

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 [REDACTED]
[REDACTED]

CAH2 – COMPULSORY PURCHASE HEARING
ISH3 – ISSUE SPECIFIC HEARING 3

POST-HEARING NOTES AND FURTHER REPRESENTATIONS OF DR ANTONY
LEEMING AND LADY ELIZABETH LEEMING (THE AFFECTED PERSONS)

- 1) The Affected Persons are the owners of land at [REDACTED] 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”). The Affected Persons support the Project.
- 2) The Affected Persons made full and reasoned written representations at RR-03 and REP1-057 to REP1-061 setting out the grounds for removing or reducing the land areas to be compulsorily acquired and for re-positioning and mitigating planting. Although the Applicant’s response at 7.1 at 1.3 Table 1 was the effect that the Applicant agreed in principle with the 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 the planting area, Plot No 0102-01-34, “*to be both logical and sensible*”.

- 4) At 7.24 the Applicant's response to the Examining Authority's written questions LV1.2 in relation to Plot No 0102-01-04 required for woodland planting mitigation, the Applicant says *"Notwithstanding the rationale (explained above) for this approach the Applicant has noted the point made by Dr and Lady Leeming in their submissions (REPO 1-57 to REP 1-61) and has carefully considered the proposed alternative location for planting. The Applicant's landscape, cultural heritage and bio-diversity specialists have reviewed the landowner's current proposals for alternative planting area. The Applicant's response given in REP 2-01 identified the need for confirmation that the [proposed alternative] area is sufficient for the purposes proposed and that bio-diversity options are retained. On this point it is worth noting that the selected area of woodland planting is required as woodland habitat replacement to avoid significant effects on that habitat. Any change in location of this planting would need to provide some area of woodland habitat creation. The current proposed alternative location as presented by Dr and Lady Leeming does not achieve this requirement as it is too small an area (i.e. it is circa 0.4 ha smaller than the area identified as necessary for the current scheme proposal)"*.
- 5) The Affected Persons say that this response is factually incorrect and submit in support an attached plan showing the relevant Plot 0102-01-34 in relation to the alternate areas offered highlighted on the plan. The alternative areas offered amount to 1.7 ha, slightly larger than 0102-01-34 at 1.6 ha. Further, it should be noted the total areas of woodland shelterbelt proposed to be acquired, Plot Nos 0102-01-14/17/22, amount in total to 0.558 ha, considerably less than the area proposed to be acquired in mitigation. These areas of woodland shelterbelt shield the East Park of Skirsgill Estate from the M6 motorway. If required they should, as far as possible, be retained and no felling of trees should be undertaken in those areas as, in the opinion of the Respondent, any unnecessary removal would affect the ecological function, connectivity, habitat and lasting potential landscape impacts.

6) At the Specific Issues Hearing held on 2 March 2023 the Respondent submitted the attached plan to the Applicant's Counsel, Mr Owen, and drew the ExA's attention to the incorrect areas of fact in the Applicant's response.

7) At the Specific Issues Hearing 3 Dr Leeming queried the methodology used by the Applicant to assess bio-diversity net gain in its proposals and made the following statement:

A. In our own interest:

May we query the methodology used to increase biodiversity net gain on this area.

Our current estate is 60 acres, of which a third is woodland or riverbank. It is therefore already one of the most diverse estates in the locality and contains numerous indigenous rarities, e.g. Black Poplar *Populus nigra var betulifolia* within the proposed acquisition Plot 0102-01-34 and Bay willow *Salix pentandra*, Aspen *Populus tremula* and many other species elsewhere on the estate.

Why therefore choose an already ecologically diverse area for mitigation, when there are other areas adjoining the A66 with large fields of perhaps only 3 or 4 grass species with little adjoining woodland? Surely the latter would give the biggest gain both in ecological and landscape terms.

If the Applicants are keen to maximize Biodiversity Net Gain, then they could look to the upland pastures along the higher stretches of the A66. These low fertility areas are currently botanical deserts with a few grass species and not much else.

There is a great potential for planting mixed conifers and hardwoods on such areas and so recreate biologically diverse woodland with a rich understorey for both plants and animals.

Conversely, to piggy-back on sites of already high diversity, confers little gain.

B. In the Public interest and in respect of the Environmental Management Plan as a whole:

May we also query the methodology used to choose tree species for the mitigation areas which is heavily skewed by current ideologies, i.e. Broadleaves - Good, Conifers - Bad. This distinction is poorly supported by both the science and practical experience. The planting lists, Tables 5-7 in the Applicant's Environmental Management Plan, Annex B1 ('the Plan'), are wholly broadleaves and could have been drawn up by somebody in a much more benign climate. However, in the North, conifers are really important in broadleaved plantings, as you can see in any young wood in the Cumbria/Durham landscape.

Because windspeeds are higher and temperatures lower, conifers provide sheltered areas and food sources in a harsh winter environment for a wide variety of mammals, birds, insects etc and additionally tender plants, which provide winter forage.

In the Plan, conifers are only mentioned in respect of their benefit to Red squirrels and transient references in BI.10.7 subject to 'the Project Ecologist', but crucially, conifer importance in the wider context is wholly ignored.

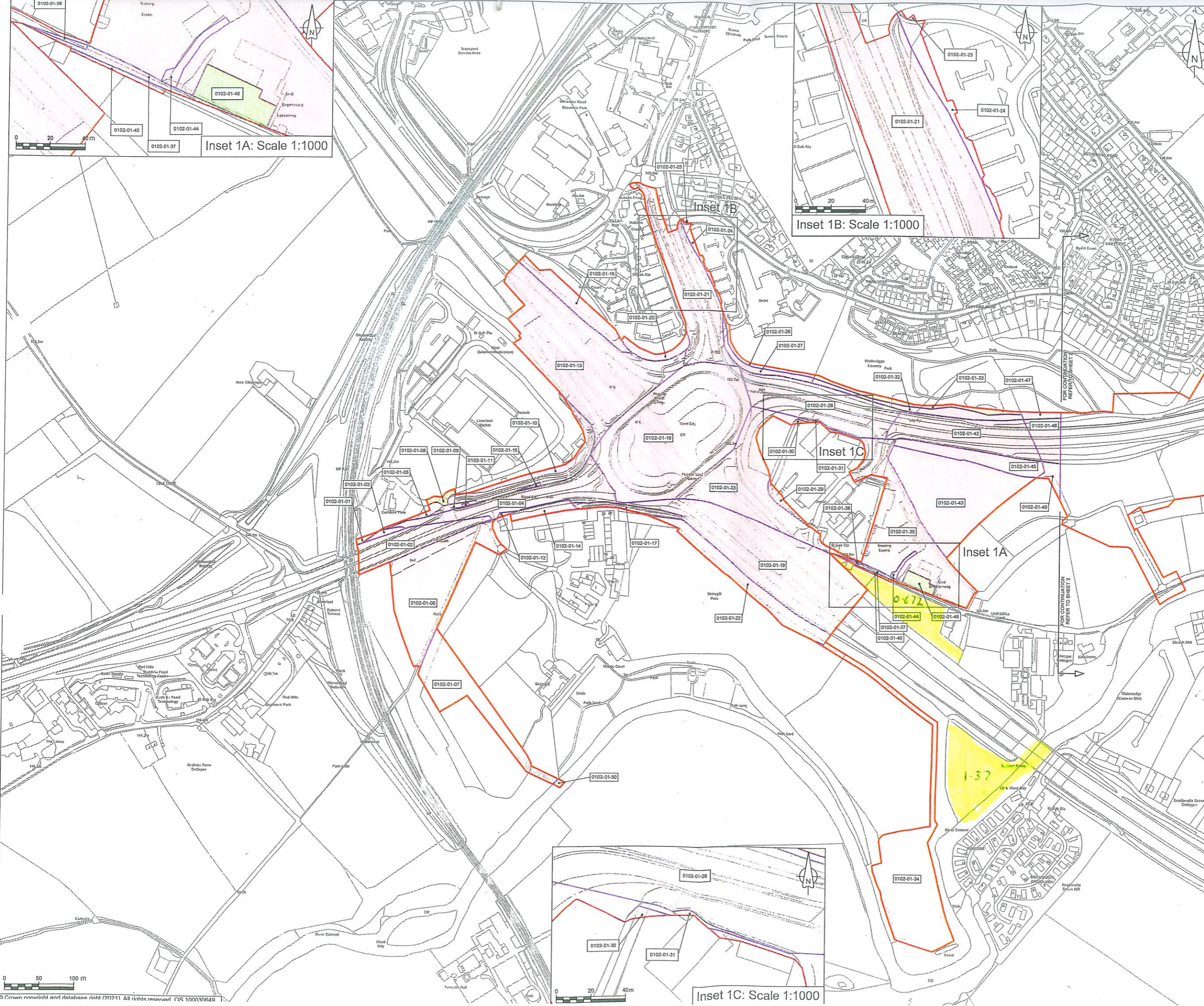
I am sure that we will be told that only indigenous trees should be planted, and no conifer qualifies because they all came to Northern England less than 1000 yrs ago, but how far back should we go to satisfy the purists? After the last ice age, the north of England was

covered with Birch trees – probably a dismal sight – so some diversity is necessary and conifers are part of that.

A more comprehensive species list would include at least two species of Conifer to comprise approx 10 – 20 % of the numbers planted. Such a proportion would aid establishment (and so reduce the rather alarming rate of herbicide usage proposed), but more importantly it would deliver the shelter and diversity that would make these new woodland areas across the A66, a proper and informed contribution to our future.

In this regard Dr Leeming holds an MA (Hons) in Agricultural & Forest Science and Doctorate in plant pathology (Oxon).

- 8) In this Issue Specific Hearing 3, the ExA directed that in the lunch interval of the Hearing the parties should endeavour to resolve these issue. Despite the Respondent's agent's approach, the Applicant was unable to respond with any meaningful discussion.
- 9) Post-Hearing the Affected Persons' agent has sought an urgent meeting with the Applicant's representatives in order to comply with the ExA's direction but no response has been received.
- 10) In the absence of any satisfactory justification for the acquisition of Plot 0102-01-34 the Affected Persons say this plot should be removed from the Draft Compulsory Purchase Order.
- 11) The Affected Persons further request that in relation to Plots 0102-01-14/17/22, woodland planting in these areas insofar as the land is not required for construction of the road existing woodland be retained with minimal tree felling.



NOTES

1. ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE.
2. THESE LAND PLANS SHOULD BE READ IN CONJUNCTION WITH OTHER PLANS AND DOCUMENTS IN THE DEVELOPMENT CONSENT ORDER APPLICATION IN PARTICULAR THE BOOK OF REFERENCE.
3. ALL EASEMENTS, SERVITUDES AND PRIVATE RIGHTS IN LAND ARE PROPOSED TO BE EXTINGUISHED ON LAND SHOWN COLOURED PINK ON THESE LAND PLANS. ALL EASEMENTS, SERVITUDES AND PRIVATE RIGHTS IN LAND ARE PROPOSED TO BE EXTINGUISHED, SO FAR AS THEIR CONTINUED EXERCISE WOULD BE INCONSISTENT WITH THE EXERCISE OF THE RIGHTS OR RESTRICTIONS PROPOSED TO BE ACQUIRED BY THE UNDERTAKER ON LAND SHOWN COLOURED BLUE ON THESE LAND PLANS. ALL EASEMENTS, SERVITUDES AND PRIVATE RIGHTS ARE PROPOSED TO BE SUSPENDED WHILE THE UNDERTAKER IS IN TEMPORARY POSSESSION OF THE LAND SHOWN COLOURED GREEN ON THESE LAND PLANS.
4. THE NUMBER LABELS RELATE TO PLOT NUMBERS. PLEASE REFER TO THE BOOK OF REFERENCE FOR MORE INFORMATION ABOUT THESE PLOTS, INCLUDING THE APPROXIMATE AREA OF EACH PLOT (IN SQUARE METRES). PLOT NUMBERS INCLUDE A REFERENCE TO THE RELEVANT SHEET OF THE LAND PLANS. IN THIS NUMBERING CONVENTION, A PLOT NUMBER COMPRISES THE SCHEME NUMBER, FOLLOWED BY THE SHEET NUMBER (OF THE SET OF LAND PLANS RELATING TO THAT NUMBERED SCHEME), FOLLOWED BY THE ACTUAL PLOT NUMBER ON THAT SHEET, E.G. PLOT 03-01-24, WHERE 03 IS THE SCHEME NUMBER (SCHEME 03), 01 IS THE SHEET NUMBER (SHEET 01 OF THE LAND PLANS FOR SCHEME 03) AND 24 IS THE PLOT NUMBER (PLOT 24 ON SHEET 01).

KEY

- ORDER LIMITS
- PERMANENT ACQUISITION OF LAND
- PERMANENT ACQUISITION OF RIGHTS
- TEMPORARY POSSESSION OF LAND
- PERMANENT ACQUISITION OF LAND - REPLACEMENT LAND



C01	JHILL	JHILL	NWHIT	GEAC	PCAR
	06/06/22	06/06/22	07/06/22	07/06/22	08/06/22
Revision details					
Revision	Created	Checked	Reviewed	Approved	Authorise
	dd/mm/yy	dd/mm/yy	dd/mm/yy	dd/mm/yy	dd/mm/yy

Purpose: DCO APPLICATION

PINS Reference Number: TR010062/APP/5.13

Client: 3 Piccadilly Place, Manchester, M1 3BN

Project Name / Scheme Name: A66 Northern Trans-Pennine Project Scheme 0102
M6 Junction 40 to Kemplay Bank

Drawing Title: Land Plans Regulation 5(2)(i) Sheet 1 of 2

Project Ref. No.	Stage	Scale:	1:2500	@ A1
	PCF3	Dimension:	M	

Drawing Number	Project	Originalor	Volume
HE565627	AMY	HAC	-
S0102	-DR	YL	000002
Location	Type	Role	Number

Suitability	Suitability Description	Revision
A	Approved for Stage Complete	C01