

**Comments on Applicant's Revised Draft DCO and Deadline 2 Submissions  
relating to the A66 Northern Trans-Pennine Project**

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

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

**1. Introduction**

1.1 We are instructed to submit these comments 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 permanent 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 Submissions from the Applicant at 'Deadline 2' and offer the following comments.

## **2. Negotiations To Date**

2.1 We note the updated '*Compulsory Acquisition Status of Negotiations Schedule*<sup>1</sup>' provided by the Applicant for Deadline 2, and respectfully suggest that this does not provide an accurate representation of the current situation.

2.2 We have requested numerous times, and have not received any quantified offer in respect of the proposed acquisition of land or rights for the 20+ parties listed above. We are not therefore sure that it is correct for the Applicant to suggest that "*Negotiations have*

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<sup>1</sup> TR010062-001239

*commenced*” for a number of our clients such as for example Messrs Hayllar or Brogden.

- 2.3 We also note several clients where the Schedule identifies them as having received letters dated 28<sup>th</sup> March 2022 inviting engagement to agree terms, but with no further update. We did however reply promptly on behalf of these Clients confirming a willingness to engage but have had no further engagement or feedback from the Applicant.

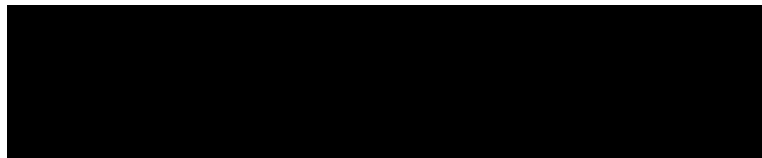
### **3. Safety Concerns in Relation to the proposed re-location of the Brough Hill Fair**

- 3.1 We have previously outlined in submissions on behalf of Messrs Heron dated 18<sup>th</sup> December 2022 and 14<sup>th</sup> January 2023 safety concerns in respect of the proposed relocation of the Brough Hill Fair.
- 3.2 Further to this, we have obtained (through a Freedom of Information Request) a copy of the Applicant’s ‘*Road Safety Audit Stage 1*’ for Warcop.
- 3.3 It is concerning to note that the Road Safety Audit does not consider at any level the safety risks posed by the proposed relocation of the Brough Hill Fair.
- 3.4 We have previously outlined a number of options available to the Applicant which range from re-aligning the road to the north (as is overwhelmingly supported by the local community) to taking Messrs Heron up on their offer to provide a more suitable site for the Hill Fair on their retained land. We would urge that a safer and more suitable

location for the Hill Fair is identified, particularly given the Applicant's lack of consideration for safety risks in respect of the current proposal.

#### **4.0 Engagement and Consultation**

- 4.1 Having reviewed the revised draft DCO submitted by the Applicant at Deadline 2<sup>2</sup> and the '*Proposed Changes Consultation January/February 2023*' document we are disappointed to note that little to no regard appears to have been placed on the substantial concerns raised on behalf of our clients.
- 4.2 We have also reviewed the '*National Highways Comments on Written Representations*<sup>3</sup>' and whilst we are appreciative of the constructive tone of the comments, we are concerned at the 'worst case scenario' approach to land acquisition that is outlined. The uncertainty that this generates for our clients, particularly where the viability of their businesses is directly linked to the extent of land-take is entirely inequitable. We would submit that this approach is unfair, and that the Application should not proceed until the Applicant can provide greater certainty as to the extent of land and rights that must be acquired.



24<sup>th</sup> January 2023

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<sup>2</sup> TR010062-001238

<sup>3</sup> TR010062-001233