

Representations on the A66 Northern Trans-Pennine Project

Submitted on Behalf of Mr and Mrs Harrison

18th December 2022

1. Introduction

- 1.1 We are instructed to submit these representations on behalf of Mr and Mrs Harrison of [REDACTED]
[REDACTED].
- 1.2 Mr and Mrs Harrison own and occupy [REDACTED] and several other farms in the locality for the purposes of their farming business.
- 1.3 The Applicant proposes to acquire permanent rights over the following areas; 09-04-38, 09-04-39, 09-04-40, 09-04-42, and 09-04-44.
- 1.4 The Applicant's proposed route will pass through the existing holding and raises a number of issues in respect of security and access.

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 and Mrs Harrison 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 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.
- ii) Accommodation Works
- iii) Drainage
- iv) Impact on retained land
- v) Protection of existing service connections
- vi) How access to retained property will be achieved
- vii) How the design will mitigate additional risks in respect of security and anti-social behaviour
- viii) On-going responsibility for infrastructure and landforms created

¹ TR010062-000598-Eden District Council AoC Response

2.1.5 In circumstances where the Applicant proposes to use compulsory purchase powers in a manner that will have a permanent and substantial impact on Mr and Mrs Harrison's existing farm business it is the duty of the Applicant to engage and provide adequate detail and rationale not only to Mr and Mrs Harrison 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 and Mrs Harrison's heads of claim extremely difficult, the Applicant is duty bound to engage with Mr and Mrs Harrison and negotiate in respect of their proposed acquisition.

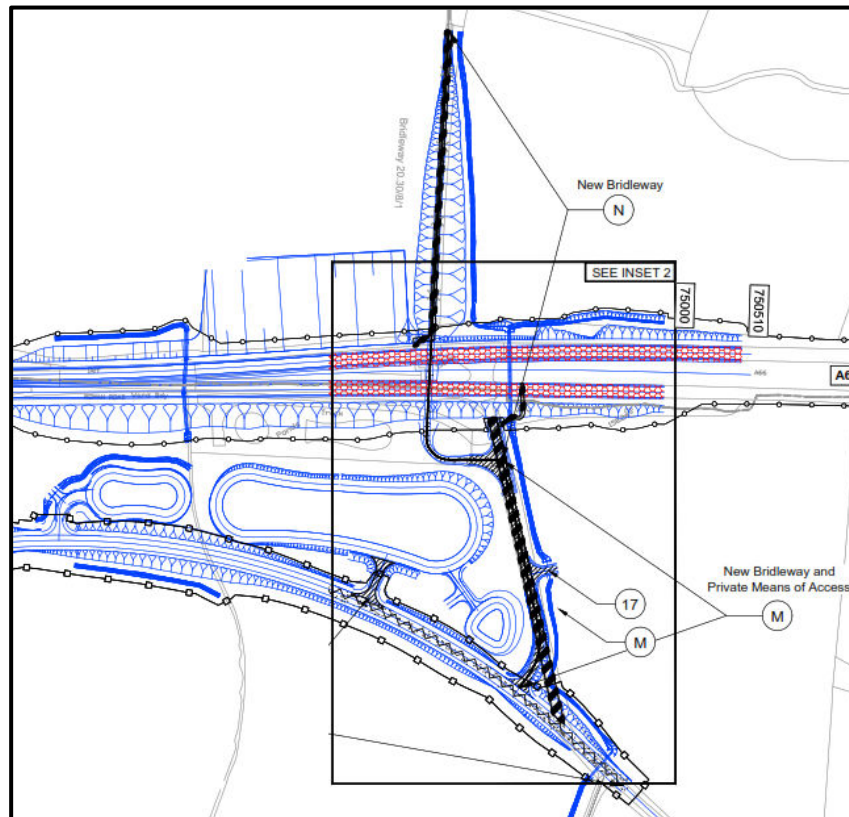
2.2.2 To date, no meaningful negotiation has been carried out in failure of this duty. As with the failure to provide adequate information, this unfairly prejudices Mr and Mrs Harrison and we would therefore suggest that this application should be dismissed.

2.3 Proposed Underpass and Security Provisions

2.3.1 We are concerned that the Applicant proposes to divert the bridleways as part of the scheme by way of a proposed underpass. It is submitted that this is unnecessary, and will lead to general security and bio-security issues along with additional health and safety concerns for Mr and Mrs Harrison to the detriment of their on-going businesses. This will also be reflected in additional depreciation of his retained land. We are not clear that the Applicant has properly considered or allowed for this impact.

2.3.2 We would submit that the underpass for the purpose of a bridleway is unnecessary in order to deliver the purpose of the scheme, and will at avoidable expense inflict further losses on the Applicant given there are other proposed suitable crossing points within close proximity to the proposed underpass.

2.3.3 The underpass in question is shown on the plan extract below:



2.3.4 It is common knowledge that rural crime is prevalent² and it is inequitable that through design, the Applicants would leave Mr Harrison at greater risk.

2.3.5 We understand that the underpass will be 5m wide by 3.7m high, which is excessive given two lanes on a single carriageway is usually between 5.5m and 7.5m. The underpass will be a bridleway; therefore, no vehicles should be using the underpass, therefore the underpass should be reduced in size.

2.3.6 We do not believe the Applicant has considered a foot bridge as an alternative option and would request this is done. We would ask to

² See NFU Rural Mutual Rural Crime Report for 2022

be consulted on the footbridge and also, we would reserve a right to comment further on the option of a footbridge.

2.4 Mitigation of Anti-Social Behaviour

2.4.1 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.

2.4.2 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.

2.5 Future Responsibility for Infrastructure and Landforms

2.5.1 To date the Applicant has failed to provide confirmation as to who will be responsible for maintaining new infrastructure such as Private Access Tracks etc and landforms such as bunds/ underpasses/ bridges in the future.

2.5.2 This clearly has a significant bearing on the losses which may be suffered by Mr & Mrs Harrison and other Landowners, and it is manifestly unfair to allow the Application to proceed without an understanding of this.

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

2.6.1 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.

2.6.2 The currently proposed route places a notable burden on Mr and Mrs Harrison, creating access difficulties and removing better quality land from the holding. This land cannot feasibly be replaced within the immediate area and it will be to the detriment of the existing farm business.

2.6.3 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.

2.6.4 The compulsory acquisition of land and rights must not be taken lightly, and the burden falls on the Applicant to prove that it is 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.

2.7 Proposed Ecological Mitigation Measures

2.7.1 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 of quality of the land in question.

We are concerned to note that large area of the best agricultural land in the local area have been earmarked for ecological mitigation.

2.7.2 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.

2.7.3 The National Planning Policy Framework stipulates that planning and policy decisions should protect the best and most versatile agricultural land, and preserve soil quality³.

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

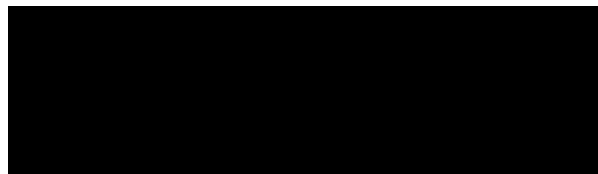
2.8 Demonstration of the Availability of Necessary Funding

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

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 including unnecessarily acquiring land, creating safety risks and generating security risks.

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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