

**IN THE MATTER OF THE NATIONAL HIGHWAYS A66 NORTHERN TRANS-PENNINE PROJECT  
DEVELOPMENT CONSENT ORDER APPLICATION**

**AND IN THE MATTER OF LAND TO BE ACQUIRED PERMANENTLY AT  
THE WINDERWATH ESTATE, PENRITH, CUMBRIA**

**Open Hearing Statement by Tim Parsons MRICS FAAV**

**representing The Trustees of Winderwath Estate**

**Tuesday 29<sup>th</sup> November 2022**

1. I am Tim Parsons, Chartered Surveyor with H&H Land & Estates Ltd, representing collectively the four Trustees of the Winderwath Settled Estate located on Scheme 3.
2. I apologise but this statement was prepared before the preliminary meeting this morning and some of the issues I raise may have been considered or impacted by this morning's meeting.
3. I have submitted relevant representations on behalf of my client and intend to submit further detailed written representations by deadline one. On that however I note from what I heard at the preliminary hearing 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.
4. I would re-iterate comments made by speakers this morning that submitting written representations for the 14<sup>th</sup> December on a proposed scheme that is clearly going to change makes no sense to interested parties with limited resource who are being required to respond to multiple proposals.
5. I would also re-iterate comments made this morning about being informed and thus unaware that National Highways had issued a response to the Relevant Representations.

6. Irrespective my clients would intend to engage fully but as necessary to make further oral representations at forthcoming open, issues specific and compulsory acquisition hearings. My clients at this stage also intend to request an accompanied site inspection.
7. My clients do not object to the principle of the project but my clients' relevant representations raise a number of still outstanding key concerns being in summary:-
8. **One** - The lack of National Highways substantive engagement since the second statutory consultation in March 2022 and the impact of the late engagement of Principal Contractors.
9. **Two** - 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.
10. **Three** - The conflict between additional public access and rights of way and private means of access.
11. **Four** - The lack of detailed design on landform, balancing ponds, lay by locations and numerous detailed design issues.
12. **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.
13. **Six** - The lack of a coherent strategy from National Highways for negotiation and agreement on early acquisition of land and rights.
14. In light of these outstanding key issues my clients wish to understand how the Examining Authority proposes through the Examination process to address the following: -

15. **One.** The lack of substantive engagement by National Highways latterly, and certainly since the second Statutory Consultation in March 2022, to resolve outstanding issues which have been submitted repeatedly for more than a year?
16. **Two.** The lack of an available detailed final design for interested parties to consider, and from which to take certainty. The delayed 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 any relevant issues with the Examining Authority.
17. How are interested parties to obtain any degree of certainty on detail during the Examination process rather than relying on what may come later when they will have lost the opportunity to make points to the Examining Authority?
18. **Three.** For individual interested parties such as my clients how the Examining Authority intends to understand the relative positions between them and National Highways?
19. Statements of Common Ground and Principal Areas of Disagreement Documents are mentioned by National Highways and the Examining Authority but at this stage only for a select few interested parties. Why are these not being more extensively used with other interested parties as stated in Document APP-276 “Statement of Commonality for Statements of Common Ground”.
20. National Highways have promised for some time “position statements” but in many cases these have still not yet been received. My clients only saw a first draft very recently.
21. When and how does 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

and used to positive effect to narrow the issues and highlight difference for the Examining Authority to focus on?

22. **Finally Four.** The excessive amount of land shown as permanent acquisition within the draft DCO. This is especially the case when 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 for environmental mitigation of Conservation Covenants under the Environment Act 2021 to reduce the land required permanently.
23. The further written representations that will be submitted on behalf of my client will address site and client specific details and questions which we believe should be further considered by the Examining Authority.
24. Thank you for your time.