not to lose time.

You questioned our reason for not looking at 2 options in full detail at early stage as prohibitive for public purse:

- Given the design team is now reviewing other options, it would be more appropriate and comprehensive to share the analysis of this in the round once the new options are considered.

AND AGAIN

From: Rachel Smith <[REDACTED]>

Sent: 19 March 2021 12:06

To: [REDACTED]

Cc: [REDACTED] A66NTP - Doc Control <[REDACTED]>
[REDACTED]

I have asked Matt about your previous request for the options analysis which led to the routes being brought forward at options consultation. The HE view is that, given the design team is now reviewing other options, it would be more appropriate and comprehensive to share the analysis of this in the round once the new options are considered.

Finally, we have got to the bottom of the email issue. It appears the HE inbox had identified your email as spam and isolated it. Your email has now been added to the contacts and email are coming through fine. Nevertheless, please feel free to contact Aamir and I directly.

The above correspondence demonstrates a lack of openness for a government agency who have an obligation to be transparent. This approach cause mistrust and impacts on your willingness to work with an agency who is being so secretive.

It also hi-lights communication problems. The subcontracting issue means you cannot actually communicate, and that is compounded by the ever-changing PLO's.

It seems that the significant hurdle presented by the realisation that the Troutbeck floodplain was within the SAC and the need to consider new options finally shocked NH into action and suddenly they were trying to compress all the surveys they hadn't undertaken into a matter of weeks. We were already encountering difficulty with unmarked vehicles turning up in our Farmyard, surveyors appearing on private lanes. Attempting to locate anyone to raise this with was time consuming and stressful.

It also became apparent that whilst giving reassurance that all options being considered, would be fully worked up so that an informed decision could be made, the Surveys continued to focus on the Preferred Route. Once again, the bias to the preferred route was evident – See below as extract from email

Tim

Thu, May 13, 2021, 10:14 PM

Nicholson 

to Rachel, me, A66NTP, Anthony, Aamir. Shaikh, Alan. Bowe

Hi Rachel,

With regards to these surveys the only question I have is why none of these surveys (other than the wider habitat surveys) seem to be looking at the area where the second northern route is now proposed?

You seem to be focusing all the survey and exploratory effort on your announced preferred route. How can this give a comparison between the 3 routes you are about to publish? I can only assume that this shortcoming will be addressed prior to the next preferred route selection.

Matt Townsend made a commitment to being transparent about the route selection process so can you please now provide us with the criteria on which the next preferred route will be selected.

Regards,

Tim

We lost confidence in the rigour being applied to the new route selection process at an early stage. The leaflet circulated in May 2021 was inadequate. It did not show the introduction of a new junction to Kirkby Thore for the Southern Route. The promise of a 3D model being located within the village hall to provide a visual representation of the routes in proximity to the village never materialised. The Public Meeting appeared to be more of a tick box exercise staffed by PLO's who had no technical knowledge. It was no

surprise that within weeks we received an email stating that the choice remained the Northern Route.

The visit sought by NH in advance of the announcement on 24th September to discuss the DCO boundary never happened. Instead, they turned up late in the afternoon of 24th September to then discuss the DCO boundary. The extent of land they proposed to take came as a total shock. No explanation could be given other than it was needed for mitigation and ideally, they would like us to enter into land management agreements as they felt confident, we would be good at it. Tim's knowledge as an Ecologist led to questions about how they had calculated the area. They did not know and simply stuck to a mantra of species rich grassland which is entirely inappropriate solution for a floodplain. We were not provided with a map during that visit just told about 100 acres. The following actions were to take place as a matter of urgency

- A meeting with the District Valuer
- A meeting with the Ecologist
- A proposal would be made about land management
- Introduction to other farmers who had entered Land management agreements to manage mitigation
- Disclosure of route option selection to allow response to Stat Con.

None of the above happened either. Below is an example of communication. We chase NH for a response on when the planned meeting with the ecologist or DV may happen (two months after NH say will be arranged urgently) and they fudge it and say they are busy.

When we have tried to progress issues which would appear to be one that NH should be seeking to resolve they blank us and say they are busy, when we are busy and ask for the provision of more information to help us understand when surveys would take place and how this would impact on tenants and livestock movement, we are branded obstructive, and warrants are sought for access.

----- Forwarded message -----

From: **Sanders, Bernice** <[REDACTED]>

Date: Fri, 26 Nov 2021 at 18:09

Subject: RE: FW: Updated Green Book

To: Emma Nicholson <[REDACTED]>

Dear Emma

In respect of the minutes, you requested and the Sleastonhow desktop valuation, these are being dealt with under FOI/2703. You should now have received a separate communication on this FOI request in respect of the response time required.

In respect of your request about application of the Green Book revision on carbon, this is being dealt with under FOI/2702, a response for which you should expect early next week.

In respect of the Lands Cost Estimate, I confirm that our previous response to your MP is correct in that a land cost estimate was undertaken for the whole of the project, which included all potentially affected land parcels and properties between M6 junction 40 and Scotch Corner. **We have confirmed this exercise did not include separate assessments for each individual route.** As this information does not exist, please clarify what information you wish to request under FOI.

Your request about National Policy has been submitted to the FOI team as a request in its own right, I am awaiting a reference number.

I am unsure whether Tim's request for disclosure of the comments by others on the routes made at the Village Hall in July 2021 was a written request. However, as you have now included it in your latest email, we will also deal with this under FOI as a request for data.

I recall when we met at your property on 24 September a conversation around a future meeting with our ecologists. Given the whole team has been extremely busy delivering the Statutory Consultation in the weeks following our meeting, availability of key people has been a challenge. Regardless, I apologise that this has not yet happened and will ensure that this meeting is arranged.

Kind regards

Bernice

Bernice Sanders

Senior Project Manager_

From: Emma Nicholson [mailto: [REDACTED]]

Sent: 23 November 2021 12:40

To: Sanders, Bernice < [REDACTED] >; Rachel Smith < [REDACTED] >

Subject: Re: FW: Updated Green Book

Dear Bernice,

I would be grateful if you could provide an update on when I may receive minutes requested in email dated 31st October. Whilst you replied to that email confirming that a FOI request had been made to release the Desktop valuation of Sleastonhow, the balance of the email was not addressed. To assist I have copied the relevant section below

Firstly, could you arrange to forward to me the minutes referred to at section 5.5.46 and 5.5.47 of the route development report- Volume 1. These relate to the meetings March and April 2021.

Please also provide the subsequent minutes of a subsequent "brainstorming meeting" where some of the possible meetings were developed or discounted or any meeting which relate to how these routes were developed or discounted.

With regards to valuation, you have responded both to ourselves and to our MP stating that

I can confirm that a land cost estimate was undertaken for the whole of the project, which included all potentially affected land parcels and properties between M6 junction 40 and Scotch Corner. This exercise did not include separate assessments for each individual route.

I find it extremely difficult to believe that within the process of selecting routes the issue of costs would not be considered as one of the most, if not the most, fundamental considerations when assessing the merits of the different routes. Please can you confirm that no such exercise has been undertaken and again submit a FOI request on this issue

We have received Correspondence from Historic England in response to a query raised by us. This does cast doubt on the assertion that this is a matter of National Policy. Please can you disclose the Correspondence which NH have had with Historic England on the merits of the various routes at Kirkby Thore. Please can you also disclose the Risk Assessment carried out by Guard Archaeology regarding the significant Roadworks undertaken between Kirkby Thore and Low Moore in 2018. I have contacted Guard directly but understand that as it was commissioned by Highways it is not a public document and must be forwarded by you.

Earlier requests made to Rachel:

Tim had requested disclosure of the village's comments to the routes made at the Village Hall in July. These have not been provided.

I have also raised a question as to how the increase in the valuation of Carbon made in the recent revision to the Green Book is being addressed given that the blue route is so much longer and structure intensive. This is attached and again I have not received a response

I look forward to hearing from you on the above given the amount of time that has passed.

As for visits we have not heard anything regarding the DV attending but assume this is simply down to coordinating diaries.

Nor have you come back with details of other Farmers with whom you have, on a voluntary basis reached an agreement as to management of habitat issues. It was agreed you would investigate this so that we could consider the experiences of others with whom NH has a similar arrangement.

Kind Regards,

Emma Nicholson

Despite the reassurances that Bernice Sanders would arrange the suggested meetings again nothing happened. We were left facing the prospect of our farm being cut in two, losing 1/3 of our acreage (the DCO line took 100 acres) and with no response from NH. This behavior paralyses a business and has a debilitating effect on the people impacted. Being left in the dark with assurances is the equivalent of gaslighting by a Statutory body. NH fail to communicate or are evasive in their answers, but then try to shift blame when they come back to the table and suddenly need to get everything done in a hurry. There is a constant failure to share information between teams. Their offer to provide a single point of contact never materialized and this is the utilized by NH to its advantage when it adopts an approach which in the words of its project lead lee Hillyard amounts to sorry for the rubbish consultation but “we are where we are.”

We had constant communication about surveys but nothing about landtake. NH did not contact us directly to advise that there was a boundary change to the DCO land, and they would need to take more land. Instead, this information was dropped on us by the latest PLO late on Friday 28th January in a telephone call scheduled to discuss trench digging. The latest PLO did not know how much land or where on the farm but said a letter would be on its way with a map. The letter did arrive but said absolutely nothing and the plan attached shed no light on the situation. Instead, what was received appeared to be regarding a further consultation on Compounds and Landform. We tried to access this consultation but were unable to find details on NH home page, latest news page or What Next page. We spoke with the Parish Council who were unaware of any further consultation being planned.

Enquires were made via our agent on 31st January and treated as a FOI. **See below.** The response took more than a month. It transpired that the information given by the PLO was incorrect and no further land was required but the communication was used to advise of design changes. We had never been

provided with a plan of the original design so could not compare what had been intended with what may have changed.

The FOI response on 4th march gave no indication that the DCO line had changed or reduced and no indication of when a meeting with the DV, Ecologist or farmer with land management agreement may take place. The attached plan provided no insight into what land NH wanted to take either permanently or temporarily. We remained in the dark

----- Forwarded message -----

From: "foi@highwaysengland.co.uk" <foi@highwaysengland.co.uk>

To: "[REDACTED]" <[REDACTED]>

Cc:

Bcc:

Date: Fri, 4 Mar 2022 15:37:57 +0000

Subject: [FOI/3173] A66 change of plans

External

Dear Mr Church,

A66 Northern Trans-Pennine project

Thank you for your information request dated 31 January 2022 regarding A66 Northern Trans-Pennine project. We have dealt with your request under the provisions of the *Environmental Information Regulations 2004*.

This is because the information requested concerns measures and activities affecting or likely to affect elements of the environment or affect factors such as noise, pollution discharges and other releases into the environment.

You asked:

I understand that NH is of the view that it'll require a greater area from Nicholson than previously identified.

a. What has caused this late change? Why is the extra land required?

- b. Please provide a plan and detailed drawings (incl elevations)*
- c. Will this extra of land be subject to surveys?*
- d. Will there be a consultation on the latest revision?*
- e. What plans/proposals does the project have for mitigating the effects of the scheme incl access to the severed land?*

Information provided

a. What has caused this late change? Why is the extra land required?

Since the autumn 2021 statutory consultation, we have been reviewing feedback, working further on developing the design and completing surveys to help us gain a better understanding of areas including environment, ecology, heritage and drainage.

In January and February 2022, we held a targeted supplementary consultation on the Temple Sowerby to Appleby section where we had made changes to the design to three key junctions – to the north of Kirkby Thore, at the Long Marton Lane End junction and the junctions to the west of Appleby. As your client’s land is in close proximity to the change at Long Marton Lane End junction a letter was sent to the landowner, Felicity Margaret Ruth Nicholson on 28 January, stating that the designs in the nearby area had changed. The letter explained that this might have an impact on the land we needed to acquire from your client, either on a permanent or temporary basis, should the project receive planning permission. I can confirm that none of these changes have a direct impact on your client’s land.

b. Please provide a plan and detailed drawings (incl elevations)

Not associated with the design changes mentioned above, there are a number of changes where the design of the scheme has changed on your client’s land:

- Realignment of Sleastonhow Lane, which now avoids the veteran tree
- Relocation of a pond
- Farm tracks, which were not shown at the autumn 2021 statutory consultation
- Changes to the level of the dual carriageway, which affects earthworks
- Compounds, including temporary lay down areas have been reviewed

A drawing showing the changes in design affecting your client’s land is attached.

c. Will this extra of land be subject to surveys?

As the design updates on your client's land are relatively minor, additional surveys to those already identified by Ardent and communicated to your client are unlikely.

d. Will there be a consultation on the latest revision?

Due to the minor status of the design changes on your client's land there is no requirement to hold a public consultation. We will however arrange a meeting with your clients, a member of the A66 Northern Trans-Pennine project team and our designers to discuss the design changes on your client's land.

e. What plans/proposals does the project have for mitigating the effects of the scheme incl access to the severed land?

We acknowledge that there is severance on your client's land. The mitigation measures put in place are shown on the attached drawing. Please note that the attached drawing does not include environmental mitigation, which is currently being finalised.

If you are not satisfied with your response, you may ask for an internal review within 40 working days of receiving the response, by replying to this email. You can learn more about the internal review process [here](#).

No explanation was offered as to the minor change which turned out to be far from minor. This email was responded to with a request that we be provided with an accurate plan, a timeframe for meeting the District Valuer and details of what they wanted. NH was evasive

A meeting with Lee Hillyard was sought by us and this took place on 30 March. It is ridiculous that 6 weeks out from the DCO deadline, we are the party seeking a meeting. We had not seen anyone since 24th September except for people conducting surveys. Again, apologies were offered for the total absence of consultation and an assurance given Lee Hillyard (like Matt Townsend before him) that he would become our point of contact and would prioritise the still outstanding meeting with Ecologists, D.V. and Farmers managing land for biodiversity. No explanation was given that less land was being sought. We were show a map of the route not DCO. We remained entirely in the dark

Running alongside this was pressure created by an email received separately from NH indicating that those who agreed to sell within 12 months would receive a 20% uplift and the clock was

started by that letter. This as much as anything summaries the level of incompetence. This letter was sent without the knowledge of the DV, who did not have the necessary information from NH, to enable him to make offers. The D.V had to concede he did not know what land NH sought. NH started the clock on a 12 month period without knowing what land they sought. Emails to the sender went unanswered. The sender had gone on a planned sabbatical. Time is ticking and nobody has clarity on what NH want

A meeting did take place on 29th April. Lee Hillyard who had committed to attending the meeting did not. Richard Sowerby the D.V. attended but had to concede that he had no detail on what was being sought by NH and no plans. Until that point he hadn't been unaware of our efforts over the past 7months to arrange a meeting or that land management proposals had been made to us.

All that was conveyed at this meeting was that NH had now reduced the DCO line and reduced the amount of land they sought to take significantly. The acreage impacted by revised DCO line would be approx. 30 acres. They could not say how much they wanted permanently or temporarily. We were now 2 weeks away from the DCO deadline. We were presented with an entirely different boundary on which we have had no input/discussion and no detail. The over-riding impression was that NH were arranging meeting to create the impression of consultation but without the necessary detail to allow proper consultation.

We have not been consulted on landform or siting of compounds on our farm. It does not appear the Environment Agency or Natural England have been consulted on these issues.

- We were not consulted on the Walking, Cycling and horse-riding options even though we would have been incredibly open to this issue and have sensible suggestions and alternatives
- Requests that Friends of the Lake District be consulted on landscape issues have been consistently ignored to the extent that offering to forward the number of Dr Kate Wilshaw was declined by the Design Lead during our meeting on 29th April.
- Responses have included shrugging of shoulders as to why even on 29th April, two weeks out form their self-imposed DCO submission, NH were attending with the D.V not knowing what land they sought to take.

The approach is farcical and in direct contravention of guidance given to NH by the Planning Inspectorate on the need to avoid ever-changing DCO boundaries and only submit its application when ready.

This standard of consultation and treatment of stakeholders cannot be allowed to become the norm and this farm is just one example. It is being brought to the attention of EDE, CCC and the Planning Inspectorate simply because we have the energy to respond and enough personal experience to know this is unusual.

NH have tried to bulldoze stakeholders into submission, and when they can't, have evaded anyone felt to be troublesome. Troublesome appears to be defined as asking awkward questions. The standard answers given to difficult questions are;

- Put it in an email and we will get back to you- then respond with a FOI declined notice
- Project speed justifies our innovative approach to consultation
- The issues identified within this section are outweighed by the overall gain to the entire project.
- Our project mandate is too dual
- We are where we are.

The distinct lack of reaction to this project from the public should ring the necessary alarm bells. There is a limited reaction because the public have not been provided with standard information normally made available. This is not typical of other consultation models, and it should not be allowed to stand as a precedent. The future consequence of allowing a government agency to consider this standard of consultation as the norm would be terrifying.

One example of detrimental impact is the damage done to the working relationship between Sleastonhow farm and Eden Rivers Trust. NH attempt to re-brand a flood restoration project devised by us, due to our genuine concerns about the impact of flooding in Cumbria, as environmental mitigation. There was no consultation which has caused irrevocable damage to that relationship. This is tardy and does illustrate why so many agencies are strangely silent. They are being offered money to fund biodiversity mitigation. That these projects were already in the pipeline is being overlooked. This should not become the norm in a world facing a climate crisis.

We therefore urge the Planning Commission to reject this application.

Yours Faithfully,

Tim and F Nicholson

[REDACTED]

From: Lindsay Nicholson <[REDACTED]@kirkbythore.org.uk>
Sent: 04 July 2022 12:49
To: [REDACTED]
Cc: [REDACTED]
Subject: A66 Consultation
Attachments: 220703 KTPC Consultation A66.pdf

Dear Mr McMorrow and Mr Kenton,
Please find attached correspondence from Kirkby Thore Parish Council in respect of the A66 consultation.
Should you need any further information please do not hesitate to contact me via this email or [REDACTED]
Many thanks
Lindsay

Lindsay Nicholson
Parish Clerk

WARNING: Email attachments may contain malicious and harmful software. If this email is unsolicited and contains an attachment DO NOT open the attachment and advise the ICT Service Desk immediately. Never open an attachment or click on a link within an email if you are not expecting it or it looks suspicious. Do not forward chain emails.

Kirkby Thore Parish Council

Clerk: Lindsay Nicholson

Tel: [REDACTED]

Email: [REDACTED]@kirkbythore.org.uk

Website: [REDACTED]

Sent By Email

To: Fergus McMorrow Eden District Council and Guy Kenyon Cumbria County Council,

CC: Dr Neil Hudson MP, Cllr David Whipp, Cllr Henry Sawrey-Cookson, Cllr Lorna Baker, Cllr Neill McCall, Rea Psillidou Eden District Council, Richard Fox (Eden District Council) and Beverley Leanne Cumbria County Council.

3rd of July 2022

Dear Mr McMorrow and Mr Kenyon

Adequacy of Consultation

A66 Northern Trans Pennine Project

We understand that Eden District Council is being consulted by the planning inspectorate about the adequacy of the consultation over the A66 dualling around Kirkby Thore. Kirkby Thore Parish Council was consulted during the statutory consultation, however we are concerned that we have not been consulted subsequently when others have.

There was a specific further consultation sent to only a limited number of land owners in relation to further changes to the design relating to recreation provision, land form modelling, and storage areas for spoil.

These were all issues that we had raised concerns about during the statutory consultation. We would have liked to have had the opportunity to consider the revised proposals and offer comments given that we had responded precisely on these issues in relation to the previous design.

Owing to Project Speed the consultation timescales have been very condensed and the information supplied during the statutory consultation was incomplete and insufficient to allow adequately informed comment. The Environmental statement was not complete and as a result there was no way we could assess the real impacts of this proposal on our community.

By not allowing us to engage with this latest consultation we have not been able to consider the changes made to the designs or their impact on our community.

Should you need any further information from Kirkby Thore Parish Council please do not hesitate to get in touch via [REDACTED]@kirkbythore.org.uk.

Yours sincerely

[REDACTED]
Lindsay Nicholson

Clerk

Kirkby Thore Parish Council

[REDACTED]

From: Mary Clare Martin <[REDACTED]@gmail.com>
Sent: 04 July 2022 12:49
To: [REDACTED]
Subject: Inadequacy of consultation re A66 Appleby-Brough route
Attachments: A66replyJune2022version2pdf.odt

Dear All,
Please see attached for a letter relating to the inadequacy of the consultation process which is being sent to National Highways re the A66 dual carriageway Appleby-Brough route.

I understand the councils have been asked to respond about the adequacy of the consultations, now the DCO has been submitted.

Regards

Mary Clare Martin
with Mrs Joy Thompson, [REDACTED]

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Response to National Highways letter 24th May (response to letter sent 3rd May) on the inadequacies of consultation.

Dear Monica,

I received a response to my formal complaint of 3rd May on 24th May. This did not address my concerns. This letter addresses your response, and highlights further inadequacies in the consultation process, in response to the licence held by National Highways (see attached and below).

Context

Two years after the preferred route announcement in 2020, my parents, long term residents, at [REDACTED], [REDACTED]. At that point, there was a proposed dual carriageway immediately to the south of the existing road. Now there is a new and (in many people's views), unnecessary junction entitled Langrigg Junction, meaning that the dual carriageway has to be nearer to their house, and there will also be an access road, I understand about [REDACTED]. There is absolutely no benefit to them in these new road proposals, which will have a seriously detrimental effect on their [REDACTED]

Why have National Highways had so little regard to the effect of your proposals on the lives of vulnerable and elderly people? The noise and disruption of road works close to their house and garden, which would be completely exposed, would be intolerable and [REDACTED]. We have been writing about this for over a year.

Your response was written under three headings, the northern route, consultation and engagement, and data protection.

Under "the northern route", you explained that there has been some incursion into the area north of the current A66 on the western end and that plans for a northern route were presented to a meeting with local stakeholders. I was aware of these facts. You also claimed that you had identified "the opportunity to dual the western section of the scheme to the north rather than south, which reduces impact on properties" but this does not benefit my parents.

You also claim that a northern route near the Langrigg Junction would involve the purchase of Crown Land which would not be consentable. Yet such purchases have happened elsewhere, as in the case of the A428

We were told by your staff that the changes were in response to requests from Flitholme people for more access. There is a bridge at the Flitholme exit, in the new proposals, so already have improved access. Why is a totally unnecessary new access road being built?

You claim that you are continuing to talk to the parish councils and local residents on this point, yet I am not aware of any communications after April 6th.

Problems with the consultation

The fundamental problem with this consultation is that it is a huge stretch of road, divided into eight sections, but treated as one. Although the Planning Inspectorate suggested at the beginning of the process that it should be divided into eight separate sections for consultation purposes (sec 51, 13 Sept 2020, Appendix One), National Highways have insisted it needs to be treated as one,

One of the reasons why the current dual carriageway is further from the existing road and nearer to my parents' house than originally planned is because of the junction. It was put to Paul Carey at a consultation at Warcop in February by the Chair of the Warcop Parish Council that either or both of the actions could be taken to reduce the impact of the new road on the residents of [REDACTED], and Paul said this would be considered. In my next communication, however, I was told that the route could not be changed.

We understand this is a pilot, the first project of this type for Project Speed which aims to cut corners on the consultation process and avoid proper consultations. This is not a good model given the final nature of road-building and suggests that political considerations are taking precedence over the wellbeing of local communities.

You said that a northern route at the Langrigg end, east on Warcop would involve purchase of crown land and therefore was "not consentable". In October 2021, the local MP, Neil Hudson, asked a question to the Prime Minister in PMQs. He asked whether Defra, the Department of Transport and the Ministry of Defence would work together to consult with local people, and was told Yes. Given the support for the route to go north, I am unclear why more effort has not been made to investigate the possibility of purchasing Crown land, which I presume is happening at the Warcop end. Given that with changing patterns of warfare, the army may not need to rent the land from the Crown, this could be advantageous to the army.

Licence held by National Highways

The licence held by National Highways stipulates the following duties. We have been raising issues for the past 15 months, yet, as stated above, are now in a worse position than in Spring 2020. National Highways is clearly not acting in accordance with this licence.

5.19 In complying with 5.17 and 5.18, the Licence holder should co-operate with other persons or organisations in a way which is demonstrably:

a. Open and transparent – involving relevant stakeholders, ensuring that essential information is available to affected and interested parties, and that the processes for engagement and communication are clear;

b. Positive and responsive – seek to build trusting and effective working relationships with key partners and stakeholders, engaging with due efficiency and economy and in a timely manner;

c. Collaborative – working with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.

The local campaign for a northern route gained over 900 signatures, yet the views of numerous residents have been ignored. As per para 4.2f, National Highways are clearly not working collaboratively.

There are many other issues such as Environmental Impact Assessment processes, which are problematic. Indeed, the demands of this in terms of time and anxiety is unjustifiable.

We expect the consultation to be re-run with full regard to all local residents.

Mary Clare Martin

On behalf of Joy Thompson, owner of

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

July 3rd 2022

Appendix One

From Section 51 on the PINS A66 website.

29 Sept 2020:

"The Applicant explained that owing to the Project Speed objectives for the scheme they were looking into a strategy which minimised the number and detail sought from pre-commencement requirements"

"In seeking to retain flexibility by providing less detail in the Order with Requirements that contain less detail on submission, **the Inspectorate queried whether there was a risk that stakeholders may find it difficult to understand what could actually be consented through the Order.**"

13 Sept 2020

Design and Delivery The Inspectorate questioned why the project had not been split into smaller projects with their own consenting strategies. The Applicant explained that National Highways are approaching it as one project and it was important that it was delivered as one project in relation to East/West connectivity. The Applicant noted that each of the 10 schemes are dependent on each other, and the benefits will only be fully achieved through delivery of the entire length of the project (i.e. the benefits of the project are greater than the sum of its parts

17 Sept 2020:

"The Inspectorate noted that applicants do not have to agree to all local authority comments on the draft Statement of Community Consultation, the requirement is to **have regard** to any comments made."

29 Sept 2020:

"The Applicant explained that owing to the Project Speed objectives for the scheme they were looking into a strategy which minimised the number and detail sought from pre-commencement requirements"

"In seeking to retain flexibility by providing less detail in the Order with Requirements that contain less detail on submission, **the Inspectorate queried whether there was a risk that stakeholders may find it difficult to understand what could actually be consented through the Order.**"

13 Oct 2020:

"The Inspectorate questioned why the project had not been **split into smaller projects** with their own consenting strategies. The Applicant explained that National Highways are approaching it as one project and it was important that it was delivered as one project in relation to East/West connectivity. The Applicant noted that each of the 10 schemes are dependent on

each other, and the benefits will only be fully achieved through delivery of the entire length of the project (i.e. the benefits of the project are greater than the sum of its parts)."

10 Nov 2020:

"The Applicant explained the approach to project optimisation and that for some matters not all information would be available on submission. Further evidence, informed by surveys, could be submitted further into the process to substantiate the identified environmental effects or mitigation measures. The Applicant confirmed the ES would adopt a worst-case scenario approach. The Inspectorate flagged its previous advice in relation to submission of information post application and the need to ensure adequacy of the ES for examination at the point of submission."

Consultation process The Applicant queried the Inspectorate's view on the appropriate length of a statutory consultation period. The Inspectorate referenced the MHCLG Guidance which discusses the quality of consultation and showing stakeholder that regard has been had to responses. It is important to have sufficient information as part of the statutory consultation so stakeholders can understand with reference to the Preliminary Environmental Impact Report (PEIR) the potential impacts and mitigation measures of the scheme, particularly given the geographical extent and complexities of the schemes forming the proposed development. It is important for an applicant to explain why alternatives have been rejected and provide justification for the preferred route

[REDACTED]

From: Mary Clare Martin <[REDACTED]@greenwich.ac.uk>
Sent: 05 July 2022 10:35
To: [REDACTED]
Cc: A66Dualling
Subject: URGENT:Inadequacies of consultation A66 NTP dualling project/ hugely detrimental effect on the landscape and local residents
Attachments: A66 NTP - Mary Clare Martin letter response_24052022.pdf; strategic-highways-licence.pdf; a66complaintFINAL (4).odt; A66replyJuly2022.odt

Council response to DCO submission 21st June re inadequacies of consultation for the A66 dualling project, Appleby Brough section.

Dear Council members and planning officials,

I am writing as a follow up to the message I forwarded yesterday, in response to National Highways' answer to my formal complaint (submitted 3/5/22, response 24/5/22) to summarise the key points. The full correspondence is attached.

1. After 2 years of consultation the outcome for two 90 year olds, my parents, long term residents, is much worse than in Spring 2020. The current proposal is that a dual carriageway and an access road be built between the current A66 and their cottage at [REDACTED] only about [REDACTED] from their house. We have responded to and attended all the consultations, expressing our opposition to the proposals, which will have a devastating effect on these old people, and the necessity for a new junction at Langrigg has been questioned.

2. Local people were never offered the route north of the current A66 as an option. Yet, 912 people have signed the petition for the route to go north of the current A66, and there has been an ongoing campaign by the local parish councils, including a survey in which 94% of respondents expressed a preference for the route to go north in Dec 2020. A very small concession has been made at Warcop, but not on the eastern stretch.

3. The argument against the northern route is that it is the site of an Area of Outstanding Natural Beauty. This is army land which has been used for firing for decades and is no more beautiful than the land south, where birds such as curlews and peewits nest. Despite the support of our MP, Neil Hudson, who was assured in Parliament in October 2021 that Defra, the Department of the Environment and the Ministry of Defence would work together to consult with local people, even minor concessions such as removing the access road or the junction, which were discussed at one consultation, have not been included in the plans.

4. A series of supplementary consultations were held by National Highways after the statutory consultations, often contacting small numbers of people, so the public were not fully informed. An example is the one launched on 16 February 2022 which involved compounds. These are large neo-industrial enclosures used for storing huge machinery and making concrete. Approximately 29 of these are planned for the whole 8 sections of the route, and would have a hugely detrimental effect on the landscape. No public face to face consultations were held on this matter, nor have the public been fully informed of their implications.

5.The actions of National Highways arguably infringe the terms of their licence in relation to their duties to local authorities (see attached, item 5.19) they are required to be (for example):

a. Open and transparent – involving relevant stakeholders, ensuring that essential information is available to affected and interested parties, and that the processes for engagement and communication are clear.

Their actions also contravene the requirements of the Planning Act of 2008. For example, when I requested a face to face meeting with my elderly parents with National Highways, I was told this was unlikely, then given a misleading date on the phone at short notice, so the visit had to take place without me, which my parents very much regretted.

6.The bigger picture is that this is part of Project Speed, designed to make it easier to build new roads and cut corners on consultation, as indicated by the minutes in Section 51 of the PINs website. It is essential that these practices do not become the norm.

It is absolutely heartbreaking that swathes of beautiful landscape, a key characteristic of Cumbria, are likely to be industrialised and destroyed with no benefit to local residents, ruining the environment for future generations. The beautiful field in which my parents' cottage is placed will be completely destroyed by roads (with no benefits, in fact, reduced road access), and sink ponds.

We urge the Councils to reflect the opposition of local people to the current plans, their potentially detrimental effect on lives and properties, and the inadequacies of the consultation process. The consultation process needs to be run again, with full regard to the expressed wishes of local people.

Mary Clare Martin

with (and daughter of) Mrs Joy Thompson, owner of [REDACTED]
[REDACTED]

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Registered Office: Old Royal Naval College, Park Row, Greenwich SE10 9LS.

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Mary Clare Martin
with Mrs Joy Thompson, landowner,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Monica Corso Griffiths
A66 Head of Design and DCO
5th Floor
3 Piccadilly Place
Manchester
M1 3BN

24 May 2022

Sent by email to

[REDACTED] [@greenwich.ac.uk](mailto:[REDACTED]@greenwich.ac.uk)

Dear Mary,

National Highways response - A66 Northern Trans-Pennine project

Thank you for your email and letter dated 3 May 2022 regarding the A66 Northern Trans-Pennine project. Your comments are noted.

A northern route

Thank you for your feedback and engagement with the project. A number of respondents have asked about the route going north rather than south in this location. Since our Preferred Route Announcement in May 2020, we've carried out a number of environmental and ecological studies where we have identified opportunities to further minimise the overall impact of the project and which led to a number of alternatives to the design at Warcop.

At statutory consultation, we heard feedback from residents wanting to get the road as much to the north and away from Warcop as possible. Due to that we have revisited a number of options to consider moving the road to the north. This has resulted in us identifying the opportunity to dual the western section of the scheme to the north rather than south, which reduces impact on properties.

National Planning policy restricts any significant road widening or the building of new roads within the AONB unless there are compelling reasons with any benefits outweighing the costs. Where there is a feasible alternative, it is very difficult for a promoter to satisfy the policy tests to enable such a route to be consented. Natural England have advised that they would object to such a proposal. Additionally, a northern route would require land belonging to the Ministry of Defence which would

have to be acquired through agreement as Crown Land cannot be compulsorily acquired. We are continuing to talk to both bodies, the parish council and local residents on this point.

We did consider outline engineering plans showing the central section of the route north of the existing A66. We were unable to identify further benefits they would bring in comparison with our proposed route to significantly outweigh the strong presumption against building in the AONB.

At statutory consultation, we presented the black-blue-black route as our preferred option. It reduced the road embankment considerably, meaning we reduced noise and visual impact of the new A66.

The central section included a small incursion into the AONB and we have had to demonstrate the benefit of the incursion to justify it under an "exceptional circumstances" test. To go any further north would be a significant incursion into the AONB, contrary to current policy and would require additional benefits, to justify the additional impact to the harm that would be caused to the land.

Having our proposed route as an alternative means we cannot demonstrate the exceptional circumstances of a northern route, because we already have a solution which works at this location.

Consultation and engagement

We engaged and worked closely with the five host Local Authorities during the production of our Statement of Community Consultation (SoCC) including addressing the period of the minimum 28-day consultation length initially proposed. We took on board all of their feedback before finalising our agreed approach.

We do not view engagement and consultation as a single point in time and this has been reflected in our ongoing approach to engaging at a local, regional and national level. Our work with our stakeholders will continue as the project evolves.

We regularly speak to these groups to understand their considerations with respect to the individual schemes and the overall impact of the project. There has been an ongoing feedback loop into our design teams around the comments and requests from all parties which are being considered and factored in where possible.

All of the feedback received during our statutory consultation in 2021 and the subsequent supplementary consultations in 2022 have been collated and reported in the Consultation Report which forms part of our Development Consent Order (DCO) application. We are proposing to take forward the black-blue-black route alignment as we do not believe a northern route would be consentable.

Once submitted anyone with an interest in the project will be able to participate in the process and voice any objections or support. We will be publishing details of how people can get involved in due course.

Regarding the colour-coded options, we needed to differentiate our much further developed designs from our original designs which were presented in 2019. I understand these designs were detailed which was the reason we held a number of public information events, stationed the mobile engagement van at various locations and held online Q & A sessions so the community and stakeholders could ask any questions they may have had.

We didn't publicise the recent supplementary consultation on social media or otherwise, as the targeted consultation was held to directly engage with those impacted by the changes that have been made to the design since the end of statutory consultation in autumn 2021. Having considered all relevant guidance we felt that the changes were not of a scale to trigger the need for a new round of statutory consultation across the entire project but were sufficient to require localised targeted consultations.

Statutory consultation was widely publicised on social media, in both local and national news outlets, at local venues such as supermarkets and service stations and we also posted over 36,000 leaflets to those living in the local area to raise awareness of the consultation.

We aim to employ a wide range of consultation tactics to ensure we meet the needs of all consultees. For example, holding drop-in events at venues local to the schemes, having online materials, utilising local deposit points, emails, phone calls and attending meeting in person at people's homes, as we did with your parents. Recognising the scale of the project we have employed a dedicated Public Liaison Officer for every section of route to facilitate this process.

Data Protection

On 25 May 2018 the General Data Protection Regulations (GDPR) became law. The law requires National Highways to explain to consultees, stakeholders and customers how personal data such as phone numbers will be used and stored.

We do this by including the relevant information in all our brochures and feedback forms where you might give us your data. We also display this on an exhibition board in all of our drop-in events.

This explains that data is collected for the use of the project not for the use of an individual within the project. This is important to retain communication when team members may change.

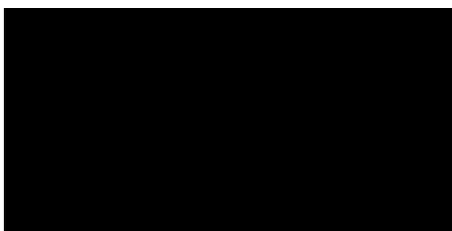
Personal data collected by the project team is processed and retained by us and our appointed contractors until the project is complete. If, at any point, we plan to process

the personal data we hold for a purpose other than that for which it was originally collected we will tell you what that other purpose is. We will do this prior to any further processing taking place and we will include any relevant additional information including your right to object that further processing.

If you wish for us to remove your details from our system, please let us know and we will ensure you are no longer contacted directly by us.

Thank you again for contacting us. I hope this answers your questions. If you have any further questions or comments, please do not hesitate to get in touch. I can be contacted on A66NTP@nationalhighways.co.uk.

Yours sincerely,



Monica Corso Griffiths
A66 Head of Design and DCO
Email: A66NTP@nationalhighways.co.uk

Formal complaint about the adequacy of the consultation about the Appleby-Brough section of the A66 proposed dual carriageway, in relation to [REDACTED] and other local residents.

This [REDACTED], my parents, have lived in this property for over 20 years, and our family has lived in it since the 1950s. They will be badly affected by the current proposals. Their case illustrates the impact of the National Highways proposals on individuals, as well as the general inadequacy of the consultation which has impacted on many other local residents and businesses. The conduct of the consultation directly breaches the Planning Act of 2008.

Our parents are not computer literate and communication about the road has been done at long distance by phone, or by costly and tiring time-limited journeys in response to the numerous badly-advertised short-notice consultations. We (their children), have incurred considerable personal costs in terms of time as well as expense fitting this in with our paid work.

Despite frequent preferences expressed by local residents for the new dual carriageway to go north of the current A66, National Highways are continuing with their plans for it to go south.

The consultation was completely inadequate and, to be compliant with the Planning Act of 2008, should be run again with full consideration given to the alternative routes preferred by local people, fully informing the public about all the consultations in place, and ensuring all the relevant issues are included. Residents without internet access should be supplied with relevant paper copies.

Context

The current proposals place a dual carriageway and an access road between the current A66 and Joy Thompson's [REDACTED]. The speed limit will be raised so they will have heavy traffic going close to their house at 60 or 70 mph, a much faster speed than at present (50 mph), much closer to the house (nearest road, projected 40 metres). There will be sink ponds (the nearest, projected 14 metres) occupying most of the nearby field, and a concrete access road to the back of the house. In addition, what is currently a beautiful view on all sides and a field will be destroyed for posterity. The local environment includes a field where rare birds such as curlews and peewits nest. The Thompsons will be subject to intolerable noise from construction works in the immediate vicinity of the cottage for a period of about two years. The value of their property will diminish, with no possible compensation until a year after the road is completed. National Highways will not guarantee there will not be work at night.

The current proposals are now worse than they were in 2019 and 2020, when, although a dual carriageway immediately to the south of the existing road was proposed, no access road was included.

Complaints regarding the adequacy of the consultations

The inadequacy of the consultation puts National Highways in breach of the Planning Act 2008:

Section 42-Duty to consult

Section 48-Duty to publicise

Section 47 Duty to consult the local community

And Regulation 12 of the Infrastructure Planning (Environmental Impact Assessment) regulations 2017-sufficient information

The short notice of many of the face-to-face non-statutory consultations and the inadequate length of time of the statutory consultation means they were less likely to be attended by members of the public. They have also caused considerable expense and personal inconvenience to family members.

Complaints about the timetable and conduct of consultations

The legislative context (Planning Act 2008, Part 5) states:

--- 53. Local people have a vital role to play at the pre application stage. People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is therefore critical that they are engaged with project proposals at an early stage. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be appropriate; or what other opportunities might exist for meeting the project's objectives.-----

Sequence of events

-August 2019 Exhibitions in Appleby. My parents felt there was little engagement by the Highways England team with the public nor acknowledgement that they might have something valuable to offer.

Route: dual carriageway to be constructed immediately south of the current A66. No choice of routes was offered for Appleby to Brough.

-May 2020 Route announcement (no choice given) Proposed dual carriageway to be constructed immediately south of the current A66. No choice of routes was offered from Appleby to Brough.

-March 2021

In March 2021 our parents received an unsolicited visit from about 5-6 people from National Highways. They were telephoned about a week in advance, but the purpose of the visit was not explained. My father has described how the visit (held out of doors as COVID-19 lockdown regulations still applied), was very awkward, with several people sitting round not knowing what to say, and how the officers seemed wholly incompetent. Our parents were given very unclear maps at the end of the visit with no clear explanation. It was very inconsiderate to keep two old people sitting outside without explaining the purpose of the visit in advance and with insufficient time for discussion.

The Community Liaison Officer Emily Kitching later claimed the visit was in response to queries, but as the Thompsons did not have the address or phone number of National Highways (formerly Highways England), they could not have made contact. There was no consideration of the possible shock to two old people of being presented with plans which involved building unnecessary new roads all the way round their house. When other local people, such as the chair of Warcop Parish Council, saw these maps and heard about these plans, which had not been publicised, they were shocked.

Failure to explain the proposals properly has caused a great deal of work for other family members, especially as our parents are not computer literate. March 2021 was the only time they were offered a personal visit during the consultation process, despite my father being very frail and unable to attend consultations. The short notice of so many consultations has made it difficult to plan ahead and request a face to face appointment on other occasions.

-May 5th 2021

A Teams meeting was held between the 4 siblings with Emily Kitching, Oliver Garland (from National Highways) and Richard Sowerby, about compensation, (though he had not been invited by us). Various possible variations of the route were discussed, including suggestions from my parents.

NB In a letter written by NH (formerly Highways England), in response to Mrs Thompsons' letter to Neil Hudson, the MP, dated 16 July 2021, it was claimed that:

“During both of these meetings, the team (which included a member of the design team) explained the proposed plans to Mrs Thompson and her family and the rationale behind why we have proposed the road network. It is very important to us that we discuss these plans comprehensively and as clearly as possible”.

Mrs Thompson was not present at the meeting on May 5th as she had no internet access or working computer. Nor was the route explained clearly at the meeting in March, as both my parents have noted.

--June 2021

A detailed letter was sent to Dr Neil Hudson, the local MP, from the Thompsons. It was passed on to Baroness Vere, the roads minister and to the then Highways England. The main response (from Dr Hudson, Baroness Vere and National Highways, received in August 2021), was to advise us to communicate with National Highways and that route amendments were being considered (Ref NH 8181).

--July 23rd 2021

A public meeting was organised by Warcop and Musgrave parish councils at Warcop Parish Hall and attended by about 70 local people. National Highways were invited but they chose not to attend, and instead organised their own drop in events in the daytime, at very short notice (about 2 weeks' notification). This has been a feature of many of the consultations, incurring considerable time and expense for participants and making them less accessible to the public. Given the short notice of the event, it seemed that it was purely a response to the holding of the public meeting.

--Teams meeting held on 20th September requested by NH to explain new route options.

Subsequently, a suggestion of my mother's for an alternative route via Flitholme was proposed by myself on her behalf by e-mail, but I was simply told to include it in the consultation (see below). It was not recorded in the consultation outcomes, so has not been given any consideration. [REDACTED] and found understanding the explanations in crowded rooms in public consultations very difficult. Again, the limited time of the consultation has made it very difficult for the views of old and vulnerable people to be heard and thus excluded vulnerable and elderly members of the community.

(e-mail 27 September from EK, Liaison Officer)

“Thank you for sharing your mother’s suggestion of utilising the track west of Flitholme. I have shared this idea with Oliver. May I suggest that you include this idea within a response to the consultation, which has now opened. This would allow the idea to be considered as part of the consultation in addition to your correspondence. You can view more information about the consultation here:”

--Statutory consultation-24th September -6th November 2021

Six weeks is too short for a consultation of this complexity and size. The consultation for the North West Coast Connections NSIP in 2016/17 was 14 weeks, for example.

Consultations for Nationally Significant Infrastructure Projects (NSIPs) should take place over a minimum of 12 weeks according to the Government’s Code of Conduct¹ which also states that “if the policy under consideration is particularly complex, consideration should be given to the feasibility of allowing a longer period for the consultation”.

The six weeks given was not long enough to consult properly on a single road scheme let alone such a complicated project. To put it in context, it involves eight different sections along a 50 mile stretch of road which passes through 5 Local Authority areas, through an AONB and the setting of a national park, affecting numerous local communities.

Different family members attended the consultations in July and October, and were informed that the noise levels were definitely predicted to rise, but that we could ask for noise reducing measures in the consultation written feedback. Although we did this, there is no evidence that this has been listened to or that these will be provided. No references to bunds were made in the most recent maps and consultations.

Throughout the consultations, we have made it clear that we preferred the northern route, as have many local residents, yet this has never been seriously considered. Indeed, while some local residents have produced high-quality

plans at their own expense, National Highways, funded by the taxpayer, has never conducted a proper survey of the area north of the A66 for its suitability.

The consultation did present a slightly better option, the Black-Blue-Black route, than the March 2021 plans, which involved building several unnecessary roads round the cottage. The extent to which these choices were understood by to other members of the public who had not spent considerable time studying the plans is

National Highways failed to address the issues in the Statement of Community Consultation.

“5.4 The consultation will run for six weeks from 24 September until 6 November 2021. During the consultation period, in addition to the project generally, we will be consulting on the following particular elements of the project:

- Route alignment and preliminary design, including route alignment alternatives considered within specific areas
- Junction layouts, including junction location alternatives considered within specific areas
- Construction compounds and other land potentially required for construction
- Proposed DCO boundary (the area of land needed to carry out the project)
- Proposals for walking, cycling and horse riding including the diversion of routes
- Environmental assessments and potential environmental impacts
- Environmental mitigation measures and associated land requirements
- Arrangements to mitigate the impact on any communities, farms or businesses “

Some of these items, such as compounds and walking, cycling and horse-riding were not addressed in this consultation, necessitating subsequent consultations which were not open to most of the public.

This reinforces our argument that the consultation was too short to address all the major issues, which has then led to a series of short non-statutory consultations, not open to the public.

--Jan-March 2022. Series of non-statutory consultations, arranged at short notice, with no alerting of the general public, only specific landowners, often with very little information provided. (I have listed those which directly affected our family, but there were several others along the route.)

Warcop Moor Beck and Warcop West. 28 January to 27 February 2022

A consultation was held, again at very short notice, with face to face meetings on February 8th and 9th 2022. We only discovered this on 21st January, via the parish councils, and CLG consultation group. Route information was not provided in advance.

No information was made available to my parents about this meeting. I had to write on 27th January and ask for hard copies to be posted. If they were not entitled to information, why was this provided later?

8th Feb Consultation at Warcop Parish Hall: Mrs Thompson and myself spent a great deal of time at this meeting with the overall designer discussing the possibility of moving the location of the access road at the Langrigg Junction, or getting rid of the junction. This was on the suggestion of the Chair of the Warcop Parish Council, David Keetley, and would have returned to the status quo in May 2020. Yet on March 30th, when I asked for an appointment, I was told that the design had been fixed in its previous form and no change was possible before the DCO.

This is despite the issue of the Langrigg Junction being raised at Community Liaison Groups and other meetings between the parish councils and National Highways including with the MP.

This consultation sought views on what are described as “considerable changes to the design” that were presented during the statutory consultation. These changes include: • Building the additional carriage to the north of the existing A66 rather than the south at Warcop central to reduce the impact on properties and land to the south and to the Roman Camp. • Building the structure at Warcop central slightly higher to help mitigate environmental issues with the River Eden Special Area of Conservation (SAC).

The consultation was not advertised publicly on the National Highways scheme page nor on National Highways social media, it did not appear on the National Highways consultation hub and could not (and still cannot) be located by searching that page and is not accessible via a publicly locatable link. The changes described in the Consultation Brochure are considerable and the subject matter includes impacts on nationally designated landscapes, habitats and species and are of more than immediate local concern.

---Walking, cycling and horse-riding provision, landform and compounds

16 February 2022-20 March 2022

On 14 February I received a phone call from the new Community Liaison Officer when I was working to a deadline. (I had not given my phone number to the new officer, nor had I given permission for it to be passed on to anyone except Emilly Kitching.) This call was to inform me that brochures were being sent to my parents about a new consultation.

At no point have the public been informed of the overall impact of a large number of new compounds (which are like mini-cities, where concrete is

batched, and site offices, worker amenities and vehicles stored), along the route. This is equivalent to a major consultation and should have been treated as such, and included in the statutory consultation. Letters were only sent to selected people. Even the parish councils did not know about it. There was no information to the public to assess the impact of the compounds. When I wrote to ask I was only told it would not be near my parents' house, though it would be visible further along the road and would impact on other residents.

As in other examples, there was nothing on National Highways' A66 social media, and no public events were held to inspect maps or ask questions. The compounds should have been included in the statutory consultation, not consulted on separately.

This consultation opened on 16 February 2022 and closed on 20 March 2022 and sought views on very considerable changes to the following: • Extensive changes to walking, cycling and horseriding provision along the length of the Scheme • Considerable changes to the proposed landform along much of the route, with the construction of multiple large landscape bunds • Multiple new large compounds along much of the route, of unknown purpose or use.

Although this consultation was listed on the National Highways consultation hub, it was not present on the National Highways scheme page, nor advertised on National Highways social media accounts with a publicly available link. Despite the numerous major and complex changes described in the Consultation Brochure, no public events were organised to inform the public and give them the opportunity to view the maps and ask questions. This may be in breach of National Highways' Public Sector Equality Duty, as it deprived those without access to the internet (particularly the elderly) an opportunity to inform themselves of the changes and to respond. Neither the consultation webpage nor the Consultation Brochure provide any information regarding the environmental impacts of any of these changes, which by their nature can be expected to be considerable due to the extent of the land impacted and the proximity to multiple protected landscapes and habitats. The new, proposed compounds, while they might be considered temporary, will have a large detrimental impact on the area and should have had their impact assessed as part of the Preliminary Environmental Information Report (PEIR). Even if considered temporary, compounds can end up being permanent features or leave behind permanent impacts, sometimes leading to further development. Due to these significant changes, the environmental impacts of which have not been explained or made public, the PEIR should be updated and consulted upon again.

- The consultation has been wholly inadequate and extremely poorly advertised

- A new Statement of Community Consultation should have been issued, detailing how National Highways would have consulted openly and fully about these changes
- An updated Preliminary Environmental Impact Report (PEIR) should have been produced, to reflect the impact of the new changes and to show the ecological impact

Consultation about bunds, landform, were not properly explained. Impact on the landscape was likely to be considerable. Insufficient information was provided about their impact.

I asked for a meeting on 3rd March, and again on 9th March, receiving a response on 10th March. I was told we could meet at the Brough Hill Fair face to face consultation. The maps at this meeting, which was very well attended, were all for a different consultation and therefore not very helpful.

This breaches Regulation 12 of the Infrastructure Planning (Environmental Impact Assessment) regulations 2017-sufficient information.

--Brough Hill Fair consultation. 11th March to April 3rd 2022

The subject of this was moving the site of Brough Hill Fair . The face to face consultation (16th/17th March) was not advertised except to specific people. Information was only sent to the Community Liasion Group on 9th March. The gipsies clearly do not want either site and also want the road to go north, yet National Highways has pressed forward only offering two inferior sites. This is profoundly discriminatory to a group of about a million people.

--April 6th and 7th, 2022-private appointments with landowners

When we learnt that National Highways had booked Warcop Parish Hall on 6th and 7th April, I requested a meeting to give my parents the opportunity for a discussion about the route.

On making my request (March 30th), I was told the meetings were for landowners by appointment and that I was unlikely to get one. On April 5th I received a missed call on my mobile phone and on returning it, was told that I had an appointment at 1 p.m. There was no written follow up and I understood it was the next day, which was when I was available.

In the morning, of April 6th , the caretaker waited for National Highways to come from about 7.30 a.m-9 a.m. and when nobody came, he telephoned, to be told they had forgotten and had a meeting in Manchester. The hall was being charged for (on taxpayers' money). Apparently organisers of local events had

been asked to cancel these as it was in the interests of the village that the meeting be held on these dates.

(In my request for a meeting made on 30th March, I had made an error, asking for Wednesday April 7th, but since there was no follow up and I had been told an appointment was unlikely, I did not correct it.)

On contacting NH, having learnt they had cancelled the hall on 6th, I was then telephoned, asked to respond and then texted and told the appointment had been made for April 7th. This was the first time I had received this information. I was unavailable on 7th and therefore agreed for NH to visit my parents in their home as the only option.

On April 7th there was a visit to my parents . In fact, three people came when they were expecting one. My father raised the preference for the northern route, but was told there was no negotiation about the route. He would have preferred me to be present, given that I have more information, but this was made impossible by the rushed nature of the arrangement. My mother asked why the discussions about amending the Langrigg junction had not progressed but was told the design was fixed.

“IB opened the meeting by apologising for the apparent misunderstanding with the meeting intended with Mary-Clare. It seems Mary-Clare had thought the meeting was on Wednesday 6 April when it had been arranged for Thursday 7 April”. (Minutes, 7/4/22, NH)

Thus, late and incomplete communication made it impossible for me to help my parents for this important meeting.

I was sent the minutes of the meeting by e-mail on 12th April when I was abroad on family business, but no hard copies were sent to my parents, although my out of office message clearly stated I would not be available until 22nd April. Since their memories are failing, neither can now recall what was said. Why were hard copies not sent?

There was also a basic inaccuracy stating that “Mr Thompson” is a landowner, which is not the case. Mrs Joy Thompson is the sole landowner.

So, there has never been an opportunity for a face to face meeting with my elderly parents and National Highways to have a full discussion about the route as opposed to being told what National Highways have decided.

Yet, I now find that National Highways were in the area on the afternoon of Wednesday April 6th, the day I wanted a meeting, as a member of the public met the Community Liaison officer, Mr Ian Balmer, in the car park on the afternoon of April 6th.

Complaint regarding the road proposal

Despite enduring about two years of construction works, my parents' access to the A66 will be far worse than the present situation. They will only be able to drive out west (left) and will then have to go round in a semi-circle to turn east, under the tunnel at Flithome, to get back east to Brough (currently a 5-10 minute drive) or Kirkby Stephen. So far nothing has been said about improved access to public transport for non-car drivers, despite the government's National Bus Strategy. Indeed, apparently there is no new money for Cumbria (as reported in *CWH*, 21st April 2022). Indeed, because of the nature of the dual carriageway, access to the A66 for public transport purposes is likely to be worse than in my grandmother's final years in the 1970s, when she used to catch a weekly bus to Appleby to do her shopping.

A compound (not in the initial statutory consultation) has also been proposed further along the road to the east. These again will be an eyesore and increase the noise and pollution burden on residents.

Other residents will also be badly affected. At Dyke Nook, near Sandford, in which the residents had invested all their resources, two residents had planned a community farm and work with disabled people, work in which the MP has been very interested. According to the current proposals, the road will come much closer to their house, and make this impossible. Further along, at Kirkby Thore, the road will go right through a farm.

Warcop residents have expressed grave concerns about flooding from Lowgill Beck, which flows down from Helbeck. In 2015, 6 houses in the village were flooded. Has any specialist expertise been sought to assess the risks involved?

Complaints about the lack of alternative routes offered, despite strong presentation of local preferences.

Local people have never been offered the northern route or any alternative route, apart from some minor modifications, so no real choices were offered.

On enquiry with National Highways staff, we understood that a route north was a possible option at the beginning of the process, but was not considered because of the positioning of an AONB to the north of the current A66. This blanket judgment fails to acknowledge the local realities of the landscape. The boundary of the AONB appears to have been purely arbitrary, due to the location of the A66. The nearby parts of the AONB consist of scrubland used for firing by the army for decades. They are not nearly as beautiful as the land south which will be destroyed, with a consequent industrialising of the landscape. Currently the AONB is not even visible to the public as trees planted by the army obscure the view. Although this land was open to the public on

non-firing days in the past, this was stopped in the 1980s, again restricting opportunities for local people to walk and enjoy the landscape without needing a car. Since the AONB was established at a time when extending the A66 was a possibility, one wonders if this was effected by the army to protect their land. Yet the current NH proposals now include infringing on parts of the AONB, near Warcop for example. Moreover, there are other precedents for building on small portions of national parks and AONBs, as in the case of the Okehampton bypass of 1985.

The building of the dual carriageway south of the current A66 also necessitates more complicated junctions and additional access roads because it is near residential properties and businesses.

The local survey conducted by parish councils in Nov 2020 was more effective in gauging the views of local people than the NH consultations. 94% (200 out of 300 questionnaires), stated that they wished to have a route going north of the current A66.

905 people have now signed the petition for the dual carriageway to go north of the current A66, which is far more than the number expressing support for dualling in the statutory consultation (645) [conducted Sept-Nov 2021, released March 2022].

The persistence with the plan for the road to go south, is despite the support of the MP for the northern route, the asking of a question in Parliament (Oct 2021) about whether the views of local people would be considered in consultation with the Ministries of Defence, Transport, and Defra, and being assured by the Prime Minister that they would.

Other issues

Representations by local organisations

Throughout the consultation period, Warcop and Musgrave Parish Councils have promoted the northern route, and engaged in meetings with National Highways, supported by the MP, Dr Neil Hudson, and local councillors.

We have had strong support from the local press (the *Cumberland and Westmorland Herald*), which has featured the Thompsons' situation.

Eden District Council has also put in a complaint about the consultation process. Despite all this local support, and 905 people having signed the petition for a northern route, National Highways has simply continued with its preferred route.

This contravenes the Planning Act of 2008 n. 53 about the importance of involving local people in consultation.

Value for money

Billed as “Project Speed”, a £1 billion project, there has never been any discussion as to whether dualling the A66 is the most cost-effective or environmentally friendly way of managing local transport, or meeting the needs of local people, some of whom cannot afford to run a car, or whose health may not permit this. As such, it is a profoundly elitist and exclusionary project which does not meet the needs of many of the local population, young as well as old. Indeed, for people without car access, just attending the consultations is a challenge.

As Warcop Parish Council website indicates, William Sewell conducted a cost analysis of the northern route. There has never been a comparative account from National Highways of the costs of the different routes. This is taxpayers’ money in a time of financial crisis for many, and should be more carefully stewarded.

Breaching of confidentiality

I am also very concerned about National Highways’ attitude towards privacy and data protection. I was called on my personal number during the working day by National Highways, when I only gave my number to a specific person.

Remarks were made about other people’s private affairs during the consultation process, which were clearly infringing GDPR.

Root and branch problems

The underlying problem is not the road (described as no longer fit for purpose by National Highways) but the increasing amount of traffic, and particularly heavy lorries, as well as some dangerous drivers. Speed cameras, more speed traffic controls, and more controls on such drivers are needed immediately. The dual carriageway may end up with more accidents as traffic can drive faster.

Carbon emissions from this project

Carbon emissions are predicted to rise making this the third most carbon-emitting location in the country. Again, this demonstrates how a unique and beautiful rural haven is being reduced to the level of an urban industrial

landscape. This is particularly inappropriate at this time, given the measures taken by local authorities in urban areas to reduce traffic, enhance community use of green spaces and improve air quality.

Re-running the consultation

The consultation was completely inadequate, and in fairness to local people who will have to live with the consequences of the work for decades, perhaps the rest of their lives, it should be re-run, in accordance with the Planning Act 2008, with full consideration of the local knowledge of local people and their preferences.

Conclusion

██████████ has been in our family since the 1950s, and is ideal for very old people, as it is mainly a bungalow, has a productive but manageable garden and a beautiful location for people who are not very mobile. The proposals will have an unquestionably deleterious effect on their quality of life, and also destroy the landscape for miles around for future generations. (It will go into a trust when one of them dies and will be inherited in the first instance by the four siblings.)

The house has also been used by many local people for garden days, church study groups and other events and again, this will be affected.

The project is billed as levelling up, yet nothing is being done to improve transport for some of the most vulnerable members of the community. Indeed, it will almost certainly be worse than several decades ago. The rationale for not building on the AONB is hollow, when the public have been systematically excluded from walking on that land since the 1980s.

Mary Clare Martin

with Mrs Joy Thompson, landowner,

██████████

██████████

██████████

██████████

██████████

Response, 3rd July 2022, to National Highways letter of 24th May (in response to formal complaint sent 3rd May on the inadequacies of consultation).

Dear Monica,

I received a response to my formal complaint of 3rd May on 24th May. This did not address my concerns. This letter addresses your response, and highlights further inadequacies in the consultation process, in response to the licence held by National Highways (see attached and below).

Context

Two years after the preferred route announcement in 2020, my parents, long term residents, at [REDACTED], [REDACTED] are in a worse [REDACTED]. At that point, there was a proposed dual carriageway immediately to the south of the existing road. Now there is a new and (in many people's views), unnecessary junction entitled Langrigg Junction, meaning that the dual carriageway has to be nearer to their house, and there will also be an access road, I understand about [REDACTED]. There is absolutely no benefit to them in these new road proposals, which will have a seriously [REDACTED] [REDACTED].

Why have National Highways had so little regard to the effect of your proposals on the lives of vulnerable and elderly people? The noise and disruption of road works close to their house and garden, which would be completely exposed, would be [REDACTED] and wellbeing. We have been writing about this for over a year.

Your response was written under three headings, the northern route, consultation and engagement, and data protection.

Under "the northern route", you explained that there has been some incursion into the area north of the current A66 on the western end and that plans for a northern route were presented to a meeting with local stakeholders. I was aware of these facts. You also claimed that you had identified "the opportunity to dual the western section of the scheme to the north rather than south, which reduces impact on properties" but this does not benefit my parents.

You also claim that a northern route near the Langrigg Junction would involve the purchase of Crown Land which would not be consentable. Yet such purchases have happened elsewhere, as in the case of the A428

We were told by your staff that the changes were in response to requests from Flitholme people for more access. There is a bridge at the Flitholme exit, in the new proposals, so already have improved access. Why is a totally unnecessary new access road being built?

You claim that you are continuing to talk to the parish councils and local residents on this point, yet I am not aware of any communications after April 6th.

Problems with the consultation

The fundamental problem with this consultation is that it is a huge stretch of road, divided into eight sections, but treated as one. Although the Planning Inspectorate suggested at the beginning of the process that it should be divided into eight separate sections for consultation purposes (sec 51, 13 Sept 2020, Appendix One), National Highways have insisted it needs to be treated as one,

One of the reasons why the current dual carriageway is further from the existing road and nearer to my parents' house than originally planned is because of the junction. It was put to Paul Carey at a consultation at Warcop in February by the Chair of the Warcop Parish Council that either or both of the actions could be taken to reduce the impact of the new road on the residents of [REDACTED], and Paul said this would be considered. In my next communication, however, I was told that the route could not be changed.

We understand this is a pilot, the first project of this type for Project Speed which aims to cut corners on the consultation process and avoid proper consultations. This is not a good model given the final nature of road-building and suggests that political considerations are taking precedence over the wellbeing of local communities.

You said that a northern route at the Langrigg end, east on Warcop would involve purchase of crown land and therefore was "not consentable". In October 2021, the local MP, Neil Hudson, asked a question to the Prime Minister in PMQs. He asked whether Defra, the Department of Transport and the Ministry of Defence would work together to consult with local people, and was told Yes. Given the support for the route to go north, I am unclear why more effort has not been made to investigate the possibility of purchasing Crown land, which I presume is happening at the Warcop end. Given that with changing patterns of warfare, the army may not need to rent the land from the Crown, this could be advantageous to the army.

Licence held by National Highways

The licence held by National Highways stipulates the following duties. We have been raising issues for the past 15 months, yet, as stated above, are now in a worse position than in Spring 2020. National Highways is clearly not acting in accordance with this licence.

5.19 In complying with 5.17 and 5.18, the Licence holder should co-operate with other persons or organisations in a way which is demonstrably:

a. Open and transparent – involving relevant stakeholders, ensuring that essential information is available to affected and interested parties, and that the processes for engagement and communication are clear;

b. Positive and responsive – seek to build trusting and effective working relationships with key partners and stakeholders, engaging with due efficiency and economy and in a timely manner;

c. Collaborative – working with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.

The local campaign for a northern route gained over 900 signatures, yet the views of numerous residents have been ignored. As per para 4.2f, National Highways are clearly not working collaboratively.

There are many other issues such as Environmental Impact Assessment processes, which are problematic. Indeed, the demands of this in terms of [REDACTED]

We expect the consultation to be re-run with full regard to all local residents.

Mary Clare Martin

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

July 3rd 2022

Appendix One

From Section 51 on the PINS A66 website.

13 Sept 2020

Design and Delivery The Inspectorate questioned why the project had not been split into smaller projects with their own consenting strategies. The Applicant explained that National Highways are approaching it as one project and it was important that it was delivered as one project in relation to East/West connectivity. The Applicant noted that each of the 10 schemes are dependent on each other, and the benefits will only be fully achieved through delivery of the entire length of the project (i.e. the benefits of the project are greater than the sum of its parts

17 Sept 2020:

"The Inspectorate noted that applicants do not have to agree to all local authority comments on the draft Statement of Community Consultation, the requirement is to **have regard** to any comments made."

29 Sept 2020:

"The Applicant explained that owing to the Project Speed objectives for the scheme they were looking into a strategy which minimised the number and detail sought from pre-commencement requirements"

"In seeking to retain flexibility by providing less detail in the Order with Requirements that contain less detail on submission, **the Inspectorate queried whether there was a risk that stakeholders may find it difficult to understand what could actually be consented through the Order.**"

13 Oct 2020:

"The Inspectorate questioned why the project had not been **split into smaller projects** with their own consenting strategies. The Applicant explained that National Highways are approaching it as one project and it was important that it was delivered as one project in relation to East/West connectivity. The Applicant noted that each of the 10 schemes are dependent on each other, and the benefits will only be fully achieved through delivery of the entire length of the project (i.e. the benefits of the project are greater than the sum of its parts)."

10 Nov 2020:

"The Applicant explained the approach to project optimisation and that for some matters not all information would be available on submission. Further evidence, informed by **surveys**, could be submitted further into the process to substantiate the identified environmental effects or mitigation measures. The Applicant confirmed the ES would adopt a worst-case scenario approach. The Inspectorate flagged its previous advice in relation to submission of information post application and the need to ensure adequacy of the ES for examination at the point of submission."

Consultation process. The Applicant queried the Inspectorate's view on the appropriate length of a statutory consultation period. The Inspectorate referenced the MHCLG Guidance which discusses the quality of consultation and showing stakeholder that regard has been had to responses. It is important to have sufficient information as part of the statutory consultation so stakeholders can understand with reference to the Preliminary Environmental Impact Report (PEIR) the potential impacts and mitigation measures of the scheme, particularly given the geographical extent and complexities of the schemes forming the proposed development. It is important for an applicant to explain why alternatives have been rejected and provide justification for the preferred route



Department
for Transport

Highways England: Licence

*Secretary of State for Transport statutory directions
and guidance to the strategic highways company*

April 2015

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Foreword

In setting up Highways England as an arms-length, government-owned company, delivering a long term plan framed by Government's clear vision, and sustained by stable investment, an independent monitor and a user watchdog, we have fundamentally transformed the way our strategic roads are run.

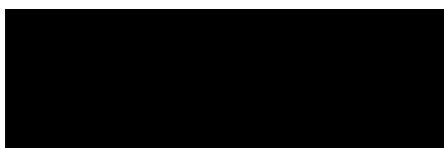
This change means better long-term planning, more efficient delivery, greater transparency, clearer accountability and ultimately a better service for the people and businesses that use and rely on the network on a daily basis.

Government remains responsible for strategic roads and Ministers will continue to be accountable for making sure that the network is managed responsibly, in a way that safeguards value for public investment, meeting the needs of road users, securing individual well-being and supporting economic purpose, both today and for future generations. We have put in place a robust system of governance that ensures we can effectively oversee management and delivery, and intervene to prevent or tackle any failures.

This document represents a crucial part of that system, by setting out the Secretary of State's statutory directions and guidance to Highways England. It makes clear, to both Highways England and the wider community of road users and stakeholders, what we expect Highways England to achieve and how they must behave in discharging their duties and in delivering our vision and plans for the network, set out in the Road Investment Strategy.

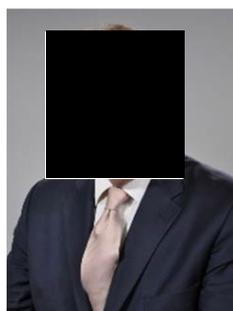
The Licence emphasises that the role of Highways England is about more than just complying with the letter of the law. We expect the company to go the extra mile in the way it engages with road users and collaborates with other organisations to develop shared solutions. And they must take a lead in promoting and improving the role and performance of roads in respect of broader communal responsibilities, such as the aesthetics of design, safety and the environment, as well as driving forward wider progress on technology and innovation.

Our reforms are more than a technical change, they are an opportunity to catalyse and drive forward a genuine transformation of the network over the long term. The Licence has a vital role to play in shaping the culture of Highways England and so shift the way we think about how our strategic roads are managed and developed.



The Rt Hon John Hayes MP

Minister of State for Transport



Part 1 - Scope

- 1.1** The Secretary of State has appointed Highways England Company Limited (the "Licence holder") as a strategic highways company by way of an Order in accordance with section 1 of the Infrastructure Act 2015. The effect of this appointment is to confer upon the Licence holder the legislative functions of a strategic highways company as regards the areas and highways in respect of which it is appointed. As a result, the Licence holder will be the highway authority, traffic authority and street authority for the strategic road network.
- 1.2** This Licence shall come into force on 1 April 2015 and shall continue in force unless and until revoked in accordance with the conditions of this Licence.

Part 2 - Interpretation

2.1 This document includes both statutory directions and statutory guidance issued by the Secretary of State to the Licence holder, as provided for in section 6 of the Infrastructure Act 2015. Directions must be complied with by the Licence holder. In the interests of clarity, in this document the statutory directions are indicated by use of the word “**must**” (where marked in bold). All other parts of the document should be considered statutory guidance.

2.2 In this Licence:

"Activities"	means the functions carried out by the Licence holder in meeting its obligations and exercising its role as a strategic highways company appointed by the Secretary of State under section 1 of the Infrastructure Act 2015;
"Appointment Order" or "the appointment"	means the Appointment of a Strategic Highways Company Order 2015 (S.I.2015/376);
"Conditions" or "Licence conditions"	means the directions and guidance issued by the Secretary of State to the Licence holder under section 6 of the Infrastructure Act 2015 set out in this Licence;
"Consultation"	means consultation or engagement proportionate to the circumstances in accordance with government guidance on consultation principles ¹ ;
"Enforcement Policy"	means the Highways Monitor's policies that secure the Licence holder's compliance with the requirements of the Road Investment Strategy and the Licence.
"Highways Monitor"	means the organisation established under section 15 of the Railways and Transport Safety Act 2003, as amended, which will be responsible for monitoring the costs, efficiency and performance of the company.
"Licence holder's network" or "the network"	means the highways for which the Licence holder is appointed, as set out in the Appointment Order;
"Relevant assets"	means the Licence holder's network and other assets held by the Licence holder for the purposes of operating, managing and improving the highways for which the Licence holder is responsible;

¹ <https://www.gov.uk/government/publications/consultation-principles-guidance>

"Road Investment Strategy"	means any Road Investment Strategy set by the Secretary of State under section 3 of the Infrastructure Act 2015;
"Route"	A route is a strategic corridor through which strategic road network traffic flows between economically and socially associated centres of population and industry, and/or between strategic points of entry to and from overseas markets, such as ports and airports, and destinations;
"Transport Focus"	means the organisation established under section 19 of the Railways Act 2005, as amended, which will be responsible for representing and promoting the interests of users of the strategic road network;
"Secretary of State"	means the Secretary of State for Transport, or those acting on his behalf;
"Strategic highways company"	means a company appointed by the Secretary of State by way of an Order in accordance with section 1 of the Infrastructure Act 2015;
"Whole-life cost"	means the total cost of ownership over the life of an asset.

- 2.3** Any reference in this Licence to a numbered paragraph is a reference to the paragraph bearing that number in the condition in which the reference occurs.
- 2.4** In interpreting this Licence, headings shall be disregarded.
- 2.5** Where in this Licence the Licence holder is required to comply with any obligation within a specified time limit, the Licence holder **must** comply with the obligation notwithstanding that the time limit has passed, and must do so as soon as practicable.

Part 3 - General conditions

- 3.1** The Licence holder **must**, without prejudice to the Licence holder's legal duties or other obligations, comply with or have due regard to (as appropriate) the conditions set out in this document, which constitute statutory directions and guidance issued by the Secretary of State to the Licence holder as provided for in section 6 of the Infrastructure Act 2015.
- 3.2** It is not intended that these conditions should be incompatible with other legal duties or statutory guidance, though they may affect the manner in which certain functions (including statutory functions) are discharged.
- 3.3** If the Licence holder becomes aware of any incompatibility between the Licence and its other legal duties, it **must** notify the Secretary of State and the Highways Monitor immediately.
- 3.4** Where in this Licence there is a provision for the Secretary of State to give his consent, the Secretary of State may give such consent subject to conditions².
- 3.5** The Secretary of State may make changes to this Licence at any time, but does not intend to do so without first consulting the Licence holder and the Highways Monitor, taking into consideration any advice or representations duly made.
- 3.6** Where in this Licence there is a provision for the Secretary of State to give a notice or to issue further directions or guidance to the Licence holder, the Secretary of State may first consult the Licence holder and take into consideration any representations duly made. The Secretary of State will notify the Highways Monitor of any such directions or guidance.
- 3.7** The Secretary of State may also issue additional directions and guidance to the Licence holder at any time, ensuring that such directions and guidance are made known to the Highways Monitor and published in accordance with section 6 of the Infrastructure Act 2015. The Licence holder **must** report on its progress in carrying out such directions and advice, as required by the Secretary of State.
- 3.8** Where any amendments to or the issuing of additional directions and guidance to the Licence holder by the Secretary of State under 3.6 or 7 would result in a significant impact on the ability of the Licence holder to fund or deliver its activities, the Secretary of State will consider making a proportionate change in the requirements on the Licence holder or the funding made available by the government.
- 3.9** Any significant alteration in the size of the network for which the Licence holder is the highway authority will be accompanied by consideration of a proportionate change in the requirements on the Licence holder or the funding made available by the government.

² This includes where Secretary of State consent may be conditional on any necessary approvals from other parts of government.

3.10 Any consideration of a significant change in the requirements on the Licence holder or the funding made available by the government, including under the circumstances described in 3.5 - 3.9, will be subject to the formal processes for considering changes to the Road Investment Strategy, as set out in Part 6.

Part 4 - Aims and objectives

- 4.1** The network for which the Licence holder is responsible is a critical national asset, which the Licence holder **must** operate and manage in the public interest, in respect of both current activities and needs and in providing effective stewardship of its long-term operation and integrity.
- 4.2** Without prejudice to the general duties on the Licence holder under section 5 of the Infrastructure Act 2015, the Licence holder **must**, in exercising its functions and complying with its legal duties and other obligations, act in a manner which it considers best calculated to:
- a. Ensure the effective operation of the network;
 - b. Ensure the maintenance, resilience, renewal, and replacement of the network;
 - c. Ensure the improvement, enhancement and long-term development of the network;
 - d. Ensure efficiency and value for money;
 - e. Protect and improve the safety of the network;
 - f. Cooperate with other persons or organisations for the purposes of coordinating day-to-day operations and long-term planning;
 - g. Minimise the environmental impacts of operating, maintaining and improving its network and seek to protect and enhance the quality of the surrounding environment;
 - h. Conform to the principles of sustainable development.
- 4.3** For the purposes of this section, "sustainable development" means encouraging economic growth while protecting the environment and improving safety and quality of life for current and future generations.

Part 5 - Exercising the role of a strategic highways company

Effective operation

- 5.1** In complying with 4.2(a) and relevant statutory duties, including the general duties relating to network management under the Traffic Management Act 2004, the Licence holder should:
- a. Seek to minimise disruption to road users that might reasonably be expected to occur as a result of:
 - i. Planned disruption to the network (including from road works);
 - ii. Unplanned disruption to the network (including from incidents on the network and the short-term effects of extreme weather conditions)
 - b. Proactively and reactively provide relevant, accurate and timely information about traffic and conditions on the network to road users, including when there is disruption.
- 5.2** When seeking prior authorisation from the Secretary of State of any non-prescribed traffic sign before it is erected on the network, in accordance with sections 64 and 65 of the Road Traffic Regulation Act 1984, the Licence holder should:
- a. Do so in line with any relevant procedures or guidance that the Secretary of State may specify by notice or in guidelines to the Licence holder;
 - b. Consider any non-prescribed traffic sign previously authorised by the Secretary of State for use on the strategic road network as already authorised;
 - c. Consider initial authorisation of a new non-prescribed traffic sign by the Secretary of State for use on the network to also cover any subsequent uses of the same sign on the network, without the need for further authorisation unless otherwise indicated by the Secretary of State.
- 5.3** The Licence holder **must not** display messages on the road network that do not relate to the Licence holder's statutory responsibilities or the wider management of the road network.

Maintenance, resilience, renewal, and replacement

- 5.4** In complying with 4.2(b), the Licence holder should take all reasonable steps to ensure the continued availability and resilience of the network as a strategic artery for national traffic, and as an effective part of the wider road and transport system.

- 5.5** The Licence holder **must** demonstrate in the Delivery Plan how it aims to comply with the general duty to maintain highways in section 41 of the Highways Act.

Improvement, enhancement and long-term development

- 5.6** In complying with 4.2(c), and Part 6 of the Licence, the Licence holder **must**:
- a. Cooperate with the Secretary of State in developing Road Investment Strategies, including taking the necessary steps to deliver any elements or information required for the development of future strategies;
 - b. Establish and maintain a clear understanding of the pressures upon and impacts of its network at both a national and route level (including in the preparation of route strategies, as required at 5.13), and be aware of the actions needed to improve conditions for users, and manage or mitigate existing problems, to inform the future development and improvement of the network and its performance;
 - c. Provide for sufficient flexibility and future-proofing in planning the long-term development and improvement of the network, taking account of long-term trends, uncertainties and risks - including new and emerging technologies and long-term trends in climate and weather conditions.
- 5.7** The Licence holder may carry out relevant research, development, demonstration and deployment of innovative technologies and applications in line with, and as a function of, the Licence holder's role as a strategic highways company, and is authorised to conduct experiments or trials under section 283 of the Highways Act 1980.
- 5.8** In carrying out any activities referred to in 5.7, including under section 283 of the Highways Act 1980, the Licence holder **must**:
- a. Agree its strategic plans for research, development, demonstration and deployment of innovative technologies and applications, including any experiments or trials which may have significant implications for user safety or government policy, with the Secretary of State;
 - b. Publish its plans for research, development, demonstration and deployment of innovative technologies and applications, as well as any final results from such activities; and
 - c. Where relevant, assist and co-operate with the Government on wider research, development and demonstration activities.

Asset management

- 5.9** The Licence holder **must** develop and maintain high quality and readily accessible information about the assets held, operated and managed by the Licence holder in line with, and as a function of, the Licence holder's

legal duties as a highway authority, including their condition, capability, and capacity, as well as their performance, including against any expectations set out in a Road Investment Strategy.

- 5.10** The Licence holder **must** develop, maintain and implement an asset management policy and strategy, taking into account the requirements of 5.12 - to be initially published to timescales specified in the Licence holder's Delivery Plan - setting out how it will apply a best practice approach to managing the lifecycle of its assets, including maintaining a registry of its asset inventory and condition.
- 5.11** In complying with 5.9 and 5.10, the Licence holder should adopt a long-term approach to asset management consistent with ISO 55000 standards.

Efficiency and value for money

- 5.12** In complying with 4.2(d), the Licence holder **must**:
- a. Adopt a Whole-life cost approach to managing its assets;
 - b. When presented with a significant choice between bearing short-term costs and increasing long-term costs, appraise the different options in line with relevant government policy and guidance to determine which represents the best overall value for money;
 - c. Ensure that it has in place robust internal arrangements to achieve, and to demonstrate how it has achieved, value for money;
 - d. Have due regard to circumstances in which it may be appropriate to carry out additional work as part of proposals where these can reduce or eliminate long-term costs or disruption to the network.

Route strategies

- 5.13** In accordance with section 4 of the Infrastructure Act 2015, the Licence holder **must** periodically prepare and publish route strategies covering the whole of the network, to develop and maintain an appropriate evidence base on the state and performance of the network, and issues affecting these, to inform the setting of Road Investment Strategies (as set out in Part 6) and the Licence holder's ongoing management and development of the network when planning and carrying out its activities.
- 5.14** In preparing route strategies under 5.13 the Licence holder **must**:
- a. Agree the process and timescales for preparing route strategies with the Secretary of State, including the definition of routes on the network;
 - b. Publish the process for preparing route strategies;
 - c. Identify current performance issues and future challenges for all routes on the network;
 - d. Establish outline operational and investment priorities for all routes on the network;

- e. Take account of relevant local plans and priorities concerning local road and other transport networks, wider socio-economic developments, and government policy;
- f. Consider the need for effective integration between the Licence holder's network and the rest of the transport system, including carrying out joint studies with other organisations where appropriate;
- g. Engage with and take account of the views of relevant national and local stakeholders, including those organisations or groups identified at 5.18;
- h. Engage with and take account of the views of Transport Focus and the Highways Monitor;
- i. Identify indicative options for intervention, covering operational, maintenance and, if appropriate, road improvement needs;
- j. Consider opportunities for collaborative solutions, including potential interventions off the Licence holder's network, that can improve the performance of the network and provide increased integration benefits over those that the Licence holder can achieve alone, where this delivers value for money;
- k. Include sufficient evidence to allow the Secretary of State to take informed decisions on the development of a future Road Investment Strategy – including preliminary assessments of deliverability and value for money of any proposed road improvement schemes.

Safety

- 5.15** In complying with 4.2(e) and its general duty under section 5(2) of the Infrastructure Act 2015 to have regard to safety, the Licence holder should, when exercising functions related to safety, have due regard to the need to protect and improve the safety of the network as a whole for all road users, including:
- a. Ensuring that protecting and improving safety is embedded into its business decision-making processes and is considered at all levels of operations;
 - b. Seeking to achieve the best possible safety outcomes across its activities, while working in the context of sustainable development and delivering value for money; and
 - c. Taking opportunities to engage with and support wider efforts to improve safety for road users.
- 5.16** The Licence holder **must** develop and implement strategic plans that demonstrate how it will meet its legal duties and other obligations with regard to safety, including the requirements of 5.15, to be published to timescales specified in the Licence holder's Delivery Plan.

Cooperation

- 5.17** In complying with 4.2(f) and its general duty to cooperate under section 5(1) of the Infrastructure Act 2015, the Licence holder should co-operate with other persons or organisations in order to:
- a. Facilitate the movement of traffic and manage its impacts;
 - b. Respond to and manage planned and unplanned disruption to the network;
 - c. Take account of local needs, priorities and plans in planning for the operation, maintenance and long-term development of the network (including in the preparation of route strategies, as required at 5.13);
 - d. Provide reasonable support to local authorities in their planning and the management of their own networks.
- 5.18** In complying with 5.17, the Licence holder should cooperate with, consult and take reasonable account of the views of:
- a. Local authorities and devolved administrations;
 - b. Other transport network operators (including local highway authorities, Network Rail, port and airport operators);
 - c. Operational partners (including, but not limited to, the emergency services);
 - d. Road users;
 - e. Local communities;
 - f. Other relevant stakeholders with a significant stake in the long-term development of the network.
- 5.19** In complying with 5.17 and 5.18, the Licence holder should co-operate with other persons or organisations in a way which is demonstrably:
- a. Open and transparent – involving relevant stakeholders, ensuring that essential information is available to affected and interested parties, and that the processes for engagement and communication are clear;
 - b. Positive and responsive – seek to build trusting and effective working relationships with key partners and stakeholders, engaging with due efficiency and economy and in a timely manner;
 - c. Collaborative – working with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.
- 5.20** The Licence holder **must** cooperate with and assist Transport Focus and the Highways Monitor to support the fulfilment of their statutory functions and must formally agree working practices with the respective organisations to facilitate this.
- 5.21** The Licence holder **must** develop and implement a stakeholder engagement plan that demonstrates how it aims to communicate, engage and cooperate with others in exercising its functions and complying with the requirements set out in 5.17 - 5.19, to be published to timescales specified in the Licence holder's Delivery Plan.

- 5.22** The Licence holder **must** establish a stakeholder advisory panel to provide advice to the Licence holder's Board on issues directly affecting local authorities and communities, and ensure that:
- a. The membership of the panel includes representation from a credible range of local government and other stakeholders, including environmental and safety groups, as appropriate;
 - b. The Licence holder seeks advice from the panel on a regular basis.

Environment

- 5.23** In complying with 4.2(g) and its general duty under section 5(2) of the Infrastructure Act 2015 to have regard to the environment, the Licence holder should:
- a. Ensure that protecting and enhancing the environment is embedded into its business decision-making processes and is considered at all levels of operations;
 - b. Ensure the best practicable environmental outcomes across its activities, while working in the context of sustainable development and delivering value for money;
 - c. Consider the cumulative environmental impact of its activities across its network and identify holistic approaches to mitigate such impacts and improve environmental performance;
 - d. Where appropriate, work with others to develop solutions that can provide increased environmental benefits over those that the Licence holder can achieve alone, where this delivers value for money;
 - e. Calculate and consider the carbon impact of road projects and factor carbon into design decisions, and seek to minimise carbon emissions and other greenhouse gases from its operations;
 - f. Adapt its network to operate in a changing climate, including assessing, managing and mitigating the potential risks posed by climate change to the operation, maintenance and improvement of the network;
 - g. Develop approaches to the construction, maintenance and operation of the Licence holder's network that are consistent with the government's plans for a low carbon future;
 - h. Take opportunities to influence road users to reduce the greenhouse gas emissions from their journey choices.
- 5.24** The Licence holder **must** develop and implement strategic plans that demonstrate how it aims to meet its legal duties and other obligations with regard to the environment, including the requirements of 5.23, to be published to timescales specified in the Licence holder's Delivery Plan.

Sustainable development and design

- 5.25** In complying with 4.2(h), the Licence holder should balance a range of factors in meeting the short and long-term needs of the network, in particular with regard to:
- a. Supporting national and local economic growth and regeneration;
 - b. Protecting and improving the safety of road users and road workers;
 - c. Protecting, managing and enhancing the environment;
 - d. Seeking to improve the well-being of road users and communities affected by the network;
 - e. Ensuring efficiency and value for money.
- 5.26** In exercising its functions, the Licence holder **must** have due regard to relevant principles and guidance on good design, to ensure that the development of the network takes account of geographical, environmental and socio-economic context.
- 5.27** The Licence holder **must** establish a Design Panel to provide advice to the Licence holder on design issues, and in doing so ensure that:
- a. The membership of the Design Panel includes representation from credible experts and relevant stakeholders, as appropriate;
 - b. The Licence holder seeks, and has due regard to, the views of the Secretary of State concerning the purpose, remit and membership of the Design Panel;
 - c. The Licence holder seeks advice from the Design Panel:
 - i. on the design of road improvement schemes, where these are in sensitive locations or expected to have a substantial impact on the surrounding landscape;
 - ii. on the development of relevant design standards concerning the visual impact of schemes; and
 - iii. at any other time where required by the Secretary of State.
 - d. The Licence holder has due regard to the advice and general recommendations of the Design Panel, and the particular observations of the Panel on specific schemes.
- 5.28** The Licence holder **must** develop and implement strategic plans that demonstrate how, in meeting its legal duties and other obligations, it aims to support and promote sustainable development, with particular regard to those factors specified in 5.25, and principles of good design, to be published to timescales specified in the Licence holder's Delivery Plan.

Government policy

- 5.29** In exercising its role as a strategic highways company and complying with the requirements in Part 4, the Licence holder **must** comply with or have due regard to relevant Government policy, as advised by the

Secretary of State, with full regard to any implications for the Licence holder's ability to deliver the Road Investment Strategy.

- 5.30** For the purposes of this section, "relevant Government policy" means all current policies which:
- a. Relate to the activities of the Licence holder, and
 - b. Have been:
 - i. Published in England by or on behalf of Her Majesty's Government, or
 - ii. Indicated to the Licence holder by the Secretary of State.

Standards, specifications and guidance

- 5.31** In carrying out its activities, the Licence holder **must** have due regard to any guidance, standards or specifications relevant to its statutory or other functions. This includes being mindful of where new standards or specifications are developing and seeking to ensure that new projects are brought into line.
- 5.32** In the event that the Licence holder departs from relevant statutory guidance, standards or specifications, the Licence holder **must** clearly record the justification for the departure, explaining why the provisions were not appropriate and (where applicable) how the alternative approach seeks to achieve the same outcomes through different means.

Planning

- 5.33** In addition to any requirements imposed by planning legislation, the Licence holder **must** take reasonable steps to assist those seeking to make planning applications for which the Licence holder is likely to be a statutory consultee under the Town & Country Planning (development management procedure) (England) Order 2010.
- 5.34** Where the Licence holder is consulted by a local planning authority in light of its responsibilities as a statutory consultee under the Town & Country Planning (development management procedure) (England) Order 2010, and where the Licence holder chooses to comment on an application, it **must** make clear which of its comments are:
- a. Information: intended to provide a general context the decision of the local planning authority; or
 - b. Formal recommendations: where, should the local planning authority be minded to disagree with a recommendation of the Licence holder, the Licence holder will put its recommendation to the Secretary of State to take a view.
- 5.35** In the event that the Licence holder makes a formal recommendation as described in 5.34(b), it **must** inform the Secretary of State at the earliest opportunity, ahead of any decision by the local planning authority, unless the Secretary of State waives this right. This information is in addition to any requirements made through the development management regime.
- 5.36** The Licence holder **must**, in making decisions under section 175B of the Highways Act about permission for any new connections to its network:

- a. Unless otherwise directed by the Secretary of State, consider granting permission in light of the nature of the road in question and the consequences of the new connection, having particular regard to:
 - i. In the case of sections of the network designed for high-speed traffic, with partially or comprehensively limited access, there should be a presumption against connection, except where it can be provided safely and where there is a demonstrable benefit to the economy;
 - ii. On all other sections of the network there should be a presumption in favour of connection, except where a clear case can be made to prohibit connection on the basis of safety or economic impacts.
- b. Include its section 175B decision in its consultation response to the local planning authority whenever it is consulted about a development which requires consent under that section.

Land and property

- 5.37** The Licence holder **must** hold and manage land and property in line with, and as a function of, the Licence holder's legal duties as a highway authority, and solely for the purposes of operating, managing and improving the highway, unless otherwise approved by the Secretary of State.
- 5.38** The Licence holder **must** establish, maintain and ensure ready access to all appropriate records relating to the purchase, sale, maintenance and condition of all land and property owned, held, used or occupied by the Licence holder and show how these are being or will be managed. This includes where compulsory purchase proceedings have (or are proposed to be) commenced.

Commercial activity and charging for services

- 5.39** The Licence holder may charge for ancillary services where the law allows, on a non-discriminatory and cost-recovery basis, providing either:
- a. Secretary of State, in his previous role as highway authority for the network, charged for or carried out the activity on a cost recovery basis; or
 - b. The Secretary of State has agreed to the introduction of new charges.
- 5.40** The Licence holder **must not** introduce any other new charges, expand the application or scope of any existing charges, undertake commercial services for profit, or form any subsidiary companies or joint ventures that generate profit, without approval from the Secretary of State.
- 5.41** Any introduction of new charges or new commercial services by the Licence holder, where the necessary government approvals - including those required by 5.39(b) or 5.40 - have been granted, **must** be in line with relevant government guidance.

5.42 The Licence holder **must not** receive commercial sponsorship or paid advertising without approval from the Secretary of State.

Part 6 - Setting and varying the Road Investment Strategy

Introduction

- 6.1 The Secretary of State may at any time set a Road Investment Strategy (RIS) for a strategic highways company, or vary a RIS that has already been set.
- 6.2 A RIS is to relate to such period ('Road Period') as the Secretary of State considers appropriate. For each RIS, the Secretary of State will determine the Road Period and set the timetable for developing and agreeing the RIS.
- 6.3 A RIS must specify the requirements to be delivered by the Licence holder during the Road Period to which it relates and the funding to be provided by the Secretary of State in order to deliver those requirements. Such requirements may include activities to be performed, results to be achieved and standards to be met.
- 6.4 The Licence holder **must** co-operate with the Secretary of State to reach an agreed position on a RIS and comply with the processes for setting and varying a RIS.
- 6.5 In the event that, for any reason, there is no current RIS in effect (for example, due to a delay between one RIS expiring and the commencement of a subsequent agreed RIS), the Licence holder **must** continue to comply with its legal obligations and the requirements set out in this Licence, as well as any further directions issued by the Secretary of State, until a new RIS has been agreed and comes into effect.

Setting the Road Investment Strategy

Step 1: The Strategic Road Network (SRN) Initial Report

- 6.6 Once informed of the Road Period by the Secretary of State, the Licence holder **must** prepare and provide to the Secretary of State a SRN Initial Report to inform the preparation of a draft Road Investment Strategy by the Secretary of State.
- 6.7 In producing a SRN Initial Report, the Licence holder **must** include:
 - a. An assessment of the current state of the network and user needs from it;
 - b. Potential maintenance and enhancement priorities; and
 - c. Future developmental needs and prospects.
- 6.8 In producing a SRN Initial Report, the Licence holder **must**:
 - a. Comply with the timetable set by the Secretary of State;
 - b. Take account of the evidence developed through the preparation of route strategies, as required at 5.13;

- c. Consider the need for effective integration between the Licence holder's network and the rest of the transport system;
- d. Engage with and take account of the views of relevant local and national stakeholders, including those organisations or groups identified at 5.18;
- e. Engage with and take account of the views of Transport Focus and the Highways Monitor;
- f. Take into account any directions and guidance that the Secretary of State may specify in relation to producing a SRN Initial Report by notice or in guidelines to the Licence holder; and
- g. Publish the SRN Initial Report.

6.9 As soon as possible following publication of the SRN Initial Report by the Licence holder, the Secretary of State will conduct a consultation on the SRN Initial Report.

Step 2: The Secretary of State's proposals and Draft RIS

- 6.10** The Secretary of State's response to the consultation referred to at 6.9 will include proposals for a Road Investment Strategy (the 'Draft RIS').
- 6.11** The Draft RIS will include details of the requirements to be delivered by the Licence holder along with the financial resources to be provided by the Secretary of State for the purpose of delivering those requirements, and the intended Road Period to which the proposals relate.
- 6.12** The Highways Monitor will assess the Draft RIS and provide advice to the Secretary of State, in accordance with the timetable set by the Secretary of State, on whether the Secretary of State's proposed requirements are challenging and deliverable with the proposed financial resources.
- 6.13** The Licence holder **must** assist the Highways Monitor in their assessment of the Draft RIS, including providing any additional information as necessary.
- 6.14** The Secretary of State, having taken account of advice from the Highways Monitor, will submit to the Licence holder:
 - a. A Draft RIS;
 - b. As part of the Draft RIS, a statement of his or her general strategy in respect of highways for which the Licence holder is the highway authority;
 - c. Any other information in support of the Draft RIS as the Secretary of State considers appropriate;
 - d. A clear timescale within which the Licence holder is required to respond with a Draft Strategic Business Plan.

Step 3: The Company's Draft Strategic Business Plan (SBP)

6.15 The Licence holder **must** respond to the Draft RIS issued by the Secretary of State in the form of a draft Strategic Business Plan (the 'Draft SBP'), detailing its plans for delivering the requirements set out in the Road Investment Strategy, for the whole period of that RIS.

- 6.16** In providing a Draft SBP to the Secretary of State, the Licence holder **must**:
- a. Clearly indicate whether the Licence holder agrees to the proposals in the Draft RIS, or make counter-proposals;
 - b. Take into account any directions and guidance that the Secretary of State may specify in relation to producing a SBP by notice or in guidelines to the Licence holder;
 - c. Engage with and take account of the views of the Highways Monitor;
 - d. Submit the Draft SBP to the Secretary of State within the specified timescales.

Step 4: The Efficiency Review

- 6.17** The Highways Monitor will assess the Draft SBP and provide advice to the Secretary of State, in accordance with the timetable set by the Secretary of State, on whether the Licence holder's proposed requirements are deliverable with the proposed financial resources, and the extent to which the Draft SBP is challenging and deliverable, including with regard to the levels of efficiency the Licence holder proposes to achieve.
- 6.18** The Licence holder **must** assist the Highways Monitor in their assessment of the Draft SBP, including providing any additional information as necessary.

Step 5: Finalising the RIS and the SBP

- 6.19** Following the Efficiency Review the Secretary of State, taking account of the advice of the Highways Monitor, will do one of the following:
- a. Approve the Draft SBP and finalise the RIS;
 - b. Direct the Licence holder to make revisions to the Draft SBP before granting approval; or
 - c. Produce a revised Draft RIS, at which point the Secretary of State and the Licence holder will follow the process as specified above between 6.14 and 6.16 in order to reach a mutually agreed position on a final RIS and a final SBP.
- 6.20** If necessary, the Secretary of State will request additional advice from the Highways Monitor on revised versions of the Draft RIS and/or the Draft SBP to facilitate their finalisation.
- 6.21** Once both the Draft RIS and Draft SBP have been finalised, they **must** be published by the Secretary of State and the Licence holder respectively.
- 6.22** In the event that the Secretary of State and the Licence holder fail to reach a mutually agreed position on the Draft RIS and/or the Draft SBP within the timetable set by the Secretary of State, the Secretary of State retains the right to determine the content of a final RIS and/or SBP.

Step 6: Mobilisation

- 6.23** Once the RIS has been finalised and the SBP finalised or determined, the Licence holder **must** take appropriate steps in advance of the next Road Period commencing to ensure that it is ready to undertake delivery of the RIS from the start of that period, including preparing a Draft Delivery Plan setting out the details of how the Licence holder aims to deliver the final SBP and submitting it to the Secretary of State for approval.
- 6.24** In preparing a draft Delivery Plan, the Licence holder **must** engage with and take account of the views of the Highways Monitor on the format and level of detail of the Delivery Plan to facilitate reporting arrangements.

Step 7: Delivery

- 6.25** Following approval of a Draft SBP and Draft Delivery Plan by the Secretary of State, and his issuing of a final RIS, the Licence holder **must** publish and deliver the final SBP and the associated Delivery Plan.
- 6.26** The Licence holder **must** report to the Highways Monitor on progress in delivering requirements set out in the final SBP and Delivery Plan on an annual basis, submitting a draft report to the Highways Monitor for approval (providing a copy to the Secretary of State), following which the Licence holder **must** publish the final report.
- 6.27** The Licence holder **must** update its Delivery Plan on an annual basis, submitting a draft update of the Delivery Plan to the Secretary of State for approval. Subject to the Secretary of State being satisfied that the update is consistent with, and contains no material revisions to, the original Delivery Plan, the Licence holder **must** publish the updated Delivery Plan.

Varying the Road Investment Strategy

- 6.28** The Secretary of State is able to vary a RIS once it has been agreed, and the Licence holder may also request a change to the RIS.
- 6.29** Small-scale changes to the RIS, beyond minor refinements that are within the Licence holder's discretion, will be handled through a formal change control process. Major variations, which would affect the Licence holder's overall funding, have a material effect on the integrity of the RIS or otherwise compromise the Licence holder's ability to comply with the RIS, would require the RIS to be re-opened.
- 6.30** In considering or proposing any variation of a RIS, the Secretary of State and the Licence holder **must** have due regard to the desirability of maintaining certainty and stability in respect of the existing RIS.

Change control

- 6.31** Small-scale changes to the RIS, which do not have a bearing on the overall funding envelope and do not materially affect the integrity of the RIS (including small-scale additions to the RIS, as at 6.32), will be subject to a formal change control process, as described at 6.32 – 6.36.
- 6.32** In the event that the Secretary of State considers that a small-scale change to the detail of an objective set out in the RIS may be necessary

(for example, a change to the way in which a particular objective is measured, or a change to the nature of a project identified in the RIS Investment Plan), he will notify the Licence holder, the Highways Monitor and Transport Focus. Where the Secretary of State is seeking additions beyond the current RIS, such as additional schemes or further metrics or indicators, the Secretary of State will consider making a proportionate increase in the funding made available by government to the Licence holder to deliver these, along with the existing RIS requirements.

- 6.33** In the event that the Licence holder requests a small-scale change to the RIS, or identifies that a specific project in the RIS Investment Plan may need to be replaced (due to a deterioration in the business case or difficulties in obtaining relevant consents) the Licence holder **must** provide sufficiently detailed proposals and supporting evidence to allow the Secretary of State to make an informed decision.
- 6.34** The Secretary of State will consider the viability and desirability of any request by the Licence holder under 6.33, seeking advice from the Highways Monitor, where appropriate, and will respond to the Licence holder within three months with a decision about whether or not to proceed with a change.
- 6.35** Following a notification under 6.32, or a response to the Licence holder by the Secretary of State under 6.34, the Secretary of State will begin discussions with the Licence holder and the Highways Monitor to agree the change, including any proportionate increase in the funding as described at 6.32. Once agreed, the Secretary of State will publish details of the change.
- 6.36** In the event that, under the circumstances described at 6.35, the Secretary of State and the Licence holder fail to reach a mutually agreed position, having sought advice from the Highways Monitor, the Secretary of State retains the right to make a final determination.

Re-opening the RIS

- 6.37** Where, in exceptional circumstances, a major variation is considered necessary, which would affect the Licence holder's overall funding, have a material effect on the integrity of the RIS, or otherwise compromise the Licence holder's ability to comply with the RIS, the Secretary of State will formally initiate the process for re-opening the RIS by publishing proposals for variation to the existing RIS and setting a timetable for the process.
- 6.38** In the event that the Licence holder requests that the Secretary of State initiate the process for re-opening the RIS, as described at 6.37, the Licence holder **must** provide sufficiently detailed proposals and supporting evidence to support its request. Following such a request, the Secretary of State will seek advice from the Highways Monitor on the deliverability of the RIS and the validity of the Licence holder's request.
- 6.39** Once the process for re-opening the RIS has been initiated, the Secretary of State will conduct a consultation on the proposals, or alternatively direct the Licence holder to conduct a consultation, depending on the nature of the proposed variation. In either case, the Licence holder **must** provide notification of the launch of the consultation process to those persons it considers appropriate.

- 6.40** Following the consultation process, the Secretary of State will formally respond to the consultation, setting out his or her decision on whether to proceed with the RIS variation process in light of consultation responses.
- 6.41** Should the Secretary of State decide to proceed with a revised RIS, the response to the consultation will include publication of revised proposals, equivalent to those produced in Step 2 of the process for setting the RIS, and set a timetable for finalising a revised RIS, SBP and Delivery Plan.
- 6.42** Following the publication of revised proposals, the Secretary of State, the Licence holder and the Highways Monitor will follow the standard process for determining and agreeing a final RIS, SBP and Delivery Plan, as set out at 6.14 to 6.24, above, in accordance with the timetable set by the Secretary of State under 6.41.

Part 7 - Data and information

Collection and provision of data and information

- 7.1** The Licence holder **must** provide data or information on its performance in complying with and/or delivering the requirements of the Road Investment Strategy, Strategic Business Plan, Delivery Plan and Licence, as required by the Highways Monitor for the purpose of fulfilling its statutory functions.
- 7.2** In complying with 7.1, the Licence holder **must** provide data or information in such form and manner and at such times as the Highways Monitor may reasonably specify in guidelines to the Licence holder.
- 7.3** The Licence holder **must** also collect, record and provide the following data or information as required:
- a. Data or information on performance of the Licence holder's network, assets or the movements and characteristics of traffic on the network not covered by 7.1, that is necessary or relevant to comply with its legal duties or other obligations in exercising its role as a strategic highways company, for example for the purposes of meeting environmental reporting requirements;
 - b. Information to the Secretary of State, annually and on request, on the numbers of planning applications received under the Development Management Order 2010, and how these have been dealt with, including cases involving permissions under section 175B of the Highways Act;
 - c. Information to the Secretary of State, annually and on request, on what actions the Licence holder has taken and is planning to take to encourage the development of an appropriate construction and design skills base to support delivery of the Road Investment Strategy, including:
 - i. the availability and take-up of apprenticeship and graduate programmes and training of existing staff within its own business; and
 - ii. its assessment of the capability and skills of its supply chain.
 - d. Any other data or information that the Secretary of State may reasonably require, including that required to fulfil statutory responsibilities or for official government statistics;
 - e. Any other data or information that Transport Focus or the Highways Monitor may reasonably require, where relevant to the fulfilment of their statutory functions.
- 7.4** The Licence holder **must** provide data or information in respect of 7.3(d) and 7.3(e) in such form and manner and at such times as the Secretary of State, Transport Focus and the Highways Monitor (as appropriate) may reasonably specify in guidelines to the Licence holder, and help with

the processing of data where it facilitates this goal. Where provision of such information under 7.3(d) and (e) would result in a significant impact on the ability of the Licence holder to fund or deliver its activities, the Secretary of State will consider making a proportionate change in the requirements on the Licence holder or the funding made available by the government.

- 7.5** The Licence holder **must** allow access to the network to persons authorised by the Secretary of State for the purposes of collecting traffic data or maintaining equipment used for this purpose, where arrangements for doing so have been agreed in advance with the Licence holder.

Publication of data and information

- 7.6** The Licence holder should have due regard to government policy on data and transparency.
- 7.7** In particular, the Licence holder **must** make publicly available all data and information required by 7.1, as well as any other data or information where publication is specifically required by the Secretary of State.
- 7.8** In complying with 7.7, the Licence holder should have due regard to the need to ensure interoperability with other systems and comply with recognised standards in order to enable the sharing of data for operational or other purposes and maximise the utility of data for third parties.
- 7.9** The Licence holder **must**, taking into account any relevant directions and guidance that the Secretary of State may specify, formulate and publish - to timescales specified in the Licence holder's Delivery Plan - policies as to how it will:
- a. Manage and provide data and information relating to its activities;
 - b. Provide and improve information services to road users.

Provision of expert and technical advice

- 7.10** The Licence holder **must**, where required, provide expert advice to the Secretary of State or other parts of government on relevant policy or technical matters. This includes advice to the Secretary of State in his role as 'competent authority' for the UK in relation to relevant EU activities.
- 7.11** Where appropriate, the Secretary of State may designate the Licence holder as the 'competent authority' for the UK, or require the company to represent the UK in other international activities, where such an arrangement complies with the law.
- 7.12** Where the Secretary of State makes any requirements or issues directions to the Licence holder under 7.10 - 7.11, the Secretary of State will seek to provide advance notice wherever possible, and these will be subject to the general conditions at 3.8 and 3.10 to ensure that the Licence holder is properly resourced to carry out this function.

Part 8 - Enforcement and revocation

Application

- 8.1** The Licence holder **must** act within the conditions of this Licence at all times.
- 8.2** Where the Licence holder fails to comply with the conditions of the Licence, the Highways Monitor may act to enforce these conditions, including through the issue of improvement notices or the levying of fines under section 11 of the Infrastructure Act 2015, in accordance with the Highways Monitor's published Enforcement Policy and any relevant agreement with, or with due regard to guidance from, the Secretary of State.
- 8.3** These conditions do not limit the ability of the Highways Monitor to apply sanctions to other situations that do not involve breaches of the Licence.
- 8.4** None of the conditions laid out in this part affect the Secretary of State's powers under other legislation or role as shareholder of the strategic highways company, or apply conditions to their use. However, where the Secretary of State intends to exercise these powers, for reasons that may relate indirectly to potential breaches of the Licence, the Secretary of State will consult with the Highways Monitor before taking action.
- 8.5** The Licence holder **must** ensure the Highways Monitor is aware, at the earliest opportunity, of:
- a. Any past or current breach of the Licence and of any action being taken to address the breach; and
 - b. Any issues likely to lead to a potential breach of the Licence, and of any action being taken to address the possibility.

Emergencies

- 8.6** Where an emergency situation is agreed to have taken place, as set out in 8.7(a), the application of enforcement activity by the Highways Monitor in relation to the Licence holder's performance or compliance with the obligations set out in this Licence may be suspended.
- 8.7** The nature and extent of any suspension of enforcement activity under 8.6 would be at the discretion of the Highways Monitor, provided that:
- a. The Secretary of State declares that an emergency is in progress or has recently taken place that may have implications for the Licence holder to comply with or deliver its obligations. This includes where this is the result of advice from the Highways Monitor or an application by the Licence holder to the Secretary of State for recognition that an emergency is in progress or has recently taken place;

- b. The Highways Monitor acts in accordance with any relevant agreement with, or has due regard to guidance from, the Secretary of State.

Revocation

- 8.8 If a failure to deliver or a breach of statutory duty or other obligation by the Licence holder is so great that it constitutes a loss of confidence in the ability of the Licence holder to fulfil its legal duties or other obligations, this may result in directions from the Secretary of State or revocation of the appointment by the Secretary of State.
- 8.9 The Secretary of State will not take such a course of action without evidence from the Highways Monitor that the Licence holder has failed to discharge its legal duties or other obligations.
- 8.10 In the event of revocation of the appointment, the Secretary of State will:
 - a. Notify the Licence holder of his intention to revoke the appointment;
 - b. Advise the Licence holder in writing of the date on which it is intended that the order which terminates the Licence holder's appointment as a strategic highways company will take effect;
 - c. Make a transfer scheme under section 15 of the Infrastructure Act 2015, to coincide with revocation of the appointment, ensuring that all property and contracts of the Licence holder, and rights and responsibilities therein, will revert to the Secretary of State.

Ordered handover

- 8.11 Following notification by the Secretary of State under 8.10(a) of a decision to revoke the Licence holder's appointment, the Licence holder **must** co-operate in any transitional arrangements, including:
 - a. The provision of information;
 - b. The transfer of lands, assets, contracts or staff associated with its activities under the Licence;
 - c. The delivery of the Road Investment Strategy and any protocol agreements.
- 8.12 The Licence holder's continued responsibilities during this period of transition, as described in 8.11, are ended only at the point at which the revocation comes into effect.

[Redacted]

From: Haughian, David M
Sent: 10 May 2022 11:31
To: [Redacted]
Subject: FW: Consultations held over widening of the A66; inadequacy and sub-standard
Attachments: final complaint.docx; ATT00001.htm

Hi Guy,
See attached and below, for consideration when drafting the adequacy response.

Many thanks

David Haughian

Senior Programme Manager
Cumbria County Council

[Redacted]
www.cumbria.gov.uk

From: rachel pinniger [Redacted]@fastmail.com>
Sent: 10 May 2022 11:10
To: [Redacted]
Subject: Consultations held over widening of the A66; inadequacy and sub-standard

I am sending you a letter concerning my complaints about the inadequacy of the consultations on sections of the widening of the A66, particularly with regard to the area around the Sandford Junction and the dwellings where I live at [Redacted].
I am sending copies also to all the local councils for consideration when DCO application is submitted and the Planning Inspectorate ask whether they are happy with the adequacy and standard of consultation.

Thank you
Yours sincerely,

Dr Rachel Pinniger
FRCP, MRCP, MCHC, DCH, DTM&H, D(Obst)RCOG.

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

WARNING: Email attachments may contain malicious and harmful software. If this email is unsolicited and contains an attachment DO NOT open the attachment and advise

the ICT Service Desk immediately. Never open an attachment or click on a link within an email if you are not expecting it or it looks suspicious. Do not forward chain emails.

Formal complaint about the adequacy of the consultation about the Appleby-Brough section of the A66 proposed dual carriageway particularly in relation to the area from Sandford to Warcop.

Situation

[REDACTED] I moved to this location to join other stakeholders (from UK, Europe, Australia) in a community farm. The purpose of the farm is to be a profitable business with, as its main objective to be a benefit to the local population and more vulnerable people in this community and further afield. This is particularly pertinent now, after the disruptions of covid, financial worries, the war in Europe and resulting food insecurity, levels of stress and mental problems that a priority for government and local communities. I have participated in all consultations where participation was welcomed, and kept a keen interest in all other discussions.

I fully agree that in the interests of speed and safety for traffic the road needs improving. On the other hand, speed per se does not equate to safety, but in fact may increase risks of serious injury and death. Safe driving and safe speed-limits are paramount, as proved as accidents along this road occur also on dual carriageways.

New routes or widening of existing roads and the building of compounds, should not destroy or seriously impact the lives and livelihoods of residents when there are alternatives. Such would be the case for this farm. Such would be the case for this farm and for my section of a converted barn, which is my only living place. The predicted value of my property, which is without land, would be severely affected and make relocation almost anywhere else very difficult, since most of my savings have been invested in this property.

I consider that some consultations were inadequate and not in compliance with the Planning Act of 2008., Section 42-Duty to consult

Section 48-Duty to publicise

Section 47 Duty to consult the local community

And Regulation 12 of the Infrastructure Planning (Environmental Impact Assessment) regulations 2017-sufficient information

The contents of some consultations were neither present on the National Highways scheme page nor advertised on NH social media accounts with a publicly available link. Detailed information about bunds, landform changes, effects on wildlife and ecology to the south of the road were insufficient to allow knowledgeable and thorough discussions with all those affected.

Context

This farm has a total of 14 acres of land. The original route proposed would take well over 50% of this as well as the barn, most of the woodland and more than 2 and a half of the 4 fields making it unviable in its original conception. Additionally, the junction of the A66 with the B6259 to Sandford and Kirkby Stephen was to be further west.

In private discussion with the landowner, it was suggested the present A66 should remain as the westbound section and the eastbound lanes would run along the north side rather than the south side. The junction has been changed now to be located at its present site. These alterations

Commented [MCM1]: I would give a postcode.

would return part of one field to farm use but with the junction access lanes, a sink pond and its access lanes, and some woodland will be obliterated by road, verges, drains etc and the road will be very close to the dwellings. It still removes about 50% of usable land. It is not yet certain which of these will be decided upon.

Prior to the consultations I attended the route was already fixed so there could be no real discussion, and the livelihood of people here was not taken into consideration.

The impact of all this is immense and additionally means the project as envisaged for the benefit of vulnerable people and of the community will be virtually impossible.

Noise will increase to levels that make it impossible to talk normally outside, causing stress to already disturbed beneficiaries, and will be intolerable for many sensitive people. Air pollution is already noticeable but will increase to dangerous levels for those with respiratory problems and on foodstuffs grown. Light pollution, already a problem with traffic lights shining into all rooms throughout the night, could disrupt sleep, causing the sequelae of sleeplessness for vulnerable people and potentially disturb the diurnal rhythm of insects and other wildlife.

As a doctor with nearly 50 years of experience of those in poverty or are disadvantaged, my interest now is in helping those with disability, learning difficulties, autism, Asperger's syndrome and other conditions, and in teaching children about good nutrition and how to grow their own produce at home. My hope to provide a place for refugees also would have to be modified to being a place to visit occasionally. Noise levels also might make that impossible.

An alternative route which passes behind some existing trees to the north of the existing A66, would not take in as much land here and would provide many advantages. Importantly it would leave the present A66 as a safer, quieter more convenient local road for those living along the B6259 to Sandford and Kirkby Stephen, for trade and delivery vehicles and farm machinery, and tourists who prefer to enjoy the Eden valley. Additionally,

- The new route to the north would make for a faster road for long distance traffic, and a more enjoyable route for tourists to be able to enjoy the remarkable view of the Pennine hills, currently hidden from view.
- There would be less noise, air and visual pollution, improved also if some of the excess soil removed in construction was placed between the new route and this safe local part of the A66, reducing some of the mitigation costs.
- There would be less damage to this part of the Roman road.
- There would be less environmental damage to wildlife within the Eden valley itself.
- It would meet the long-term needs of some of the local residents and demonstrate that big business and ambition can also cater to the needs of those who are 'perhaps less fortunate'
- It could reduce the number of junctions needed with some savings in terms of cost in these difficult financial times.

The consultations were wholly inadequate to the needs of myself and other local people, nor was information made available in accessible format. Almost no interest was shown in our future lives, financial possibilities and needs. The consultation could be repeated with adequate consideration for the preferences of local people. I trust these reflections will be considered during further deliberations at different levels.

Dr Rachel Pinniger
FRCP, MRCP, MCHP.