

Representations on the A66 Northern Trans-Pennine Project

Submitted on Behalf of the McSkimming Family

18th December 2022

1. Introduction

1.1 We are instructed to submit these representations on behalf of Ms McSkimming of [REDACTED]

[REDACTED]

1.2 Ms McSkimming owns and occupies [REDACTED]. The Applicant's proposed scheme will bring the A66 very much closer to their house and require the acquisition of the eastern end of their garden. [REDACTED] is shown below:



1.3 The Applicant proposes to acquire permanent rights over the following areas of land:

06-04-51, 06-04-52, 06-04-53, 06-0454, and 06-04-56

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. This failure has prejudiced Ms McSkimming and undermines not only consultations carried out to date, but also the application itself.

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 The Applicant has repeatedly failed to deliver position statements agreed between the parties as necessary in respect of their proposed acquisition of Land and Rights.

2.1.4 In particular, we have requested, and the Applicant has failed to provide sufficient information in respect of:

- i) The extent and location of land and rights required including public rights of way
- ii) Accommodation Works
- iii) Drainage
- iv) Impact on retained land
- v) How the design will mitigate additional risks in respect of security and anti-social behaviour

2.1.5 In circumstances where the Applicant proposes to use compulsory purchase powers in a manner that will have a permanent impact on Ms McSkimming it is the duty of the Applicant to engage and

¹ TR010062-000598-Eden District Council AoC Response

provide adequate detail and rationale not only to Ms McSkimming 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.

2.1.6 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 Ms McSkimming's heads of claim extremely difficult, the Applicant is duty bound to engage with Ms McSkimming 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 Ms McSkimming 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 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.

2.3.3 We understand that the land might not now be required to upgrade the adjacent bridge and request urgent confirmation of this.

2.3.4 Ms McSkimming has received planning permission to build a garage block on the area of land the Applicant wishes to acquire, which the Applicant is aware of and has confirmed they are able to construct this.

2.4 The Availability of More Suitable Routes

2.4.1 It is submitted that the previously identified route to the north of Warcop represents a much more suitable option, and one which will minimise the adverse impact not only on Ms McSkimming, but also the village of Warcop as a whole.

2.4.2 We note that the minutes prepared by the Highways Agency for the Community Consultation held at Warcop Parish Hall on the 5th

November 2021 record that *“the consensus of the local community is for the A66 to be north of the current A66”*.

2.4.3 While it is accepted that moving the route further north does encroach further on to the AONB and that this should not be taken lightly, the benefits of doing so are substantial and include but are not limited to:

- i) Preservation of Bronze Age burial barrows west of Sandford Lane that would be destroyed
- ii) Avoiding the loss of the Warcop Army playing field which is used by the local community for the annual rushbearing sports etc. which is the largest level space within the parish and could not therefore be replaced
- iii) Minimising the impact on the privately owned residential properties in Warcop which stand to be adversely affected by the new dual carriageway (as opposed to the military training where there are no dwellings private or otherwise)
- iv) Preservation of ancient pastures and traditional buildings which are not present on the military training area by virtue of its existing use
- v) Allowing the use of the existing road as a service road to the existing lanes for the villages of Sandford, Warcop, Flitholme and Langrigg minimising the number of under/overpasses required

- 2.4.4 In considering the impact on the AONB, it must be considered that the land to the north within the MOD training area is limited in environmental, landscape and social benefit as a consequence of its existing use.
- 2.4.5 The existing boundary of the AONB is itself an arbitrary line reflecting the existing location of the A66, and the land to the south is of no less value to the landscape. We would also highlight that there are numerous examples of infrastructure development within AONBs both past and present. One current example is the HS2 rail line which will pass through the Chilterns AONB.
- 2.4.6 Taking into account the scale of the impact on the local area and community, and also that the cost of the scheme could be drastically minimised by moving the route north, the current proposals by the Applicant must be refused consent.

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 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 Ms McSkimming 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 there are more suitable routes available and it fails to mitigate the risk of anti-social behaviour.


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