

**Representations on the A66 Northern Trans-Pennine Project**

**Submitted on Behalf of Mr J Richmond**

**18<sup>th</sup> December 2022**

**1. Introduction**

1.1 We are instructed to submit these representations on behalf of Mr J

Richmond [REDACTED]  
[REDACTED]

1.2 Mr Richmond owns [REDACTED] and occupies land at Dunsa Bank on an Agricultural Holdings Act tenancy.

1.3 The Applicant proposes to acquire permanent rights over plots:

09-02-10, 09-02-11, 09-02-36, 09-02-37, 09-02-38

Plus temporary rights over:

09-02-09, 09-02-13

## **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 Richmond 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 Authorities<sup>1</sup>.

2.1.3 The Applicant has repeatedly failed to deliver position statements agreed between the parties as being 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

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<sup>1</sup> TR010062-000598-Eden District Council AoC Response

Mr Richmond, it is the duty of the Applicant to engage and provide adequate detail and rationale not only to Mr Richmond 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 Mr Richmond's heads of claim extremely difficult, the Applicant is duty bound to engage with Mr Richmond 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 Richmond 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.

2.3.3 Any loss of land whether from the land he owns, or the tenancy area at Duns Bank will be to the detriment of Mr Richmond's farming business. It is highly unlikely that Mr Richmond will be able to secure any freehold replacement land, and he will not be able to rent any further land under the relatively favourable terms of the Agricultural Holdings Act<sup>2</sup>.

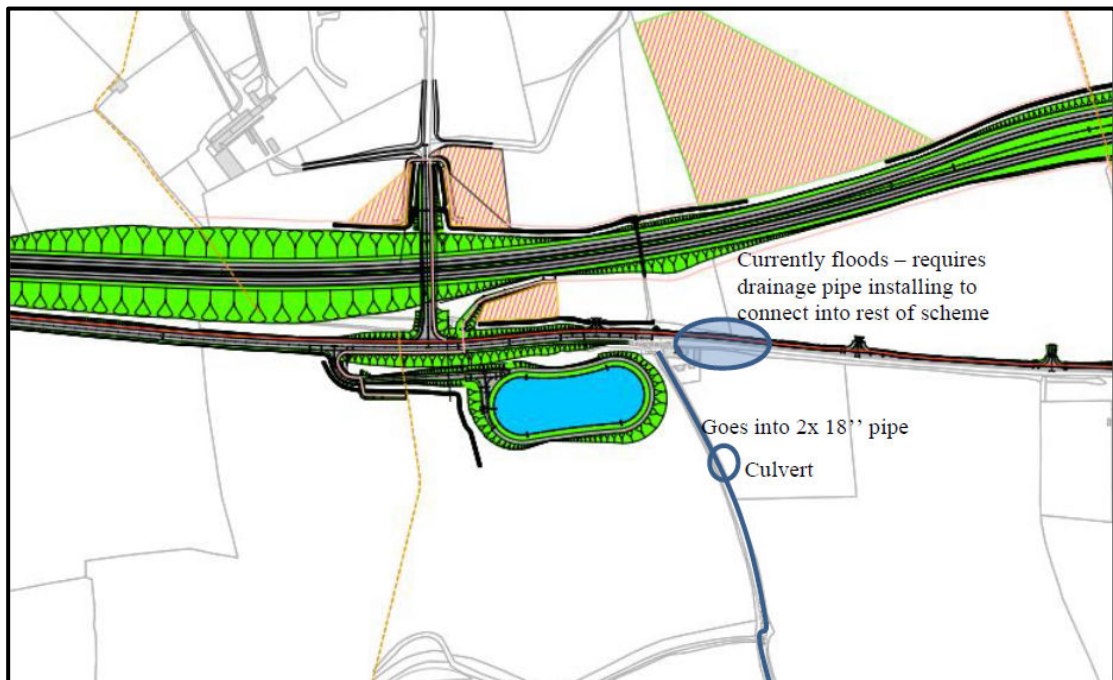
2.3.4 In regard to the proposed acquisition of land at Ravensworth, we remain unclear as to why this area is required to be acquired. The area in question is the access to Ravensworth Lodge. The onus is on the Applicant to justify their requirement, and we would urge them to rationalise their land take wherever possible.

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<sup>2</sup> When compared with the Agricultural Tenancies Act 1995

## 2.4 Drainage

- 2.4.1 The Applicant has failed to provide details as to how they will ensure that land drainage is protected during and after the construction period.
- 2.4.2 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.
- 2.4.3 We are also unclear as to how the Applicant intends to address problems with the drainage from the current A66 which is damaging the integrity of Ravensworth Lodge.
- 2.4.4 Mr Richmond has on numerous occasions shown the design engineers and drainage engineers the location of a problematic culvert under the existing A66 and where that drains to and the sketch below shows the current drainage system. The blue line highlights the current drains which comes from under the A66. We have also highlighted where flooding sits on the current A66. A drainage pipe needs installing and connecting into the current equipment to ensure water is taken away from the property.



## 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 in question. 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 As set out above, Mr Richmond occupies Dunsa Bank under a secure tenancy, and it appears that a significant amount of land is allocated for species rich grassland and woodland creation.

2.5.3 The size of the area in question will directly impact Mr Richmond's businesses profitability. To reduce this, we suggest that any environmental mitigation which is required is located on less productive agricultural land.

2.5.4 We have offered a number of times to meet with the Applicant's ecologists in order to identify more suitable areas for this, but to date the Applicant has failed to do so.

2.5.5 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.

2.5.6 The National Planning Policy Framework stipulates that planning and policy decisions should protect the best and most versatile agricultural land, and preserve soil quality<sup>3</sup>.

2.5.7 We therefore submit that the Application is substantially flawed in failing to properly consider or allocate

## 2.6 Creation of new Public Rights of Way

2.6.1 We are concerned that the Applicant proposes to create a number of new public rights of way as part of the scheme. It is submitted that this is unnecessary, and will lead to general and bio-security issues along with additional health and safety concerns Land Owners or Occupiers. This will also be reflected in additional depreciation of his retained land. We are not clear that the

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<sup>3</sup> National Planning Policy Framework, Chapter 15 para.174 (a) – (b)

Applicant has properly considered or allowed for this impact when proposing the additional rights of way.

2.6.2 The additional infrastructure in terms of bridges and crossings etc also all represent avoidable expenditure and increase the area of land which must be acquired as part of the scheme.

2.6.3 The dual use of agricultural tracks with public access will give rise to a host of new health and safety risks where large agricultural machinery and/or livestock mix with members of the public and dogs.

2.6.4 We would submit that the creation of the public rights of way is unnecessary in order to deliver the purpose of the scheme, and will at avoidable expense inflict further losses on Land Owners.

## 2.7 Access to A66 at Brownson Bank

2.7.1 We are concerned that opening an access onto the A66 at Brownson Bank may offer a shortcut to the A66 and encourage traffic to use the single track lane from Ravensworth to access the A66 going West.

2.7.2 The road is unsuitable for lots of traffic travelling both ways and will present a safety risk.

## 2.8 Mitigation of Anti-Social Behaviour

2.8.1 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.

2.8.2 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.

2.8.3 Where such areas cannot be avoided, the Applicant should provide a management plan setting out how they intend to address these issues and minimise the disruption to local residents.

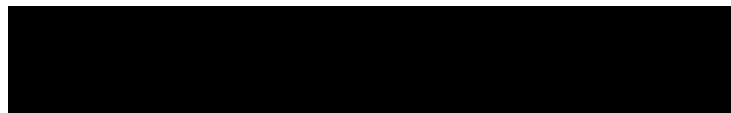
### 2.9 Liability for Infrastructure

2.9.1 The scheme should not impose any new liabilities on Mr Richmond in respect of new infrastructure/ embankments/ roads/ bridges/ ponds.

2.9.2 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 locates environmental mitigation areas on valuable productive farmland, and fails to mitigate the risk of anti-social behaviour.



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