

Representations on the A66 Northern Trans-Pennine Project

Submitted on Behalf of Mr J Manners

18th December 2022

1. Introduction

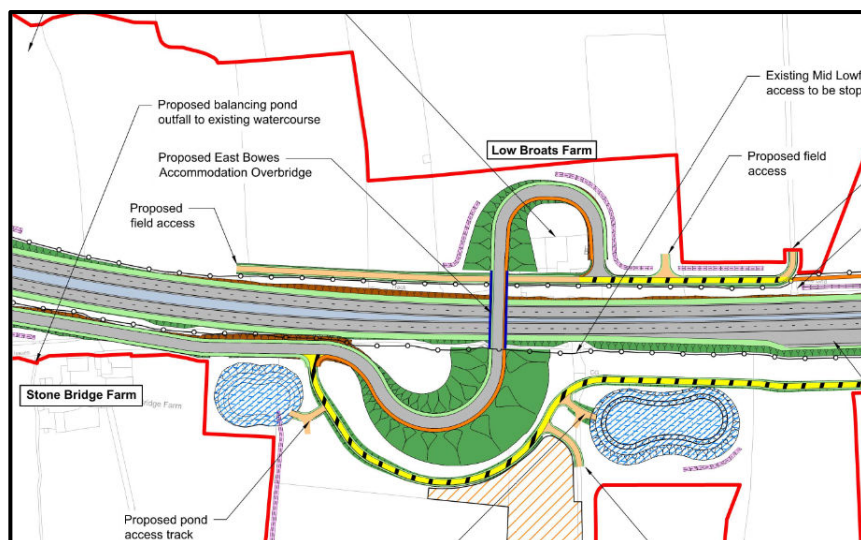
1.1 We are instructed to submit these representations on behalf of Mr Manners of [REDACTED]

1.2 Mr Manners owns and occupies [REDACTED] where he also operates a luxury holiday rental business.

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

07-02-112,07-02-113,07-03-04,07-03-05,07-03-07,07-03-09,
and 07-03-44

1.4 Stonebridge Farm and the proposed Scheme Layout are shown on the plan extract below:



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 Mr Manners 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.

2.1.4 We have requested, and the Applicant has failed to provide information on:

- i) The extent and location of land and rights required
- ii) Accommodation Works
- iii) Drainage and Flood Risk
- iv) Impact on retained land

2.1.5 In circumstances where the Applicant proposes to use compulsory purchase powers for a scheme that will have a permanent and detrimental impact on Mr Manner's existing businesses it is the duty of the Applicant to engage and provide adequate detail and rationale not only to Mr Manners but also the Inspectorate. We

¹ TR010062-000598-Eden District Council AoC Response

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 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 makes any assessment of Mr Manners' heads of claim difficult, the Applicant is duty bound to engage with Mr Manners 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 Mr Manners and we would therefore suggest that this application is dismissed.

2.3 East Bowes Accommodation Overbridge

2.3.1 The Applicant proposes to construct a bridge with raised embankments a short distance to the east of [REDACTED] as shown on the plan extract above. It is our position that this bridge is unnecessary given there are suitable alternatives that have not been considered and will cost far less; in addition the current proposal will have an adverse impact on Mr Manners' retained property that could be entirely avoided.

2.3.2 Mr Manners lives at the property, and also runs a holiday cottage business. The proposed design will not only affect [REDACTED] but it will also affect the viability of the holiday cottage business and the value of the cottages.

2.3.3 We suggest that the service road to serve the properties to the east of Stonefield is located on the current layby adjoining the existing A66, and access to the properties to the north of the A66 is taken from the A67 thereby negating the need for a bridge. We understand each property that the proposed bridge would serve already has an access from the A67 therefore question why the bridge is required. We would question whether the significant amount of public money involved could be used better elsewhere.

2.3.4 If the proposed bridge is found to be necessary, we request that it be located further east directly onto High Broats Farm's track and a T junction be used there as opposed to an embankment curving out onto Mr Manners' property. Although it would be preferable that no

bridge is built, this approach would reduce the impact on Stonebridge Farm.

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

- 2.4.1 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.
- 2.4.2 The currently proposed acquisition places a burden on Mr Manners removing a noticeable acreage from the holding. This land cannot feasibly be replaced within the immediate area.
- 2.4.3 Due to the lack of substantive engagement from the Applicant, we are unclear whether they appreciate this impact and/or have allowed for it within their budgeting for compensation.
- 2.4.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is 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.

2.5 Proposed Ecological Mitigation Measures

- 2.5.1 The areas identified by the Applicant for ecological mitigation along the entire scheme route appear to have been arbitrarily identified without any reference to the nature or quality of the land. We are concerned to note that large areas of the best agricultural land in the local area have been earmarked for ecological mitigation.
- 2.5.2 We have offered a number of times to meet with the Applicant's ecologists in order to identify more suitable areas, but to date the Applicant has declined to do so.
- 2.5.3 It is respectfully submitted that it '*should*' be regarded as common sense to locate these areas on the most marginal or poorer areas of agricultural land. This ensures not only that the impact on agricultural production levels is minimised but also that the compensation due to landowners is reduced through acquiring lower value land, and minimising the adverse effects on farming enterprises.
- 2.5.4 The National Planning Policy Framework stipulates that planning and policy decisions should protect the best and most versatile agricultural land, and preserve soil quality².
- 2.5.5 We therefore submit that the Application is substantially flawed in failing to properly consider or locate the ecological mitigation areas.

² National Planning Policy Framework, Chapter 15 para.174 (a) – (b)

2.6 Lack of Detail on Drainage and Flood Risk

2.6.1 We have requested and not received information from the Applicant in regard to their drainage schemes for the area around [REDACTED]

[REDACTED] We are concerned that the disturbance of existing drainage systems and construction of the road will lead to an increased flood risk for Stonefield Farm; and have not been provided with any data or information to allay those fears.

2.6.2 We are also aware that the Applicant proposes to use a large area of land immediately to the north of the A66 opposite Stonefield Farm as a flood storage area. Again, the Applicant has failed to provide details of this, or explain how they will ensure that this does not increase the flood risk to the retained land.

2.7 Liability for Infrastructure

2.7.1 The scheme should not impose any new liabilities on Mr Manners 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.

2.8 Demonstration of the Availability of Necessary Funding

2.8.1 As above, we do not consider that the Applicant is promoting the most appropriate design, and nor have they considered the substantial compensation that would be due as a result. On this basis it must be considered that they cannot demonstrate that there is sufficient funding available to carry out the proposed scheme.

2.8.2 We submit that it would be inequitable to allow the application to proceed and by its existence continue to adversely affect the local

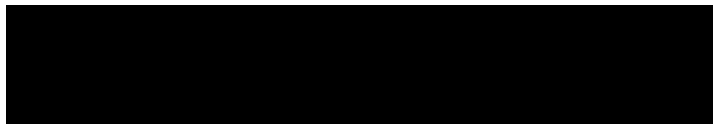
community and Mr Manners when it is not clear that the scheme will be viable.

2.8.3 Furthermore, we have identified a number of instances where it can be shown that the Applicant will unnecessarily incur additional costs and/or compensation burdens. The application must therefore be revised in order to avoid this and ensure that the Applicant does not fail in their fiduciary duty to ensure best value from public funds.

3. Conclusion

3.1 In conclusion, the Applicant has failed to provide adequate information in respect of the proposed scheme, and their design is unsuitable for a number of reasons, not least in regard to the proposed bridge east of Bowes given the cost of this to the scheme when there are suitable alternatives available which will cost a fraction of the cost of the bridge. There has also been a failure to properly consider the location of the ecological mitigation areas.

3.2 The Applicant has also failed to show that they have adequate funds available to implement the scheme, and has not attempted to negotiate in respect of the proposed acquisition.



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