

**Comments on Written Representations relating to the**

**A66 Northern Trans-Pennine Project**

**Submitted on Behalf of George F White LLP Clients**

**14<sup>th</sup> January 2023**

**1. Introduction**

1.1 We are instructed to submit these comments on representations on behalf of the following Clients:

*Bowes and Romaldkirk Charity Estates*  
*Brogden Family*  
*Hammond Family*  
*Henshaw Family*  
*J Heron*  
*D and I Heron*  
*J and M Heron*  
*S and C Heron*  
*D and M Heron*  
*Kenneth Thompson Discretionary Will Trust*  
*McSkimming Family*  
*A Hobson*  
*F Hayllar*  
*G S Harrison*  
*J Manners*  
*J Richmond*  
*M Carruthers*  
*P Moss*  
*P White*  
*S W Harrison*  
*T Foster*  
*Stead Family*  
*Taylor Family*  
*W Austen Richardson Ltd*

1.2 We have previously submitted on behalf of our Clients individual written submissions dated 18<sup>th</sup> December 2022 setting out concerns which included but were not limited to:

- The adequacy of consultation and information provided
- The extent of negotiations to date
- Justification for the permeant acquisition of land or rights over land, and temporary land occupation; and the extent of those needs
- The extent and locations of proposed ecological mitigation measures
- The Suitability of Proposed Locations for Drainage Ponds and Compounds
- Liability for Infrastructure
- Demonstration of Adequate Funds

1.3 We have now had an opportunity to consider the Written Representations submitted by other parties for 'Deadline 1' and offer the following comments.

## **2. Comments on Representations**

### **2.1 Written Submissions of the National Farmers Union**

2.1.1 We have reviewed the written submissions from the National Farmers Union submitted on behalf of 25 members<sup>1</sup> and note that they highlight the following issues which we have also raised on behalf of our Clients:

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<sup>1</sup> TR10062-001201 Written Submission of National Farmers Union

- i) A lack of clarity as the extent and nature (i.e. permanent or temporary) of land acquisition proposed by the Applicant
- ii) The failure of the Applicant to enter into any meaningful negotiations with Landowners or Occupiers

2.1.2 These Representations confirm that the approach taken by the Applicant in dealing with the proposed compulsory acquisition of land and rights has been inadequate on a wide scale and not just in regard to our Clients.

## 2.2 Submissions from Addisons Chartered Surveyors

2.2.1 Mr Simon Nixon in his submission for a number of his Clients<sup>2</sup> highlights the problems caused to Landowners and Occupiers by the uncertainty in respect of compulsory acquisition and describes how this prevents the mitigation of losses. He urges a six month window for the negotiation of terms once the precise land take areas are confirmed.

2.2.2 Whilst we would not necessarily advocate this approach, the submission again confirms the widespread lack of certainty or constructive negotiations in respect of the Scheme to date.

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<sup>2</sup> TR10062-001203 Written Submission from Mr Simon Nixon of Addisons Chartered Surveyors

### 2.3 Written Submissions from Natural England

2.3.1 Natural England in their written submissions<sup>3</sup> and related summary also raise concerns as to a lack of information in respect of the scheme going so far as to say that this concern is shared by all three Environmental Bodies (Natural England, Environment Agency, and Historic England).

## 3. Conclusion

- 3.1 The submissions from Deadline 1 above, on conjunction with those that we have submitted on behalf of our Clients demonstrate a consistent and widespread concern that the Applicant has entered this process without sufficient certainty as to the extent or nature of land take required. Not only does this lack of certainty undermine the DCO process, but it is also harmful to Landowners and Occupiers who cannot properly plan for the future or mitigate their losses.
- 3.2 The submissions from the National Farmers Union and Mr Nixon also confirm the Applicant's failure to properly engage and negotiate with landowners for acquisition as is their duty.
- 3.3 Taking into account the above, we would respectfully suggest that the Application ought to be dismissed or withdrawn, and resubmitted once the Applicant can provide greater certainty and demonstrate genuine efforts to negotiate.

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<sup>3</sup> TR10062-001071 Natural England Summary of Relevant Representations



14<sup>th</sup> January 2023