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00:19

Good afternoon, everyone, and welcome. Can everybody hear me okay.

00:24

Thank you. Can I confirm that the live streaming of this event has commenced please?

00:34

Thank you.

00:37

The time is now 2:30pm. And this open floor hearing in relation to the application made by national highways for the proposed A66 Northern Trans Penine project is now open.

00:50

My name is Mary Louise Milliken, I'm a charter time planner. I'm an examining inspector and I have been appointed by the Secretary of State to be a member of a panel of inspectors to examine this application. Can I now ask my colleagues to introduce themselves please?

01:07

Good afternoon. My name is Neil Humphrey. I'm a chartered civil engineer. And I've been appointed by the Secretary of State to be a member of this panel. Thank you.

01:17

Good afternoon, everybody. My name is Richard Allen. I'm a charter town planner. And I've been appointed to be the lead member of this panel to examine this application. Good afternoon. My name is Steven Roscoe. I'm a chartered civil engineer and I've been appointed to be a member of this panel in a similar manner.

01:34

Thank you. Together we constitute the examining authority for this application. In the arrangements conference which preceded the start of the hearing, you will already have spoken to Barbara Kubiak who is the case manager for this project. He is supported by Mr. Max Webb in person here today and by Mr. Steven Parker virtually, from the case team at the planning Inspectorate.

02:00

Before we consider the items on the agenda, we will need to deal with a few housekeeping matters and general observations. And I'll try to get through these as quickly as possible.

02:11

Firstly, I would like to say a few words in relation to the general data protection regulation or GDPR.

02:18

You will note for them from the examining authorities Letho dated the 17th of October 2022, which we will going forward refer to as the rule six letter that this event has been recorded, as well as being live streamed to interested parties who requested this.

02:38

The digital recordings are retained and published. They form a public record and they can contain your personal information and to which the GDPR applies.

02:50

Planning Inspectorate practice is to retain and publish recordings for a period of five years from the Secretary of State's decision on this application.

03:00

Consequently, if you participate in today's hearing, it's important that you understand that you will be recorded and that you therefore consent to the retention and publication of the digital recording.

03:14

We will only ever ask for information to be placed on the public record that is important and relevant to the planning decision. It will only be in the rarest of circumstances that we might ask you to provide personal information of the type that most of us would prefer to keep private or confidential.

03:33

Therefore, to avoid the need to edit the digital recordings, what we would ask is that you try your best not to add information to the public record that you would wish to be kept private, or that is confidential. Does anyone have any questions with regards to this matter?

03:51

No, thank you.

03:54

Normally Open floor hearings are held at the request of interested parties. This open floor hearing however, has been called by the examining authority, because we wish to hear from interested parties who desire to be heard.

04:07

It is an opportunity for us to hear firsthand your thoughts about the application. And it will also allow us to discuss in more detail any of the points raised today at the issue specific hearings to be held tomorrow. And on Thursday of this week.

04:24

I would like to reassure you that we are familiar with the documents that you have sent in. So when speaking or answering question, you don't need to repeat at length something that has already been submitted in writing.

04:37

I would be very grateful if you could provide the appropriate pins examination library reference if possible.

04:45

And could I also please ask the first time you use an abbreviation or an acronym we all do that you give the full title as there will be people here today or listening on the audio that may not be as familiar with the application or the documents as you

05:00

Law

05:03

is the examining authorities intention to hear from interested parties in the first instance, from those who have pre registered to speak.

05:11

an interested party is identified by those persons set out under Section 102 of the Planning Act 2008. Specifically, and in relevance to this afternoon's hearing, it will mean persons who made a relevant representation alongside some local authorities and statutory parties,

05:31

after which any interested party who has not pre registered but who wishes to speak, will also be invited to do so.

05:39

This open floor hearing will run until all interested parties have made their oral representations and have responded to our exploration of the matters arising from them.

05:50

Should time permit, the examining authority will then consider asking for any contributions from other persons who may be present for the Planning Act purposes. Other persons are those persons who are not interested parties, but who made representations after the close of the relevant representations period. But before the preliminary meeting,

06:13

and finally issued time permit. The examining authority will then hear from any other non interested party who wishes to speak.

06:22

We remind those persons present that non interested parties can only speak today at the discretion of the examining authority.

06:31

To make best use of the time and whilst not wishing to prevent persons from wishing to speak, it would be a great assistance if points were not repeated. And you can rest assured that we will have understood the point that you made the first time

06:45

the examining authority will offer the applicant a right of response, following all discussions. Although we acknowledge that they may not wish to respond at this meeting, it may be necessary to impose the same time restraints restrictions on the applicant as we have for all participants.

07:03

Following the response and the applicant should they choose to make one the meeting will close.

07:10

I'd also like to remind you that section 94 Eight of the Planning Act gives the examining authority the power to disallow representations to be made at the hearing. If the examining authority considers that the representations are a irrelevant vexatious or frivolous, be related to the merits of policy, as set out in a national policy statement, C repeat or other representations already made, excuse me in any form,

07:41

excuse me, and by any person or D relate to compensation for compulsory acquisition of land or have an interest in Alright, Overland.

07:53

Lastly, today's hearing is being recorded. The only official record of the proceedings is this recording, which will be uploaded onto the website as soon as practicable after the meeting.

08:05

Tweets blogs and similar communications arising of this meeting will not be accepted as evidence in the examination of this application.

08:15

For the purposes of the recording and for reference, when you asked to speak please can I state I ask that you state your name and your interest in the case.

08:25

We have a list of persons who have pre registered to speak today and we will invite you in turn to come and sit at the front table to make your speech.

08:36

So before I begin with the interested parties that have pre registered, I note that local authorities are here. Can you confirm please if it is your intention to speak at this hearing? Are you just wishing to observe that start with Durham first place?

08:53

Clarity is their principal Planning Officer Durham County Council no we're just here to observe

09:02

Miss sparks Michelle spark on behalf of the council's we're just here to observe as well we're not wishing to speak Thank you

09:13

Okay, thank you

09:20

can I now ask just by raising of hands. Were there any other interested parties wish to speak this afternoon? Who haven't already registered their intention?

09:33

Okay, thank you

09:38

pre registered would have been prior to today's meeting.

09:46

We're just going to pause for a moment just we can consider how much time to give to each speaker.

10:07

In the interest of fairness, and so that everyone has a chance to speak this afternoon, if people could limit their points to five minutes, please, if possible, just to give everyone a chance to have their turn.

10:18

Okay, thank you. So I'd like to begin please with Dr. Mary Claire Martin.

10:34

Sorry, I wasn't aware I'd put in a question for this afternoon. But I do have questions, but I'm happy to wait until other people because I put him on this morning about accessibility. So that's already been asked.

10:50

So there's some misunderstanding here. Do you think? I think the understanding was, um, Dr. Martin, that perhaps your mother was going to be present and wishes wish to be? Correct? No, she's coming tomorrow. Right? It did actually put that in. And yes, sorry. Because it's on the sorry, the routes?

alternative routes? Okay. No problem. Thank you. Okay. I haven't questions. But I'll defer to people who registered before me. That's okay.

11:23

This isn't necessarily a question session. This is a the day is about hearing from you. If you want to summarise your relevant representation or your concerns about the application, this is the venue, the forum to do it.

11:40

So it's your you have the floor, you have the microphone, and it's more about you, as I say, airing your views in that respect. If if you feel that tomorrow will be more beneficial to you because it's an actual hearing about that area of the scheme and around your your parents home.

12:02

We will I mean, we're going to be discussing that tomorrow. Anyway, if you feel that would be more beneficial for you to discuss it. They're fine. But yeah, it's not so much a question and answer session today. It's more about you airing the views that you wish to show. I understand that and I have sent in some stuff in writing, which I

12:21

used to be just some misunderstanding I thought I'd sent that in for you have the opportunity that if you wanted to just express it orally to us or to the people in the room to the applicant, it's it's entirely up to you. If you don't wish to then that's fine. Okay, well, I'll do it tomorrow. Well, my mother's here. And I as I said, I've got some additional points to make, but I will defer to other people who registered already. Is that okay, that's fine. Thank you.

12:55

Can we move on then to Mr. Salvin? Please?

13:13

Thank you.

13:18

In terms of open forum, my name is William solving, I represent the martham estates.

13:26

Section Eight based on Rugby Park. I have been involved in the management of the estate since the mid 1980s. And with various previous improvement schemes, both on the Asics six and indeed the a one

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for both this client and indeed other clients. I think I really wanted the opportunity this afternoon of just saying that, despite the differences that my client has with national highways, they do welcome

14:01

the proposal to improve the 66. But they nonetheless believe that the approach taken by national highways is fundamentally flawed.

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I appreciate that we are going to look in more detail at the options appraisal for the various routes

14:23

tomorrow morning, but our concerns really extend beyond that in terms of the grasp that the acquiring authority have or haven't got over

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what the motha mistake actually is in terms of character. It's a historic estate owned by the Merritt family, since they acquired it in 1769. It has been shaped by both them and the community that forms such an integral part of the estate and

15:00

And, of course, it's the community and the owners who will have to live with whatever you decide

15:09

is appropriate for national highways to build.

15:13

At the moment, we have a DCO proposal that we learned this morning may well change. We don't know how

15:23

that is frustrating in its own way.

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Because it just reduces the time that we have to be able to panel beat, if I can put it in those terms, the proposal into something that we can live with. And when I say live with, certainly in the 35 years of my involvement,

15:46

we have coexisted with the 66. And indeed, has a Roman road. Everyone has lived with it. Since that period.

15:57

We know its dangers, we know its its importance. And we know how its character dominates our landscape, both in terms of the historic landscape, but also the landscape of our respective lives. So we are determined to try and do the right thing to reduce the impact. And as I say, panel beat the proposal into into shape.

16:27

It's this year is approximately the 50th anniversary of the construction of the bridge bridge bypass. And in terms of the benefit of hindsight.

16:40

Certainly people say, Well, why did it cross the park? Why did it slice through the park and separated? And of course, the simple answer is it reverted back to the Roman road. And that top trumped if I can put it in those terms of the 18th century Parkland design.

17:04

So it can be explained in a logical way.

17:08

As matters have turned out, with 50 years of experience, it's broadly accepted that the the harm that was caused by that reversion to the Roman route was worth it.

17:25

The benefits outweighed

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the gain was greater than the pain.

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It's not the case with the current proposal. My fear is that the pain

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exceeds the gain.

17:39

We will again, touch in more detail tomorrow. But if you project forward 50 years since I've just done with the bridge bridge bypass, and indeed any of the

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improvements along the 66 that have occurred in recent years, and take the same stance as to

18:01

palatability, whether the the gain outweighs the pain by and large. I think the work to date has been successful and has been broadly accepted by the community. We now have a proposal

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that,

18:18

frankly, does not

18:21

it overrides

18:24

how the landscape has evolved, how it's been moulded by successive generations

18:32

and fails to take those

18:38

experiences

18:41

on board and results, frankly, in something that in 50 years time, people will still be asking, Why did they do it like that.

18:53

And I won't be around in 50 years time, I don't think anyone in this room will be.

18:59

But this is our chance. This is our

19:04

generations opportunity of doing our bit to improve the a 66 in a sympathetic, inappropriate way. And I hope that through the examination process, we achieve that and I look forward to what the applicant has up their sleeve by way of changes. Because I do hope that they will take on board even at this 11th or 12th

19:34

What I have to say on behalf of my client and indeed my wider community and engage with us in a way that frankly thus far to my mind, they have failed to do. Thank you.

19:49

Thank you, Mr. Sullivan.

19:52

Any questions from the panel?

19:55

Some, maybe some questions from the panel. Can I just ask you to thank you

20:01

Mr. Sullivan, thank you for that. I just had a couple of questions concerning the estate itself, because you touched on the the operation, if you like, of the estate and in terms of clarification for us, in your representation, you talk of two agricultural units that might suffer in terms of the connectivity. I think you've said between those units. Those units, in fact, you bank farm and to the back farm.

20:29

They are indeed those are the two farms that are principally affected. There are other farms right out of those are the two principal ones. And that is my supplementary question, because you actually talked about other farms within the estate and are they street side farm and Abby farm.

20:46

Amongst others, there's also Berghaus farm. There's a block of in hand pasture at cross lanes that is affected by the proposal.

20:59

As well as the the wider estate, there is a block of land down agreed a bridge that is unaffected by the applicants proposals and I've made representations notwithstanding that there should be improvements to the access because we're going to end up with a substandard field access.

21:25

Coming to what will be at an ever busier road than it is now.

21:33

Right? Okay. Thank you for that.

21:38

In terms of those three additional areas that you've just commented on, we'll obviously look at those

21:46

between now and the and the hearings and possibly I don't know if your due to be at the compulsory acquisition hearing on Friday, I've put myself down for that. But as I say it all really comes down to the options appraisal in terms of the specific routes because if if we can

22:04

seek agreement on that an awful lot of our concerns are tied up with that and will be resolved at the same time. Right. Okay, thank you. I don't have any more questions. Thank you.

22:18

Thank you Mr. Sullivan.

22:24

Can we turn now to miss Mickelson please?

22:47

This decision is whether you want to speak and it is up to you if you do if you choose if you don't want to. That's absolutely fine.

22:55

It's your choice. Yes. But if I could come slightly later. Be helpful. Thank you

23:06

Thank you. I have MS. Drew Laura drew on the list

23:22

that's fine. Thank you.

23:27

Next on the list, county Councillor Richard Bell, please Thank you.

23:48

Good afternoon, Chair panel.

23:51

Thank you for making yourselves available. Today I'm going to speak about the

23:56

rugby junction to I'm Richard Balarama. local county councillor and also deputy leader of the county council, though speaking today as a local member and we have officers present who will go into more detail on the things I'm going to allude to tomorrow.

24:14

My written representation was made previously and is on file reference are 203.

24:21

I'd like to speak on the position and design of the road junction which I'm largely responsible for being an issue for yourselves to consider. I twigged early on that moving the junction a few miles west would increase traffic using the sills at Stanford to access Barnard castle and Teasdale and decrease traffic using the RB bridge near get access to Barnard castle. The Highways England reaction back then was why is that a problem? Their desktop survey and roadmaps show that the settlers that start with and the bank bank of Castle as begin day roads which must be superior mustn't they to the average grade

25:00

The Castle sea road. However, if you read the routes, you will see that the road at the civils staff berth and up the bank at Barnard Castle is narrower and more dangerous and less able to take increased traffic. And I refer you to the Teasdale Mercury of the 21st of September 22, which wasn't in my submission because it hadn't been printed them.

25:23

And I'm quite happy to leave this renewed road safety play after start with hit and run, I will read the opening paragraph. renewed calls have been made to make the Silk Road in Stafford safer after getting hit and run smash left a pedestrian with serious injuries. That's a pedestrian walking on the footpath, I might say. Through the summer into the autumn, the county council has made various slight improvements in terms of signage, road markings and the vegetation cut back to the narrow constrained road at the sills and started with however, it's very difficult to actually improve that road because it's sandwiched between private gardens and the river. And without very expensive roadworks over the river, the river bank which would require Environment Agency permission. It's really I wouldn't say it's impossible to widen that road but it's extremely difficult to widen that road.

26:18

Highways England, when I raised this issue several years ago now recognise the issue and evaluated the Blue Route as an option. And things were proceeding fairly well until Historic England objected to the Blue Route on grounds of damage to the listed parks and gardens that we haul

26:37

the me were affected is a 10 yard strip of roadside verge and have no landscape value. I would ask you to know that the council is landscape and conservation team and the landowner prefer the Blue Route. Indeed, the landowners view which I endorse is that highways England's approach is fundamentally flawed as they have failed to assess the harm of the two options as required to do so by the National Planning Policy Framework. And one would have thought if one is trying to decide between the black and the blue option then one would do a harm assessment to the same degree of rigour on both options. And this happened hasn't that has not happened.

27:18

They highways England concluded that the Blue Route resulted in significant harm to the registered Park and gardens. The landowner and the local people contend that the black route results in significant harm to the grade to star St. Mary's Church and the blue one, which less significant harm to the registered Park Gardens. I would also add to that the local opinion is that the black route decanting is it does more road traffic across the citizen through abandoned castle will make more damage to the listed county bridge across the T's and the grade one listed Blake vapes Hall Arbalet graves house on the bank.

27:59

I have a simple request to which use to discard the flawed Historic England advice, advice which was based on a desktop review and apply common sense and asked you to think of the people the harm to people resulting from the black route and think of also the harm to the environment due to increased carbon dioxide emissions resulting from the black route extending journey distances.

28:21

Turning to traffic volumes and modelling of the black and blue routes. This modelling was done at the council's request and originally showed a near trebling of traffic volume across along the cells that start with when 2015 figures were used. When 2019 figures are used, this increase reduces but is still there.

I don't understand not being a modern expert, why the difference between road usage figures in 2015 and 2019 would

28:50

result in a reduction in the anticipated traffic across the settlers that start with into Barnard castle. But again, I would ask you to come and sensitively ask yourself, if a journey is taking you longer, are you going to use it or are going to use the shorter journey.

29:10

This is not a place for a detailed debate on those figures. But once again, I would ask you to note that the council's preference on traffic volumes and adequacy is for the Blue Route. And again, my request for you would be to apply common sense and to recognise that the settlers is an inferior route.

29:27

And finally, I would ask you to note that I'm disappointed that highways England, whatever the official reason, removed at the last minute the Blue Route from the last public consultation that was actually held in this building. You have to know about the Blue Route and ask for it to comment on it. Whatever the truth, this was seen at the time by the local people as a deliberate attempt to bias public support in favour of the black route. And the fact that the public still favours the Blue Route shows the strength of feeling about this issue. Thank you

30:02

Thank you. Question from Mr. Humphrey. Good.

30:07

Good afternoon counsellor price. Could I could ask you, you mentioned right at the beginning of your presentation about pedestrian accident. Now, I'm not so much interested in the press article and as much I haven't read anything in evidence from your office's the mentioned that will they be providing that evidence in the written representation or local impact report,

30:33

I would have to ask my officers to perhaps come back with some data on that tomorrow. There have not been significant numbers of actual reported accidents there that have made it as far as the newspapers and the council, what there have been has been a number, a large number of near misses, which I as a counsellor made aware of which aren't necessarily reported to the highways authority, as to say people feeling uncomfortably square squeezed, people with push chairs or walking dogs feeling uncomfortably squeezed, where the footpath narrows at some point to actually less than the width of this table. So I haven't got the numbers for you, I'm afraid and ask the highways officers to look at that and bring some data on that tomorrow. If the highways department hadn't even got this recorded, then that would show that there's an issue with our recording mechanism. Maybe that that is an issue. I'll take up with your officers tomorrow then. Okay.

31:28

Thank you.

31:30

Okay, thank you.

31:47

Okay, we have Mr. Parsons, please.

32:05

Good afternoon.

32:07

I'm Tim Parsons chartered surveyor with h&h London estates representing collectively the four trustees of the window settled estate located on scheme three. I apologise. But this statement was prepared before the preliminary meeting this morning and some of the issues I raised may have been considered or impacted by this morning's meeting. I have submitted relevant representations on behalf of my client and intend to submit further detailed written representations by deadline one. On that note, however, what I heard from the preliminary meeting this morning that it is suggested this may change as a result of national highways proposals to seek changes to the DCO application and presentation of detailed design. I would reiterate comments made by speakers this morning that submitting written representations for the 14th of December, on a proposed scheme that is going to change or seemingly may change makes no sense to interested parties with limited resources who are being required now to respond to multiple proposals.

33:06

I would also reiterate comments made this morning about not being informed or this aware of national highways have issued responses to relevant representations.

33:16

Irrespective my clients would intend to engage fully. But as necessary to make further oral representations at forthcoming open issue specific and compulsory acquisition hearings. My fans at this stage would also intend to request an accompanied site inspection.

33:32

My clients do not object to the principle of the project. But my clients relevant representations raised a number of still outstanding key concerns summarised as one the lack of national highway substantive engagement since the second statutory consultation in March 2022, and the impact of the late engagement of principal contractors

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to environmental mitigation, where there has been a total lack of response from national highways to positive alternative proposals to resolve issues which have been raised by my clients.

34:04

Three the conflict between additional public access and rights of way and private means of access for the lack of detailed design on land form balancing ponds, lay bys, locations and numerous detailed design issues. Five, the excessive extent of the permanent land acquisition when the proposed scheme includes numerous areas that could be dealt with under temporary powers or through alternative rights being granted, and six the lack of a coherent strategy from national highways for negotiation and agreement on early acquisition of land and rights.

34:37

In light of these outstanding key issues, my clients wish to just understand how the examining authority proposes through the examination process to address the following. Number one, the lack of a substantive engagement by national highways laterally, and certainly since the second statutory consultation in March 2022, to resolve outstanding issues which had been submitted repeatedly for more than a year

35:00

Due

35:01

to the lack of an available detailed final design for interested parties to consider, and from which they can take certainty, the delay and only read in and only recent appointment of the principal contractors means there will be little or no time during the examination process for interested parties to consider changes to the scheme proposals and raise only relevant issues with the examining authority. How we're interested parties to obtain any degree of certainty on detail during the examination process, rather than relying on what may come later, when we will have lost the opportunity to make points to the examining authority.

35:38

Three for individual interested parties such as my clients how the examining authority intends to understand the relative positions between them and national highways, statements of common ground and principal areas of disagreement documents are mentioned by both national highways and the examining authority. But at this stage, as far as I can see only for selected few interested parties. Why are these not been more extensively used for other interested parties? National hires have promised for some time what they call position statements. But in many cases, these are still not being received. My clients received one very recently, and we haven't had time to fully digest it.

36:15

When and how do the examining authority intend to hold national highways to account in respect of its negotiations with other interested parties. And therefore, when are these position statements to be introduced into the formal examination process and use to positive effect to narrow the issues and highlight differences for the examining authority to focus on.

36:34

And finally, for the excessive amount of land shown as permanent acquisition within the draft DCO. This is especially the case where national highways could use in place of permanent acquisition

temporary occupation mechanisms, and other rights under the Planning Act 2008. Or even the possible use of environmental for environmental mitigation sorry, of conservation covenants proposed under the environment act 2021. In order to reduce permanent land take.

37:02

I'll be submitting further representations which will be more specific to the site and my client's specific issues in due course. Thank you for your time.

37:16

Thank you.

37:19

Mr. Allen.

37:21

Yes, thank you.

37:24

I just want just one question for you. You would have if you were here this morning, you'd have heard Mr. Rowan representing the outcome. He talked about the this possible change request, which we assume is on his way, but it may not be on his way. We don't know. The change request was also to have addressed some of the issues around public and private access.

37:50

You raised that as a concern of yours as part of that in your speech just now. Is that something you're aware of it? Was Mr. Owing?

38:03

Had you spoken to you about that and your clients? So you're aware of that discussion? And that that change request is seeking to overcome that concern? No, for two reasons. Well, firstly, I was watching online this morning before coming here. So I did catch that engagement. But to answer your question, no. I mean, we raised the public and private rights of access issue in the relevant reps. It's an issue we've been raising for over a year. And since the early design was done,

38:30

I wasn't aware, specifically from directly from highways other than comments through the public liaison officer that the designers are working on it. But I can back to my point about certainty for all interested parties, all landowners, particularly you're losing land wants certainty. And without the detailed design, these issues we've raised. Without that deal design, we're not going to get certainty. And so we've had some indication that they are looking at it, but not that there was going to be any formal changes proposed. And those obviously have an impact on what we might say in written reps. And that's my concern. Interesting. Thank you very much.

39:05

Mr. Parsons. I just had a couple of questions for you. I have in front of me the relevant representation that you've put in and you're obviously aware that you're going to expand on that in the written representation. But what I wanted to do at the moment is to understand as much as I can, yes, sure. And so you talk about Adrian's would Yeah. And you talk about recent planting in that area and the possibility of including that in terms of mitigation, if you like, which properties you say that that protects certain properties or the intention is to protect certain that for that to protect certain properties from the A 66. Currently, yeah, which properties are being protected by or potentially being protected by Adrian's would rise? So to answer the question, so the background with agents would was it was mooted way back in 2016 2017. When the scheme was first proposed way back then. Our clients wanted to preempt that scheme and to provide some screening I would say at that time for

40:00

The project so they got ahead of themselves and came up with a scheme to plant the wood known as Adrian's wood in in named Linda deceased beneficiary.

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The wood was planted to protect properties known as Woodside farmhouse, yep, lower Woodside, farmhouse, low Woodside, farmhouse swaying, Gil cottages

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in terms of residential property, right.

40:24

And so yeah, that was then planted in 2020.

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Our position is that we believe, as against other environmental mitigation, I was going to touch on this on the Thursday, issue specific hearing. Our issue is that we've planted that word I can demonstrate from trustees meeting notes that that was talked about before the scheme, and it was done for the scheme or in anticipation of the scheme that we should that should be substituted for about 15 or 17 acres of land that our national highways are proposing to plant on the south of the a 66, which has no benefit other than as far as I can see planting trees and creating some scrub woodland. So that is the rectangular block that runs northwest to southeast if you like the longer section with a block to the south. Yeah, the size and distinct from the road. It's about 300 yards south of the road with it with the scrubland to the northwest of that and yeah, there's three boxes all around an existing or between existing woodlands, which has a fundamental impact on the shooting interest on the estate and all sorts of issues which Yeah, but our argument is that we believe Adrian's would because it was done in anticipation of the road. It wasn't just planted because they fancied a new word that should be substituted in terms of environmental mitigation. Right. Okay. And you've touched then on the supplementary question that I have, because you talk then about affecting the viable use of agricultural land. Yeah. Do you mean effect in terms of compulsory acquisition or do you mean an effect in terms of the mitigation that is proposed? Well, the mitigation that is because we talk about drainage as well if like, yeah, so if I could just finish? Yeah. Because you talk about drainage as well. It could be either, if

you like, yeah. Well, I think it's a combination to be honest. So the location where they're proposing the environmental mitigation, this extra 17 acres of woodland is prime grade to agricultural land.

42:17

Where we planted Adrian's Wood was steeper hilly bank running into a back so less productive. So you take highways are proposing to take productive agricultural land, which will inevitably by planting trees on it have effect on the drainage systems in those areas and so on. And knock on effects to adjoining land as well as as a the shooting interest. Right. Okay. Thank you very much. Okay.

42:44

No more questions. Thank you. Thank you

42:57

Okay, Miss Mickelson would you like to speak now?

43:24

My name is Emma Nicholson. I have I suppose two functions. I'm a resident in the village of Kirby soar.

43:33

And we are also landowners, at least non farm which is regularly described by highways as one of the

43:46

landowners most impacted by this scheme. We have heard from two project leads

43:57

meetings to apologise for the lack of consultation and the way that we have been treated.

44:04

Both project leads promised better communication

44:09

and consultation. And I would say that has not materialised. I have in written representations in which the planning Inspectorate will have been given an outline of my concerns about us privately in our capacity as landowners but also more widely in respect of the village of Kirby sore.

44:34

I hope to attend the next two days on the issue specific hearing that relates to root options and compulsory acquisition. But if I just can give some context to his art,

44:51

the scheme art Kirby Thor is regularly described by national highways as a bypass

45:00

It is notable that the southern option, which did exactly the same thing was never referred to as a bypass. And in fact, the northern option brings the road closer to the village and impacts on many more housing. So the choice of language by national highways throughout

45:20

is designed influence. There is a policy of only giving the positives of this scheme and no negatives.

45:31

The history of route selection dates back to 2005.

45:39

In 2005 routes were considered. And at that point, if it had gone ahead, the northern option would have been considered. At that point. Looking back, it appeared to be largely influenced by a campaign group at the southern end, who lived adjoining the 66 on the impact on off British ships and traffic through the village.

46:11

Whilst that may, in a rural village be seen as significant in the context of wider context of traffic difficulties, it's hard to believe that anywhere else that would lead to

46:27

this route going that direction there are there problems within the village such as farm traffic, which won't be mitigated by this road.

46:38

So I would submit that all issues influenced the decision and project speed influenced, they came in with predetermined decision about the way they would go. And they never varied from that.

46:53

It is notable that Kirby solar which is one of the only villages on this route, I think there was only Kirby solar and watercop that will be affected. No public meeting occurred Kirby solar before

47:07

they were preferred route was announced. One took place at work, but it didn't take place in Kirby soar. The only interaction with the village at that point was to attend the school. Well, I'm not sure that schoolchildren were going to be the most critical or give most input into route selection.

47:27

The preferred route announcement was made from recollection in May 2020. As we were coming out of COVID. We as landowners then had no interaction with high wears until eight months later.

47:46

When they arranged visit, they attended, saying that they had had very significant consultation with us. That was the very first time that we had heard from them. It was accepted at that point that that was the

first time but it is indicative of how they approach things they consider they have consulted with you when they haven't.

48:15

On that occasion, when they did visit it became clear that the failure to conduct surveys before they made the preferred return on investment was impacting on their decision making. So surveys such as flooding landscape,

48:40

and there's so many more which which should be aware hadn't taken place. And they were seemingly completely unaware of the fact that space and high form

48:53

contains the trackback SAIC and their plan was to build a causeway through it. They were maintaining our plan and showing us maps or thought despite the fact that Natural England had already said to them that they would not be able to build the causeway in Detroit Beck sec.

49:13

That has impacted on the road because they then have to shift the route further away from the floodplain which increases the land tech that they propose from celestun High and also worsens the severance of our farm we are now in virtually cut into

49:46

the next interaction we had with them was about March 2021 when having realised that they had a very significant issue, and they were at this point

50:00

Considering a building an 800 metre span bridge, they would have to consider other options. They wanted to speak about alternative routes, a very, very short period of consultation followed.

50:17

It is not apparent from minutes, which again, which you have that a number of routes were discounted very quickly and what was called a brainstorming session, a route that was

50:33

non Julene single road, the purple road was never put to anyone, the village was never aware of this. And the minutes reflect the fact that this may have been preferable to the village.

50:47

If they had actually known about it, it reflects the fact that it would have been less damaging environmentally, it would have been better for the Eden river SAIC. But that wasn't shared. And that is indicative of a lot of what we have experienced

51:08

that consultation period. In the village, the short consultation period went ahead was like the village having any information about the noise impact and how that would increase in the village. There are now far more properties impacted by noise than there currently is, or there would be by the other route. It went ahead with ICT information about pollution about it, how close the route would come to the school because mapping is inadequate.

51:41

How the village would become a rat run because of the plan to cite the junction at the north and the natural tendency of people if there's an accident on the road, or if they want to, for instance, cut back to Penrith or to the only service station to go down tonight use the village of Kobe Thor is a rat run, there was no information about carbon, there was no information about comparisons of the route costs, new information about length of route or costs. It was a short consultation that occurred in the vacuum of information.

52:18

requests to highways to provide

52:23

comments made at the one meeting that took place in Kirby sore have been ignored. We've never received those the input that villagers made at that meeting. We don't know if they shared them with environmental groups for them to comment on.

52:45

Every request you make to national highways is that freedom of information, street is the freedom of information requests and

52:55

normally denied

52:57

the statutory consultation itself I would therefore say is limited because if responses take place in a vacuum, people not able to have the correct information.

53:12

The quality of responses you get is limited.

53:17

Kirby Thor

53:19

is a village which at the end, that the the route is not a proposed has housing where the ability of people to respond is limited. I understand this as issues that have been raised by Eden District Council and their submissions on Cumbria County Council.

53:41

The residents there are tenants

53:45

they are

53:48

limited in their ability to attend meetings like this.

53:52

Majority of them within this area will not have broadband will be reliant on their phones and the consultation that happened in respective junction the majority of people there are completely unaware of that and the implications of it.

54:11

Miss Nicholson I'm really sorry to say

54:14

we're not 10 minutes. I'm just conscious as other people that wish to speak up say thank you happy to summarise hands on other days. Okay, well, you can submit a summary in writing if you'd prefer. Yeah.

54:29

Question for Mr. Roscoe

54:32

Nicholson. I just wanted to ask first of all, obviously, when we're here for events such as this we do an accompanied site inspections when we can daylight permitting. Yesterday afternoon we stopped on the A 66 East bound at the gate where the straight track runs down across the back and then up towards the sto farm. Is that an area of land that that you're aware of the landowners is that

55:00

Part of the farm

55:03

we're gonna have to give her as

55:07

the explanation is too difficult, I can follow this up at another hearing. But basically, it's that it's that track. It's the track that runs in a straight line between the farm buildings and the 66 and ends up in a five bar gate with a private sign on it. Okay, so that's a private track. Yes, that's why we did.

55:26

The road will run at a diagonal, what we what we actually wanted to do, we would have liked to be able to walk the walk that track further beyond the private sign right. Now, I'm not sure if you or somebody

you know, is permitted to do that. Yes. So can I take that now that you have given us permission to walk up and down that track on a company site visit? Yes. If you let us know, when you're planning to come? Yes, of course, you can. Thank you very much, just a supplementary to that. And it could well be that I'm getting into a little bit too much detail for this particular hearing. But I'll carry on because early information is good for us. You don't actually your name doesn't actually appear in what's called the Book of reference at the moment. We have various representations. I've got your relevant representation in front of me from you. We've also got representations from others. And this is public record, Felicity Nicholson, and RK and GF. Nicholson, and also from I think it's Tim Nicholson. And again, RK and GF. And also cactus tree guards limited. Are you able to give us any indication as to the

56:32

as to where those relevant representations have come from data? Nicholson is my husband and I don't want you to give any personal information that you're not happy to give out. Can I say that? No, that's fine. And Felicity Nicholson is my mother in law and onerous lease and high farm. This farm partnership is arcane GF. And will assist in one fun, right, thank you very much. Thank you.

57:01

Nurses, I've got one question. Sorry.

57:05

I just wanted to just clarify a point you were you're talking about consultation or lack of consultation, you've had it? Do you just wanted to clarify whether you meant all forms of consultation?

57:18

Would the applicant have sent leaflets or letters? Or are you referring to actual sort of phone calls or meetings or displays? I just, I just wanted to clarify when you when you said lack of consultation, whether you meant sort of across the board, or actual ones where you could get involved in like, do you want me to address that? As a resident of Kirby solar or as a as a landowner?

57:45

You can do both. Okay, so as a resident of Kirby solar, I have submitted

57:52

a document to the consultation and the adequate, inadequate and hired has very much been steered towards the selection of one option.

58:03

The mapping the descriptions, the lack of the lack of information,

58:09

the ability to access that information, the lack of public meetings, so.

58:16

So across the board, I think I've addressed that in that document. As a landowner, I would echo what Mr. PARSONS has just said.

58:30

Our experience is that there is an ever changing amount of land sought the proposal for the 20%, uplift

58:43

the that came out

58:46

at a point where no offers had been made or offers that are incapable of acceptance. When you replied to that to say, what does this mean, there was no response. And that is because the person who had sent that email had gone on a sabbatical for a number of months.

59:05

We have experienced a situation where

59:09

mitigation

59:13

varme environmental mitigation has been suggested, but it's schemes that we have already underway. That is not new. That is not environmental mitigation. That is something that has already in existence. Yeah. And in terms of the consultation on that, that you that's what you're saying, is they in that respect, you're saying they suggested things that you're already doing anyway, so yes, yeah. Okay. No, that's that's, that's very helpful. Thank you. There is no clarity on permanent lantic temporary land to take. Effectively, we have situations where we have

59:46

proposals that are so lacking in detail that you could not accept them. Okay. That's very helpful. Thank you.

59:55

No further questions. Thank you.

1:00:01

Okay, I'm just looking at the spreadsheet here and we have a few people who've registered today to speak possibly. The first is Mr. Foote would

1:00:16

you hear?

1:00:32

Thank you Chairman.

1:00:35

I'm counsellor Christopher wood, then author and former civil engineer, resident of Barnard castle, and a member of the town council. I want to two members representing the town council on the ace 66 Community Liaison Group. The other being counselled or drew have taken part in numerous relevant meetings since being appointed in May last year, as well as having discussions with other interested parties and local Residence Council June I proposed and Barnard Castle Town Council unanimously agreed that the town council object to how England's proposed black option and support the blue option in addition, my personal views are first, the black option will put more traffic onto the sills. It starts with a dangerously narrow and winding road with a very narrow footpath alongside the river tees. Much used by locals and visitors to the footpath from Rotary Park to St. Mary's Church now serves no useful purpose is overgrown and completely redundant. The narrow strip of trees is runs through is neglected, which should remain in being with minimal maintenance. These trees should lose their heritage status, and should not in any way affect the decision of where the crosslink to Barna Castle should be cited. Three. Barnard Castle desperately needs a bypass and a new modern crossing over the river T's until that comes about the main link from the AES 66 Dubonnet Castle should remain the seat 165 from rugby as the least worst option currently available. It is disgraceful, dangerous and polluting for heavy traffic to continue to use old narrow bridges and winding approach rows to cross the T's and reach Bernard castle and the surrounding area. Thank you, Chair.

1:02:34

Thank you.

1:02:37

Questions from the panel? Thank you.

1:02:47

Okay, so I have on the list, people who may wish to speak so what I'm going to do now is I'm going to ask those who remaining people who wish to speak to raise their hands and then if we start from this side of the room and then move to this side of the room? Yes, the gentleman that.

1:03:07

Can I just remind you to state your name and who you represent. Thank you.

1:03:17

Hi, my name is Phil Ryan, I have actually got readies. I am an interested party. I was asked to come and pass the views of the roadway to cross lanes Liaison Group that was actually set up by national highways.

1:03:38

And

1:03:40

I realise you're looking at the blue and black routes and things tomorrow. But I thought I'd give you a little bit of background that doesn't sort of jump out of the documentation. I would have to say that. Looking at the agenda, you seem to have picked most of the things but I thought I'd give you a little bit of background.

1:04:00

So as it says it's cross lanes rugby, so we have two junctions to consider on the scheme. And as has been said earlier,

1:04:11

we really welcome the duelling a va 66 I'm a local resident there happened to be the parish clerk and one of the parishes adjacent just to the west of cross lanes. So initially, we were presented with four options for the two junctions, whittle that down when cross lanes was

1:04:39

it was realised that there was actually

1:04:43

a B road coming in to the side about 100 yards from the end of the original scheme so is extended to include it and the putting a bridge across or under cross lanes. And we worked really well

1:05:00

As a Liaison Group, initially there were problems but we worked through them. And we came up and down to one route that went in the application. And everyone was essentially happy with there was given take. And it was done, though, that that was cross lanes rugby was not as fair weather as that. And essentially what seemed to happen was somewhere in the process,

1:05:39

national highways had decided that there was significant harm to rugby, parks and gardens.

1:05:51

And that harm stopped all liaison, an old discussion.

1:05:57

Nothing no one would listen to. And I've never been at a sort of a community group, which probably had, at times 1012 members to it of all political and other persuasions. Whether it was unanimity that taking the traffic into Barnard Castle, Damacy, 165, wasn't the way to go.

1:06:22

And what we were looking for was a solution to keeping that traffic off the sills, and off the bridge gate in the bank, because it would only cause chaos, if not more serious harm to people.

1:06:42

But we lost How is England, an ESA? Sorry, national highways. And they certainly lost us

1:06:50

in that process.

1:06:53

And it was very sad, because when it came to public consultation, it we had been told we had asked for the two options should be equally displayed. And it never happened. All the fancy 3d flyover gizmos and drums and things. It was the black roots. And I think betrayed is probably the word I would use. And that's a strong word. But it's really I think, how we all feel and why I'm here today. And that's really all I've got to say specific things we'll be happy to talk about tomorrow.

1:07:30

Thank you. That's interesting. I have a question for you, please. Yeah.

1:07:35

without meaning to overstep into tomorrow's meeting, I just wondered whether there was any reason cited at the time for the perceived change in position with regards to the RPG.

1:07:48

Sorry, who's changing position? I don't think national highways ever expressed the position that they wanted to go the Blue Route. It was just one of the two routes that we were discussing.

1:08:04

But when it came to them, sorry, it was regards I thought, sorry. I'm perhaps I misheard you.

1:08:11

My understanding was that

1:08:14

you yourself perceived that there was a change in position with regards to national highways, his position with regards to impact on the registered Parking Guard. And is that correct? Yes. Is

1:08:31

the blocker to any further discussion? Was highways England belief that significant harm was would be done by the Blue Route to rugby, parks and gardens and they stopped liaising with us. Really? Okay. Thank you. If that answers your question, thank you.

1:08:54

No further questions.

1:09:01

Sorry, can I ask for a raise of hands again, please? Yes, the gentleman at the front.

1:09:20

My name's Howard Charles was a local resident and cyclist.

1:09:26

The blocker was Historic England.

1:09:30

That's by everything changed.

1:09:34

And remember talking in the wisdom to a presentation by the highways and they were

1:09:44

just a bit preferring what would be the Blue Route and an historic England who I'm disappointed not to see a representative here. They say they have

1:09:55

carte blanche to protect historic

1:10:00

historic heritage of the country. And they deemed this

1:10:06

stretch of woodland going to St. Mary's Church as a Parkland.

1:10:12

I think as was being cited already it's not being a Parkland for a long long time. That's That's why everything changed.

1:10:22

Full stop.

1:10:24

So yes, I have spot support everything else has been saved about the traffic the pollution the danger

1:10:34

reason why I say the cyclist as well because I'm still not quite sure what access I have to get to greet to bridge and bang him

1:10:44

across the

1:10:46

the, the new duelling but I would say the flyover to get onto the stung road

1:10:58

is a boon because it's a dangerous stretch of road a six six inch will take both car traffic off because it's difficult getting on both ways. And cyclists are particularly so that's the only bit of the screen scheme that I would support

1:11:15

but otherwise has to be the Blue Route nothing else

1:11:20

okay, thank you Mr. Charles with

1:11:24

no questions from the panel. Thank you.

1:11:28

Miss Wilson.

1:11:45

Hi, I'm Carol so I'm here for friends the Lake District and we represent the Campaign to Protect Rural England and also the campaign for national parks in Cumbria and the Lake District and Yorkshire Dales in Cumbria.

1:12:02

Essentially, I have a number of issues that I'm particularly concerned about. The first one is the benefit cost ratio.

1:12:10

The

1:12:12

Case for the project evaluates it at naught point nine two. And that's after it's been adjusted. And in the relevant representation response from national highways. They state that

1:12:29

essentially that doesn't that be car doesn't actually take into account all the other benefits that the road will bring. But as far as I can see from reading the case for the project, it does actually take those intimate enumerates them so there is actually value put on the safety case for preventing accidents, the fact that the road closures during the winter because of weather or because of road accidents. So that's already been enumerated in the BCL so I don't understand why national highways are double counting the BCR. One point I would also like to make about the emphasis on road closures due to weather is that stainmore is already one of the most shut dual carriageway sections of roads in England because of whether it's a dual carriageway the dual carriageway makes no difference to the weather issues.

1:13:20

Secondly,

1:13:22

safety upgrades versus jewelring. Again, national highways and I know a lot of residents will walk hot pan along the other sections of the ACC six are very, very concerned about the safety. I want to say I am also concerned about the safety but jewel making it a dual carriageway won't necessarily. It's not necessarily the panacea. Because safety upgrades could have been done to the road they could have been propositioned and put in place to actually make the roads significantly safer without it having to become a dual carriageway, which would actually then reduce the number of accidents and it will also then reduce the amount of time the road is closed because of accidents as an example.

1:14:02

The environments side the landscape, which is what I've going to be focusing on mainly on Thursday, the aonbs importance is definitely downplayed in the document and I notice that in one of your responses to national highways, you've actually said that why is the AONB only seen as important rather than highly important which a national park is and they actually have the same rating under law for protected landscapes. aonbs and National Parks are the same. So I'm really concerned that there was there's been very few photo montages done of the landscape, how it's gonna look, there's only a couple sort of around the Kobe Thor area where there's actually a very, very large impact on the way you look into the North Pennines AONB from the south and it's just it's mind blowing as an application this large has so few photo montages and Sophie visualisations

1:15:00

and fly through which I appreciate has been carried out. Most people don't see the landscape and 50 metres above the ground, which is what the fly through does on the fly through took out all of the hedgerows all of the trees it was like flying over totally turbulent, to be honest.

1:15:15

Another point is the

1:15:18

national highways stated that one of the reasons for upgrading their 66 foot to the east of Penrith is to enhance the flow of traffic and visitors into the Lake District National Park. I've been contacted by the transport and World Heritage Site Officer for the National Park today to say that they don't want more people coming by car. They already have too many cars in the Lake District National Parks so I primary reason for putting in a dual carriageway to bring more tourists to the Lake District is not something that is wanted by the Lake District National Park Authority. It's in the local plan, and then their management plan that they actually need to reduce the amounts of vehicular traffic within the National Park. And the ASIC does this upgrades going to do exactly the opposite and national highways claim that is actually a benefit.

1:16:09

Another issue is the national highways basically claimed that they did engage us in pre DCO environmental consultation and focus groups, friends of the Lake District was invited to focus groups

three times two meetings held in Darlington at the Mercure hotel. And then after September 2018, we never heard from him again. Apart from when the consultations took place. We were not invited to focus group meetings. They state that we were invited to meetings at Scotch corner at the hotel, but that did not happen. And I've actually put in a freedom of information requests to actually ask them to provide me with the invites that they sent us.

1:16:50

And lastly, just the issue of difficulty for cumbrians Accessing Bonner Castle

1:16:57

took for me to get here I would have to take a train from Penrith to Carlisle then across to Newcastle then down to Darlington and then take a bus from Darlington to Bonner Castle, bearing in mind that a lot of the issues that are arising from the ACC six fall within Cumbria, actually choosing barn The castle has a place to hold the inquiry has excluded a lot of Cumbrian people. And we do feel that there is definitely a need for some sessions to be held within Penrith and maybe also incur be thorough as well so that local people who don't have access to cars and who also don't necessarily do internet team zoom meetings can actually take parts because otherwise they're going to be disenfranchised. Thank you.

1:17:40

Thank you, Miss.

1:17:44

Just a quick question for you. I think you are going to be here on Thursday.

1:17:50

What I don't expect you to answer it now. Because I'm suspecting you won't have that information beforehand. You referred about the you said in your view, there was very few photo montages of this.

1:18:06

The X ray have we'll be talking to the applicant about photo montages, particularly ones that we feel need to be submitted. It would perhaps assist that discussion if you were able to, to be quite specific in using the

1:18:23

Zed TV plans and also the where the viewpoints were taken from where you would wish to see a photo montage come from. So we're just so that we can hear from you, which Yeah, that'd be

1:18:37

good. One of the things about not being included in the focus groups was that having dealt with other ENSET applications, it's at that point that people like us come along. So what can you do? Yeah, Someone touched from there. Because we were excluded. Because we weren't invited. We didn't. We couldn't actually interact with them to say we would like photo montages in these positions, please. Okay. But if you could in the period between now and Thursday, if you could actually specify which the

areas that you feel a photo montage is needed, and we can have that discussion. Okay, thank you. That's helpful. Thank you. No more questions.

1:19:19

Does anyone else wish to speak?

1:19:21

No. Do we have any one virtually, who would like to speak there's no hand raise so.

1:19:27

Okay.

1:19:36

I'll just invite the applicant to offer to see whether they would like to make any comments at this time.

1:19:50

Do you would you prefer the roving mic or do you want to come up? Okay. Thank you.

1:20:02

Okay, Monica Casa Griffis, I work for national highways and I lead the design in this yo team for the 66 project. We don't want to respond to any of the points raised today, we will discuss quite a lot of what was raised today during the following hearings more in the day after. For now, we just want to thank everybody for attending today and putting their points across. But I think we'll leave it that please.

1:20:30

Thank you.

1:20:35

We've not been notified that anyone else wishes to raise any other businesses relevant at this hearing. Does anyone have anything else they wish to raise? No.

1:20:46

If there's no other relevant business, may I remind you that the timetable, the examination requires that parties provide any post hearing documents honour before deadline one, which is Wednesday the 14th of December 2022.

1:21:01

I'll also remind you that the recording of this hearing will be placed on the inspectorates website as soon as practicable after this meeting.

1:21:09

Thank you all for attending today. And for your participation.

1:21:14

Mr. Sullivan.

1:21:17

You referred to Deadline one is the 14th of December. I recollect this morning deadline one has now become deadline zero

1:21:27

on the draft. So I'm a little confused.

1:21:31

Mr. Allen,

1:21:34

the the EXA has not yet made a decision what the draft time is. The draft timetable has been advanced by us as to how the deadlines should come out. The applicant and the Council have requested changes to that we now need to think to consider those changes. And we will issue the fund that deadlines next week when the rule eight letter has gone out. But we would like if we could have a little bit of time to talk about what they want to do and whether it's acceptable to us.

1:22:08

Thank you.

1:22:10

The responses you've given today will be considered carefully and they'll inform our decision about whether written questions and or further round of hearings will be necessary.

1:22:22

The next event is the first of two issues specific hearings which will take place tomorrow at this venue at 10am details and agendas can be find in the rule six letter and the supplementary agendas. And I believe printed copies will be available tomorrow. So that correct case team? Yes. Once again, thank you the time is now approximately 10 to four and this open floor hearing is now closed. Thank you