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Our Ref T22- 000
Yor Reference:
18 December 2022

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Dear Sirs

A66 Trans-Pennine Project Scheme 0102 – M6 Junction 40 to Kemplay Bank

This is a Written Representation on behalf of Penrith Properties Limited in respect of the proposed acquisition of land identified in Developer's Application Document 5.13 as Plot 0102-01-20 and described in the book of reference as:

Permanent acquisition of 1258 square metres of commercial premises and hardstanding known as Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith CA11 9BP (CU138344 – Absolute Freehold) (CU137635 – Absolute Leasehold).

Ghyll Mount was built by the Environment Agency as their North Area office for the North West Region. It was granted consent in June 1997. It is currently occupied by the Forestry Commission and the Environment Agency.

Ownership.

The book of reference attributes title to a Penrith Properties Limited with an address of 14a Hartness Road, Gilwilly Industrial Estate, Penrith, CA11 9BD (Org No. - 08189021). The company referenced is Penrith Properties Ltd which has fixed assets of £145,000 and is not the same entity as Penrith Properties Limited, which owns freehold title CU138344.

The property is owned by Penrith Properties Limited with correspondence address given as care of Ingram Winter Green of 26-28 Bedford Row, London WC1R 4HE.

Ingram Winter Green LLP (IWG) are trading from Bedford House 21A John Street London WC1N 2BF and continue to act for Penrith Properties Limited.

As a matter of note Companies House references a second Penrith Properties Ltd a dissolved company that was based #25, Mason Complex Stoney Ground,, P.O. Box 193 Stoney Ground, The Valley, British Anguilla, British Anguilla, Anguilla, 193. This is not connected with the Penrith Properties Limited that owns freehold title CU138344.

The implication is that other territories utilise similar company naming criteria to the England and Wales and there should have been a more comprehensive search carried out of company registers for referencing purposes.

It should also be noted that Companies House differentiates the registration of companies with the descriptive “Limited” and “Ltd”. Both the entities listed with Companies House have their title as Penrith Properties Ltd.

Penrith Properties Limited (PPL) is a British Virgin Island registered company (number 249033). Valdir Managers Limited holds directorship of PPL and is based at PO Box 472, Suites 7B & 8B Leanse Place, 50 Town Range, Gibraltar, GX11 1AA. The entity is managed within Finsbury Trust. Their telephone numbers and administartion emails are also publicly listed.

It should be noted that PPL only became aware of the proposed DCO through the a letter addressed to Aviva Commercial Finance Ltd that was forwarded to PPL’s London representatives by Aviva.

No engagement.

The applicant’s document 5.10 - Schedule of Negotiations states that on 20 September 2021 a section 42 Consultation invitation and notice was served. No such documents were received by PPL.

The Schedule of negotiations states that the Applicant issued an offer of negotiations letter on the 28th March 2022, inviting Penrith Properties Limited to complete and return a form expressing their willingness to discuss the acquisition by National Highways of the interests it requires for the Project, by agreement. No such notification was received by PPL.

To date no approach has been made directly to PPL or through IWG, Valdir Managers Limited or Town Centre Regeneration Ltd, which are acting on behalf of PPL, to seek a negotiated acquisition of the land required, which for clarity PPL do not wish to sell.

Reason for land being acquired.

The description of the land is referenced as being required for:

The improvement of the existing M6 southbound diverge slip road to the M6 Junction 40 roundabout and the construction of an additional auxiliary lane at the M6 Junction 40 and the improvement of the existing A592 and the improvement of the existing A66 circulatory carriageway at M6 Junction 40 and the provision of non-motorised user facilities, landscaping and reprofiling as identified by Works No. 0102-3, Work No. 0102-4, Work No. 0102-1B.



The works that affect Plot 1020-01-20 are not related to the motorize vehicle carriage ways but the non-motorised user facilities, landscaping and reprofiling.

The extent of the land to be permanently acquired takes the boundary between PPL's ownership with the existing highways land from the bottom of the landscaped slope to the top of the landscaped slope and includes all the tree planting that forms a natural screen for the building.

Photos attached indicate the land form under the planting.

The extent of proposed works that relate to Plot 1020-01-20 are set out the Applicants document 2.5 General Arrangement Drawings indicating the extent of proposed works on the plot including proposed cutting, embankment, realignment and widening of the shared cycleway and formation of verge. It is noted that on the drawing it shows that the Police Observation platform is to be retained in its current position.

There are no sections provided by the Applicant in relation to the proposed works that affect plot 0102-10-20 that demonstrate the extent of the proposed changes to the existing levels/profile of the land within plot 0102-01-20.

There are no specific details of the width of existing or proposed shared cycleway or verge adjoining plot 0102-01-20 however the shared cycleway at section Sheet 1 CH9840 in document 5.18 Engineering Section Drawings (Cross Sections) appears to have a similar dimension.

Computer Aided Design (CAD) drawings are not provided by the Applicant to verify dimensions. However based on the published PDF drawings of Sheet 1 CH9840, the approximate width of the shared cycleway is 6.6 m. In addition to the shared cycleway the section drawings indicate an area of hard strip between the road carriage way and shared cycleway which appears to be approximately 1m in width. The combined width from the motorised carriage way boundary to the edge of eth verge would appear to be approximately 7.6 m before the width of any verge or reconfiguration related to cuttings or embankments are proposed.

The Applicants document 4.1 Project Development Overview Report Appendix 1 from June 2022 confirms at paragraph 9.7.4 that a Walking, Cycling and Horse Riding Assessment (WCHRA) will be carried out at 'Stage 2'. It is unclear whether Stage 2 has occurred.

The applicant has however provided a Walking, Cycling and Horse Riding Proposal (document 2.4). Page 13 references the proposals related to Scheme 1 – M6 Junction 40 with Figure 9 identifying existing and proposed routes; the figure shows the route adjoining the PPL land as existing rather than proposed.

There is no assessment of the cycle movements that underwrite the proposed dimensions for the shared cycleway.

CD195 Designing for Cycle Traffic issued by National Highways among others, in March 2021 sets the recommended width of cycleways for 2 way cycling where there are in excess of 150 movements during peak hours as a desirable minimum 4 metres,



reducing to 3.5 metres for sections. Where there are less than 150 movements at peak times the desirable minimum width is 3 metres reducing to 2.5 metres for sections.

Where there is a shared cycle and pedestrian the Cycle Infrastructure Design Guidance Local Transport Note 1/20 published in July 2020 sets out additional design criteria at 6.5 and 6.6 for shared routes where there are more than 300 pedestrians per hour. At table 6.3 the recommendations are the if there are less than 300 cyclists per hour then the minimum width can be 3.0 metres and if there are more than 300 cyclists per hour the minimum width should be 4.5 metres.

There is no justification for seeking a shared cycleway route with a width of in excess of 6 metres is set out taking into account measured pedestrian and cycle movements.

The verge widths noted on various sections in scheme 0102 vary from approximately 1m to 4m excluding any additional land required for either an embankment or a cutting. The area of verge required that impacts on plot 0102-01-20 appears to be in excess of 4m, and up to 10m in some parts.

The extent of land required in in excess of that required to configure an appropriate width for a shared cycleway or road user visibility, given the location of the police patrol platform which is not being repositioned and the proposed planting regime on the land to be acquired.

It is understood that the ingress and egress to the J40 roundabout will be controlled by traffic signals to regulate flow from the slip road and also to facilitate pedestrian and cycle crossing of the A592. This will further reduce risk related to visibility on approach to and egress from the roundabout.

Document 5.23 Traffic Regulation Measures Speed Limits Plans Scheme 0102 M6 Junction 40 to Kemplay Bank confirms that speed limits on the roundabout will be 30 miles an hour.

There is adequate land available within the Highways boundary for the required apparatus, lighting and signate as is currently the case.

The extent of land required is beyond that reasonably required for the 'Rochdale envelope' for deviation of routing given that the extent of land required is tied to the existing structures and carriageways.

Environmental impact

Plot 0102-01-20 is identified in Applicants Document 3.3. as being an area of mixed plantation woodland adjoining amenity Grassland within the boundary of Ghyll Mount.

The adjoining verge, within the existing highway boundary is identified by the applicant as poor semi-improved grassland.

The area of mixed plantation wood land that is within plot 0102-01-20 is broadleaf non coniferous woodland which is supportive of the diverse notable bird species that are identified in table 4 of the applicants document 3.4 appendix 6.13 Breeding Birds.



The Applicant notes at 6.13.5.36 that M6 Junction 40 to Kemplay Bank scheme has a total abundance of 406 birds (notable bird species only) and a total species diversity of 19. Twenty-two estimated territories, which relate to nine confirmed notable breeding species, were recorded. The confirmed breeding species included bullfinch, dunnock, grey wagtail, house martin, house sparrow, mallard oystercatcher, song thrush and starling.

A number of these species are noted as being on the amber and red lists.

Applicants document 3.3. Figure 6.14 – Special Protection Area Bird Territories Map identifies that a notifiable bird or pair of notable birds, were observed in proximity to plot 0102-01-20.

The applicants document at 2.7 Environmental plan B1, which identifies the outline Landscape and Ecology Management plan, confirms that the acquired land will be set out as Woodland and Forest – Broadleaf. This is similar to the existing maturing woodland.

Where existing maturing mixed broadleaf planting is proposed to be lost, the scheme is proposing that it be replaced with ‘heath and shrub – mixed scrub’.

The loss of existing mature habitat in relation to the woodland cover within plot 0102-10-20 will adversely affect the notifiable Breeding birds that have been identified by the Applicant in this location.

Proposed Works to Plot 0102-10-20

The Applicant’s Environmental Statement (Document 3.3. Figure 4.6.2) confirms that there are no plans to form cuttings in the area of the Plot 0102-10-20 where the greatest extent of land take is required in plot 0102-10-20 for verge formation, implying that levels will remain as extant.

Longitudinal sections in the Applicants document 5.17 imply that the surface level on the roundabout remain as per extant. It is noted that longitudinal level for works package 0102-3 are not given. The level variation in package 0102-4 (the A592) is between 0.006 and 0.189 starting at the extant level of the roundabout.

The proposal scheme appears to either remove the existing maturing broadleaf trees already in place and replant with broadleaf trees or leaving the existing broadleaf planting in place. Since no proposed works are identified within the majority of plot 0102-01-20 it is likely that existing established planting will be retained and therefore there is no need to permanently acquire the land.

Public Access and maintenance

The Applicants Drawing 5.19 Rights of Way and Access Plans Scheme 0102 M6 Junction 40 to Kemplay Bank – identifies the boundary to the highway land being placed at the top of the embankment currently within the PPL ownership.



Giving public access to the covered embankment to the rear of Ghyll Mount reduces the security of Ghyll Mount which is occupied by government agencies. The inability to exclude members of the public from that wood land would compromise the security of the building and those working within it. The security would be further compromised given any additional planting being proposed on that publicly accessible land which is unlikely to be maintained or policed to the standards currently applied given that the boundary would be shared between Trunk Road and Local Highways authority ownerships and maintenance regimes.

Enabling public access to the embankment will reduce the maintenance carried out and increase reduce the security for Ghyll Mount and those working in.

Adverse impact on retained land

The loss of amenity space that is accessible by those working in the building detracts from the working environment and reduces the flexibility of how the site may be used in the future.

The landscaped grounds add to the benefits of working within the building and the existing planting creates a softened boundary to the site screening the building from the road.

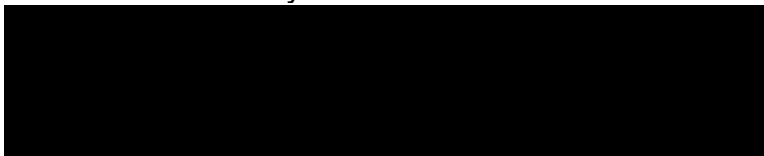
Loss of integrity of the site would hinder future potential development options.

Alternative proposal

The Applicant's document 5.15 identifies special category land, specifically crown land and shows 2 categories of land being acquired – differentiating between that required permanently and land that may be used temporarily.

PPL do not believe the land identifies as plot 0102-10-20 is required to enable the scheme be delivered for the reasons stated however in so far as it is strictly necessary for the scheme PPL would enable access by agreement to the land to carry out the works on the strict proviso that it is reinstated with an appropriate boundary treatment in its existing location.

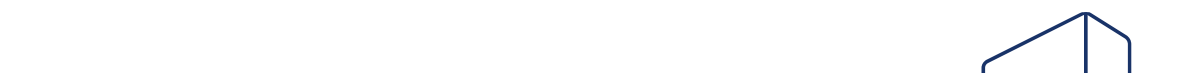
Yours sincerely



David van der Lande MRICS
Director

cc. Eran Gavish

Enclosure: photos.





1.1 April 2010



1.2 April 2010 -





1.3 May 2009



1.4 Nov 2008





1.5 June 2022

Images Google Streetview ©

