

Submission ID: 14533

On behalf of the IP we wish to speak to the Statement of Case set out below at the CAH2 & if needed

Unique reference 20031946

TR010062

IN THE MATTER OF THE NATIONAL HIGHWAYS A66 NORTHERN TRANS-PENNINE PROJECT DEVELOPMENT CONSENT ORDER APPLICATION

AND IN THE MATTER OF LAND TO BE ACQUIRED PERMANENTLY AT SKIRSKILL HOUSE AND SURROUNDING PARK, PENRITH, CUMBRIA CA11 0DH

CAH2 " COMPULSORY PURCHASE HEARING

STATEMENT OF CASE OF

Dr ANTHONY LEEMING AND LADY ELIZABETH LEEMING ("THE AFFECTED PERSONS")

1. The Affected Persons are the owners of land, at Skirsgill House and the surrounding Park, parts of which are proposed to be acquired under the DCO being sought for the National Highways A66 Northern Trans-Pennine Project ("the Project").

2. The Affected Persons made full and reasoned Written Representations at RR-03 and REP1-057 to REP1-061 setting out grounds for removing or reducing the land areas to be compulsorily acquired and for re-positioning of the mitigation planting. Although the Applicant's 7.1 Response at 1.3 Table 1 was to the effect that the Applicant agreed in principle with a change in location of woodland planting, this has not been reflected in any position statement or statement of common ground.

3. In ExA question LV1.2, the ExA considers a suggestion for relocation of a planting area to be both logical and sensible: no response has been received from the Applicant.

4. The Affected Persons rely on Government guidance in Compulsory purchase process and the Criche Down Rules (updated July 2019), particularly at paras 12 and 13. Essentially there must be a compelling case in the public interest to acquire land compulsorily.

5. For the reasons that follow, the Applicant has not made out a compelling case.

6. First, there have been wholly inadequate pre-application consultations having regard to the special nature of the Affected Persons' property. The Project and the associated planting and other proposals will require excessive areas of compulsory acquisition of land.

7. Second, the areas shown pink for compulsory acquisition are not so necessary for the following reasons. They are excessive in area, where appropriate TP would be more appropriate, or for

planting mitigation, the Applicant could take rights under Article 22 of the DCO.

8. Third, the Affected Persons support both the principle of the Project and the proposed variation to the scheme to impose a speed 30mph speed limit between M6 J 40 and the bridge carrying the West Coast Main Rail Line.

9. Fourth, it is understood that in the absence of any significant increase hard surfaced area on this section of the road, as a consequence of this proposed variation the attenuation pond is not needed the existing drainage being more than adequate, and the affected land (plot Nos 01020-01-06: 0102-01-07: 0102-01-50)can be removed from CA.

10. Fifth the Applicant has an existing permanent drainage easements with the Affected Persons Estate which are adequate of its purpose and no adequate engineering design has been table in justification for the proposed CA.

11. Sixth, that the Applicant has failed to adequately show that permanent acquisition of any Affected Persons' land is necessary and should not therefore be granted Compulsory Powers until the Project is properly defined/designed and the nature of the interests it wishes to acquire is clear.

12. In summary, and to the extent that the above matters demonstrate that excessive and unnecessary areas of land are being sought to be compulsory acquired, the Applicant has no compelling case for the use of powers of compulsory purchase.

A M Walton FRICS MCI Arb MEWI

A large black rectangular redaction box covering the signature and name of the witness, A M Walton.

at ISH3