

Representations on the A66 Northern Trans-Pennine Project

Submitted on Behalf of The Hammond Family

18th December 2022

1. Introduction

1.1 We are instructed to submit these representations on behalf of Mr S and Mrs M Hammond of [REDACTED]

[REDACTED].

1.2 Messrs Hammond own and occupy [REDACTED]. The Applicants propose to acquire part of a field to the south of their house as shown below:



1.3 The Applicant proposes to acquire permanent rights over plot 09-03-14.

2. Representations

2.1 Adequacy of Consultations and Information provided by the Applicant

2.1.1 The Applicant has failed to provide sufficient information in respect of their proposals despite repeated requests.

2.1.2 We note that the failure to consult in a timely and accurate fashion, or provide sufficient information has also been raised by many other Parties including Local Authorities¹.

2.1.3 In circumstances where the Applicant proposes to use compulsory purchase powers in a manner that will have a permanent impact on Messrs Hammond it is the duty of the Applicant to engage and provide adequate detail and rationale not only to Messrs Hammond but also the Inspectorate. We submit that they have failed in this duty and for this reason alone, the application should not be allowed to proceed.

2.1.4 We set out below further representations in respect of the proposed scheme as far as we are able to with the limited information provided to date; but must reserve the right to add to or amend these representations if or when further detail is provided by the Applicant.

2.2 The Extent of Negotiations to Date

2.2.1 Whilst the inadequacy of information provided as referred to above does make any assessment of Messrs Hammond's heads of claim extremely difficult, the Applicant is duty bound to engage with

¹ TR010062-000598-Eden District Council AoC Response

Messrs Hammond and negotiate in respect of their proposed acquisition.

2.2.2 To date, no meaningful negotiation has been carried out in failure of this duty. As with the failure to provide adequate information, this unfairly prejudices Messrs Hammond and we would therefore suggest that this application should be dismissed.

2.3 Justification for the permanent acquisition of land or rights over land, and temporary land occupation; and the extent of those needs

2.3.1 We remain unclear that the Applicant does in fact require all of the permanent and temporary rights that they seek. The lack of detail or explanation from the Applicant has made it impossible to properly assess the extent of their need for the areas in question or efficiency of design.

2.3.2 The realigned A66 would be some distance away, and the old road will only be a service road. We are therefore unsure as to why the land is identified for acquisition.

2.3.3 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is entirely necessary to acquire the rights that they seek. If they fail to do so, as we suggest that they have here, there is no equitable way that the Application can proceed.

2.4 Public Rights of Way

2.4.1 We note that a number of the Applicant's plans² show a realigned public right of way going through the buildings at Foxhall Cottage as illustrated by the plan extract below (purple dotted line):



2.4.2 We assume that this is an error, but would be grateful if the Applicant could confirm.

² See TR010062-000548-5.19 Rights of Way and Access Plans Scheme 09 Stephen Bank to Carkin Moor (02)

2.5 Drainage

2.5.1 The Applicant has failed to provide details as to how they will ensure that land drainage is protected during and after the construction period.

2.5.2 There are a numerous shallow land drains within agricultural land on and adjoining the retained land, and it is essential that their function is preserved and run-off accounted for in the scheme design.

2.6 Mitigation of Anti-Social Behaviour

2.6.1 The Applicant's design for the scheme creates numerous areas of 'no-mans' land adjacent to the scheme. Aside from creating additional costs in terms of future requirements to manage and maintain these areas, it also invites unauthorised occupation and anti-social behaviour.

2.6.2 If one looks at similar areas of open land in the local area, it is plain to see the issues that they cause, and that here they could be entirely avoided by more careful design.

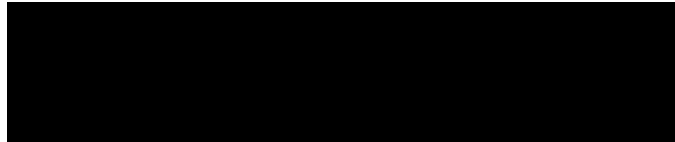
2.7 Liability for Infrastructure

2.7.1 The scheme should not impose any new liabilities on Messrs Hammond in respect of new infrastructure/ embankments/ roads/ bridges/ ponds.

2.7.2 We would ask that the Applicant confirms that this will be the case.

3. Conclusion

3.1 In conclusion, the Applicant has failed to provide adequate information in respect of the proposed scheme, and their chosen design is unsuitable for a number of reasons, not least that it fails to mitigate the risk of anti-social behaviour.



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