

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

**Submitted on Behalf of the Taylor Family**

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

**1. Introduction**

1.1 We are instructed to submit these representations on behalf of Messrs T, A & R Taylor of [REDACTED]

[REDACTED].

1.2 Messrs Taylor own and occupies Redlands Bank where they run a successful livestock enterprise with cattle and sheep.

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

0405-05-07, 0405-05-47, 0405-05-48, 0405-05-49, 0405-05-54, 0405-05-56, 0405-05-62, 0405-05-62, 0405-05-73, 0405-06-21, 0405-06-22, 0405-06-42, 0405-06-43, 0405-0644, 0405-06-47, and 0405-06-52,

Plus temporary rights over the following plots:

0405-05-51, 0405-05-66, and 0405-06-41

## **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 Messrs Taylor 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 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 access will be given to retained land where existing gateways are being lost

2.1.5 In circumstances where the Applicant proposes to use compulsory purchase powers in a manner that will have a permanent impact on Messrs Taylor's existing farm business it is the duty of the Applicant

---

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

to engage and provide adequate detail and rationale not only to Messrs Taylor 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.

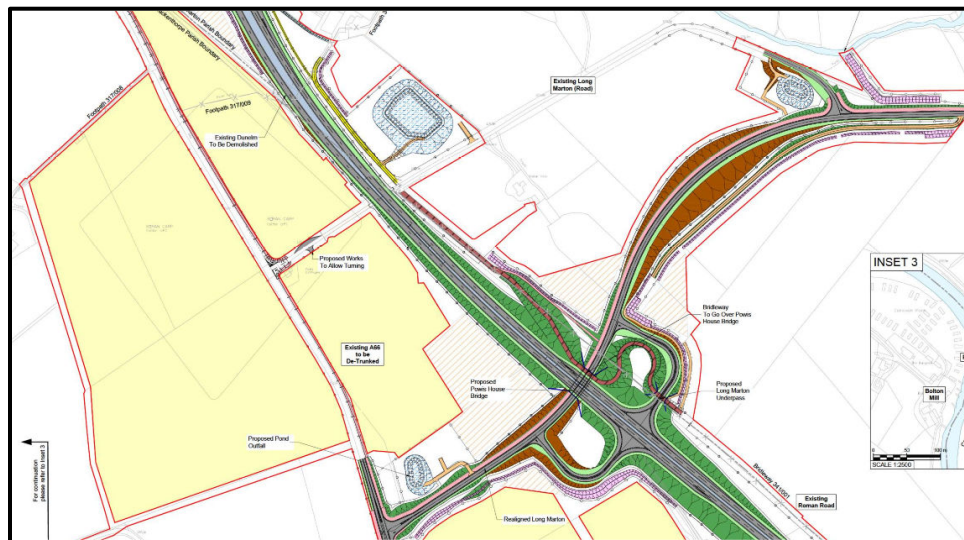
## 2.2 The Extent of Negotiations to Date

2.2.1 Whilst the inadequacy of information provided as referred to above does make any assessment of Messrs Taylor's heads of claim extremely difficult, the Applicant is duty bound to engage with Messrs Taylor 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 Taylor and we would therefore suggest that this application should be dismissed.

## 2.3 Location of Proposed Junction with Long Marton Road

2.3.1 We do not believe that the proposed junction between the A66 and Long Marton road represents the most appropriate design. The existing road joins the A66 immediately to the north of Powis Cottages, however the Applicant proposes to create a new access to the south as shown below:



2.3.2 The main concern with the proposed new junction is that it will split one of Messrs Taylor's fields in two making both less useful for agricultural production along with the acquisition of land for the new link road itself. This land is good quality and close to Messrs Taylor's steading which means that their agricultural business will be particularly impacted by the loss of this ground.

2.3.3 It will also leave a small field between the junction and Powis Cottages which has been designated to become species rich grassland. It is highly likely that this small field will attract passers

by who will leave rubbish and use the site as somewhere to camp overnight.

2.3.4 It is submitted that it would be more appropriate to create a new junction much closer to the current line of Long Marton Road with a design that minimises the loss of valuable agricultural land and also avoids the creation of areas likely to invite anti-social behaviour.

## 2.4 Creation of new Public Rights of Way

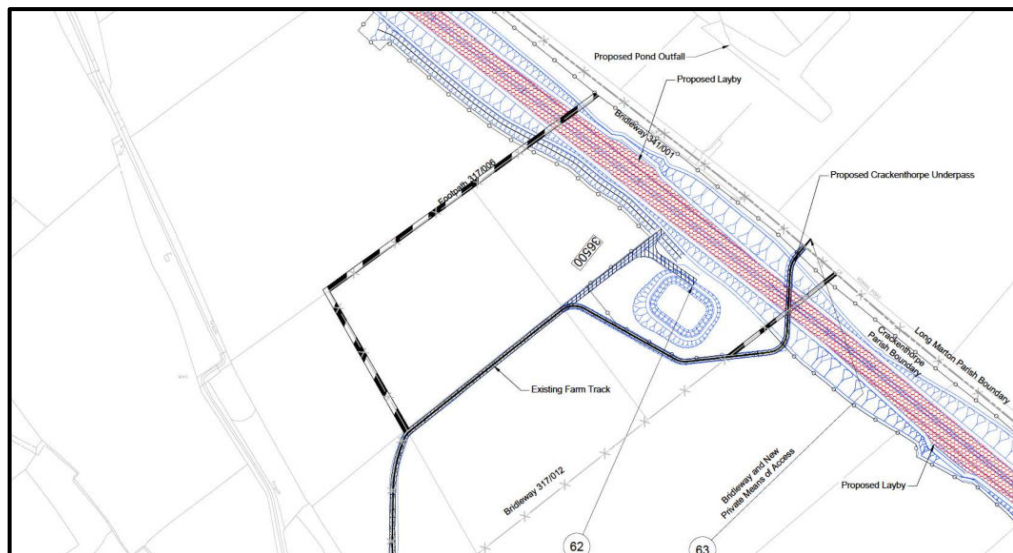
2.4.1 Messrs Taylor support the reasonable realignment of public rights of way as part of the scheme, particularly where the routes can be moved to the edges of fields for example; however we are concerned that the Applicant proposes to create new public rights of way as part of the scheme. It is submitted that this is unnecessary, and will lead to general and bio-security issues along with additional health and safety concerns. This will also be reflected in additional depreciation of the relevant parties' retained land. We are not clear that the Applicant has properly considered or allowed for this impact when proposing the additional rights of way.

2.4.2 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.

2.4.3 We would submit that the creation of new public rights of way is unnecessary in the context of the primary objectives of the

scheme, and will at avoidable expense inflict further losses on the Applicant.

2.4.4 Where existing public rights of way would cross the re-aligned A66, such as route 317/006 shown below, it is unclear what arrangements the Applicant is making for safe crossing; or if more land will need to be acquired from Messrs Taylor. The plan extract below shows existing and proposed rights of way at Ivy House:

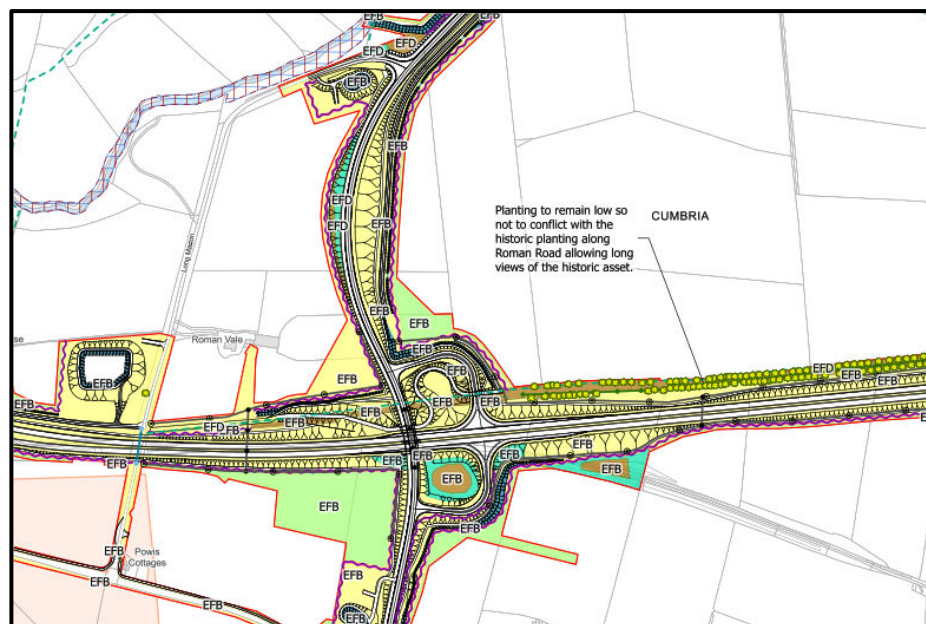


## 2.5 Mitigation of Anti-Social Behaviour

2.5.1 The Applicant's design for the scheme creates numerous areas of land with no real purpose, or '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.

2.5.2 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 and should be entirely avoided by more careful design.

2.5.3 One example of this is the small fields and open areas that would be created around the Long Marton junction which are allocated for species rich grass land as shown below (tinted yellow):



2.5.4 These small fields and areas will inevitably attract unauthorised occupation and the anti-social behaviour that comes with it.

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 significant burden on Messrs Taylor, removing a substantial acreage comprising some of the better quality land on the holding. This land cannot feasibly be replaced within the immediate area to the detriment of their current agricultural 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, Ponds and Site Compounds

2.7.1 The areas identified by the Applicant for ecological mitigation, ponds and site compounds 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 area of the best agricultural land in the local area have been earmarked for these uses.



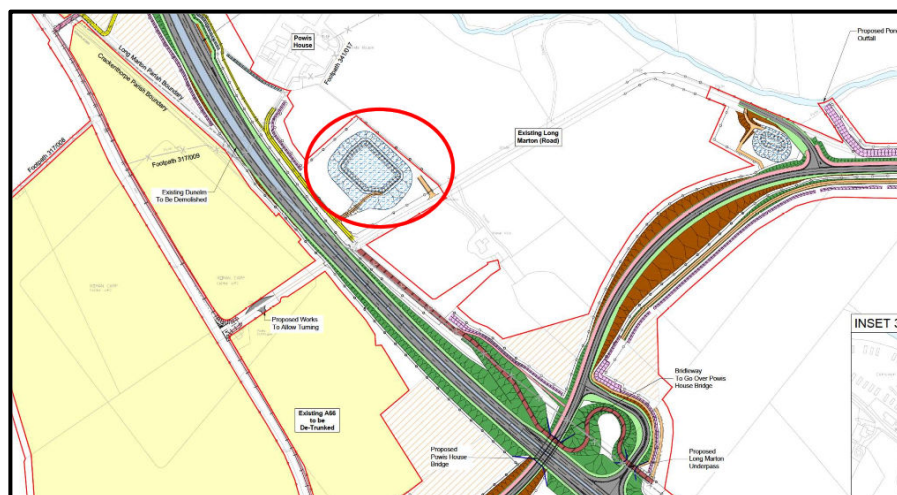
2.7.2 For example, the Applicant currently proposes to locate a large compound within one of the Messrs Taylor's best silage fields as shown shaded green below:



2.7.3 No justification for the size of this compound has been provided, and it will deprive Messrs Taylor of a substantial amount of silage that would normally be relied upon to feed their livestock in winter. The time (i.e. years) needed for the ground to fully recover after the completion of works means that the effect of the Compound on Messrs Taylor's agricultural output will be felt for a considerable

period of time. Whilst they will be compensated for their loss, this serves to show the requirement for care when placing compounds, and the need to ensure they are no larger than absolutely necessary.

2.7.4 We also question the location of the settlement pond opposite Powis Cottages (ringed red on the plan extract below). We would suggest that this should be relocated or amalgamated with one of the other ponds nearby to reduce the impact on the relevant land owners.



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

2.7.6 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.

2.7.7 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>2</sup>.

2.7.8 We therefore submit that the Application is substantially flawed in failing to properly consider or locate the ecological mitigation areas.

2.7.9 We would urge the Applicant to engage in reasonable consultation with the relevant Land Owners and reconsider these locations (along with the route itself) in order to minimise not only the impact on owners and occupiers, but also the cost of the scheme.

## 2.8 Liability for Infrastructure

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

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

## 2.9 Demonstration of the Availability of Necessary Funding

2.9.1 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 considered the substantial compensation that would be

---

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

due as a consequence (and which might be avoided by a different design). On this basis it must be considered that they cannot demonstrate that there is sufficient funding available to carry out the proposed scheme.

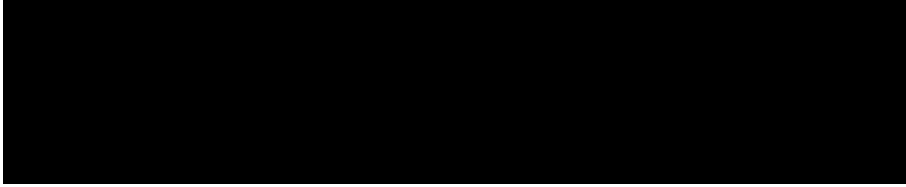
2.9.2 We submit that it would be inequitable to allow the application to proceed and by its existence continue to adversely affect the local community and Messrs Taylor when it is not clear that the scheme will be viable.

2.9.3 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 chosen design is unsuitable for a number of reasons, not least that there has been a failure to properly consider the location of the ecological mitigation areas, compounds and drainage ponds which have not been sited with adequate care.

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



18<sup>th</sup> December 2022