

Post Hearing Submissions on the A66 Northern Trans-Pennine Project

Submitted on Behalf of Messrs Heron

14th March 2023

1. Introduction

- 1.1 We are instructed to submissions on behalf of the Heron family comprising the families below, 'Messrs Heron':

Mr J Heron, Meadow Bank, Warcop, Cumbria, CA16 6PS
Mrs D and Mr I Heron, High Green Farm, Warcop, Cumbria, CA16 6NR
Mr J and Mrs M Heron, Brooklyn, Warcop, Cumbria, CA16 6NX
Mr S and Mrs C Heron, Eastfield Farm, Warcop, Cumbria, CA16 6PS
Mr D and Mrs M Heron, Dacre House, Warcop, Cumbria, CA16 6PR

- 1.2 We have previously submitted on behalf of Messrs Heron written submissions for deadlines 1,2 and 3. We do not propose to repeat those representations, but would stress that the issues raised remain unresolved.

2. Post Hearing Submissions

- 2.1 Further to the Compulsory Acquisition 2 (CAH2), and Issue Specific Hearing 3 (ISH3) held on the 1st and 2nd March 2023, please find below a post hearing submission on points raised and/or queries arising from the hearings.

2.2 General Commentary

- 2.2.1 We have raised through this process substantial concerns as to the lack of detail provided by the Applicant and/or certainty on their part as to the intended design, acquisition areas, future land

management, and also the lack of any meaningful attempt to negotiate terms with Landowners & Occupiers.

2.2.2 We note that similar concerns have been raised not only by other Agents but also organisations such as the NFU, Statutory Bodies, and Local Authorities.

2.2.3 The ExA's frustration at the Applicant's lack of progress in reaching agreement with Statutory Bodies was also noted during the hearings, and this must also in part be explained by the paucity of information provided by the Applicant.

2.2.4 We would respectfully ask the ExA to consider at what point these repeated failures on the part of the Applicant (to the continuing detriment of our Clients) compromise the Application to a degree that the timetable should be revisited, or indeed the application withdrawn.

2.3 Heron Family Land Interests

2.3.1 The Examining Authority asked for an explanation as to the Heron Family's status and land ownership, and we include as **Appendix 1** a set of plans showing the land owned and occupied by the Heron Family in and around Warcop.

2.3.2 The Heron Family have interconnecting farming and commercial enterprises in and around Warcop, and these submissions are submitted on their behalf collectively.

2.4 Brough Hill Fair

2.4.1 We have provided under separate cover a post hearing submission prepared by Counsel in relation to the proposed relocation of the Brough Hill Fair.

2.5 Ecological Mitigation Areas

2.5.1 A number of queries were raised during ISH3 in relation to the status of land earmarked for ecological mitigation, and whether the areas shown essentially just constituted restoration of existing grassland rather than improvements in the form of woodland or wetlands etc to off-set losses elsewhere¹.

2.5.2 Specifically in relation to plots: 06-04-26; 06-04-24; and 06-04-13, we have yet to be provided with details as to whether they have categorised the areas EFB or EFD.

2.5.3 For EFB areas, the Applicant has yet to provide confirmation as to whether post works they can remain in agricultural production.

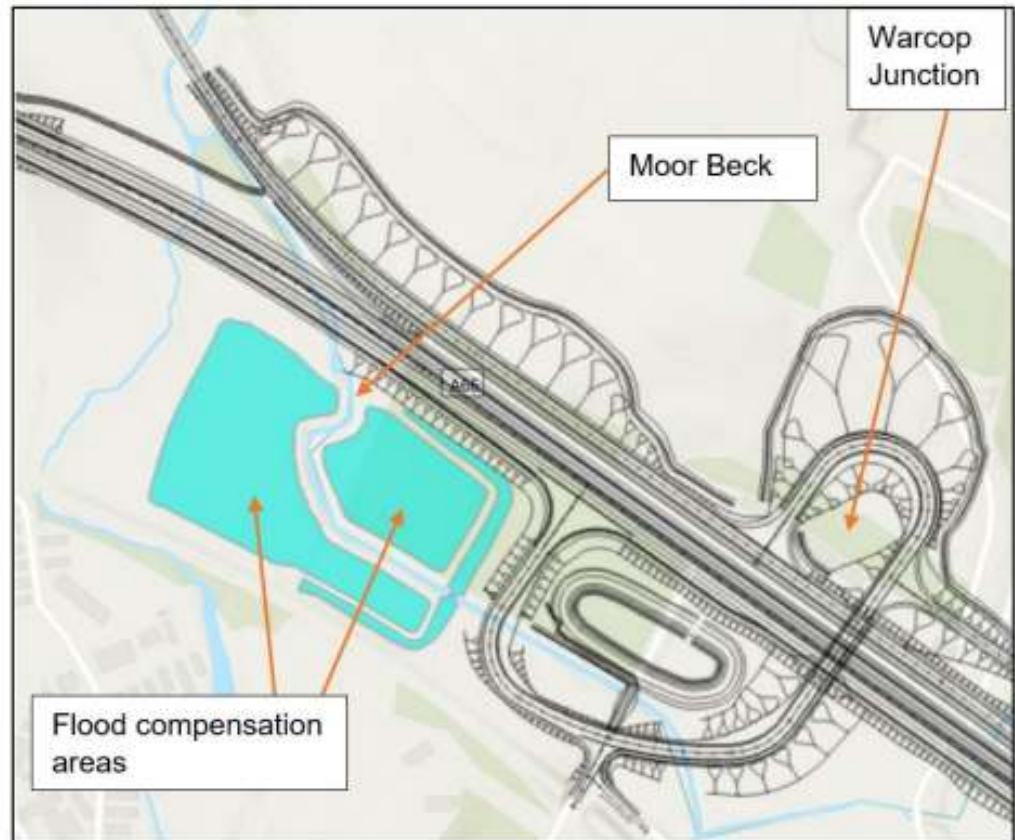
2.5.4 In respect of any EFD areas, we would ask for clarity as to what form they will take, and who will manage these areas.

2.5.5 The drastic difference between the two designations is of critical importance to the Heron Family. We would submit that it is impossible for the Heron Family to reasonably plan and mitigate their losses without this information.

¹ ISH3 Session 2 07:12 – 09:20

2.6 Flood Storage

2.6.1 Flood storage is identified for plots 06-03-52; part 06-03-51, part 06-03-35; part 06-03-46 on land occupied by Messrs Heron as shown below:



2.6.2 We await from the Applicant further details as to how these areas will be designed and whether they can remain in agricultural production in some way. As with the ecological mitigation areas, this information is important to the Heron Family in order to plan and mitigate their losses.

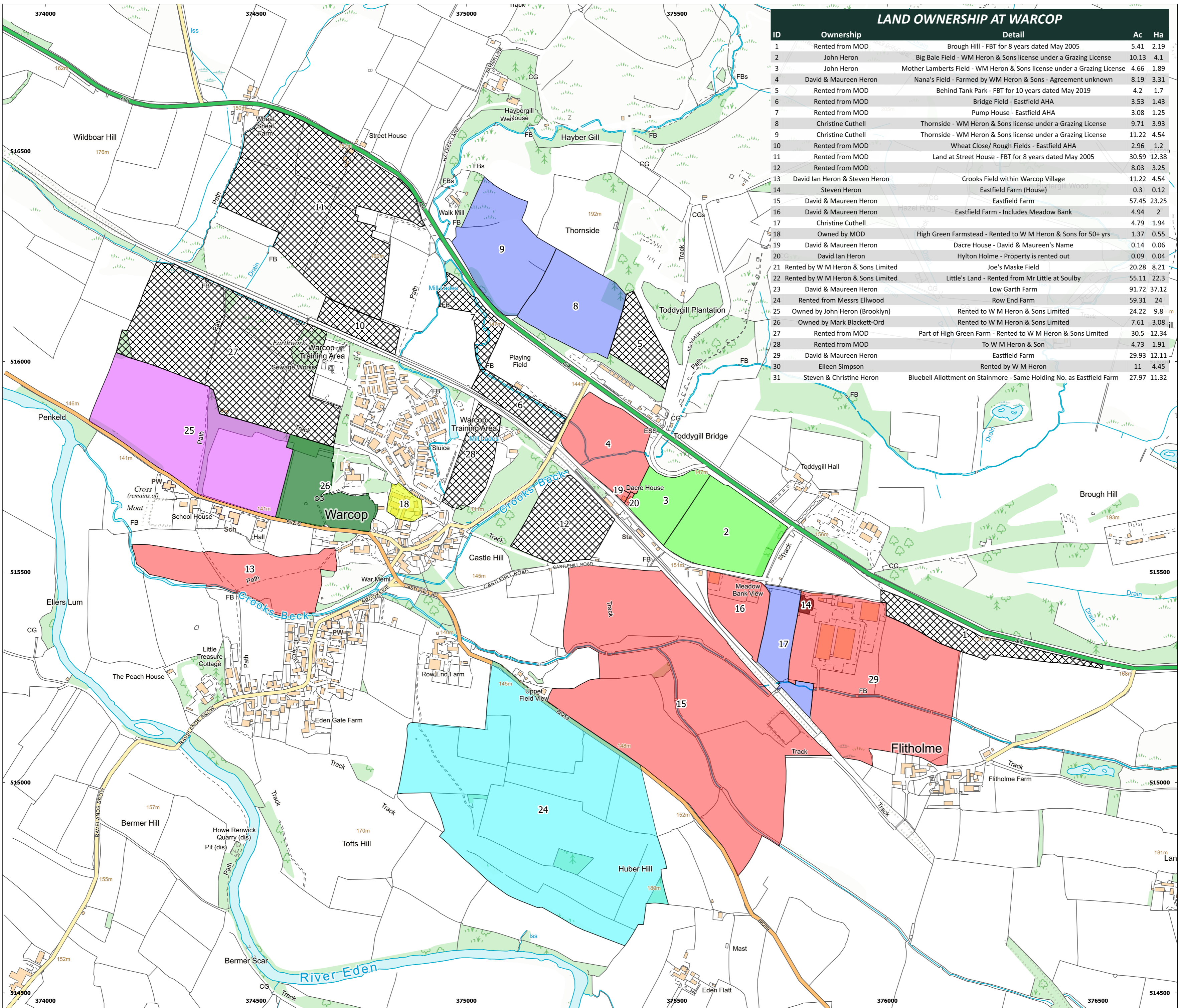
3. Conclusion

- 3.1 In conclusion, following CAH2 and ISH3 the lack of detail provided by the Applicant remains of concern, and is clearly impacting the scheme on a wide basis. There also remains a lack of substantive efforts to negotiate on the part of the Applicant.
- 3.2 We have provided some further information in respect of the Heron Family's status and land holdings in these proceedings.
- 3.3 ISH3 raised queries in respect of ecological mitigation areas, and flood storage and further detail is needed from the Applicant in this regard in order to prevent the Heron Family incurring otherwise avoidable losses.

Messrs George F White LLP

14th March 2023

Appendix 1



LAND OWNERSHIP AT WARCOP				
ID	Ownership	Detail	Ac	Ha
1	Rented from MOD	Brough Hill - FBT for 8 years dated May 2005	5.41	2.19
2	John Heron	Big Bale Field - WM Heron & Sons license under a Grazing License	10.13	4.1
3	John Heron	Mother Lamberts Field - WM Heron & Sons license under a Grazing License	4.66	1.89
4	David & Maureen Heron	Nana's Field - Farmed by WM Heron & Sons - Agreement unknown	8.19	3.31
5	Rented from MOD	Behind Tank Park - FBT for 10 years dated May 2019	4.2	1.7
6	Rented from MOD	Bridge Field - Eastfield AHA	3.53	1.43
7	Rented from MOD	Pump House - Eastfield AHA	3.08	1.25
8	Christine Cuthell	Thornside - WM Heron & Sons license under a Grazing License	9.71	3.93
9	Christine Cuthell	Thornside - WM Heron & Sons license under a Grazing License	11.22	4.54
10	Rented from MOD	Wheat Close/ Rough Fields - Eastfield AHA	2.96	1.2
11	Rented from MOD	Land at Street House - FBT for 8 years dated May 2005	30.59	12.38
12	Rented from MOD		8.03	3.25
13	David Ian Heron & Steven Heron	Crooks Field within Warcop Village	11.22	4.54
14	Steven Heron	Eastfield Farm (House)	0.3	0.12
15	David & Maureen Heron	Eastfield Farm	57.45	23.25
16	David & Maureen Heron	Eastfield Farm - Includes Meadow Bank	4.94	2
17	Christine Cuthell		4.79	1.94
18	Owned by MOD	High Green Farmstead - Rented to W M Heron & Sons for 50+ yrs	1.37	0.55
19	David & Maureen Heron	Dacre House - David & Maureen's Name	0.14	0.06
20	David Ian Heron	Hylton Holme - Property is rented out	0.09	0.04
21	Rented by W M Heron & Sons Limited	Joe's Maske Field	20.28	8.21
22	Rented by W M Heron & Sons Limited	Little's Land - Rented from Mr Little at Soulby	55.11	22.3
23	David & Maureen Heron	Low Garth Farm	91.72	37.12
24	Rented from Messrs Ellwood	Row End Farm	59.31	24
25	Owned by John Heron (Brooklyn)	Rented to W M Heron & Sons Limited	24.22	9.8
26	Owned by Mark Blackett-Ord	Rented to W M Heron & Sons Limited	7.61	3.08
27	Rented from MOD	Part of High Green Farm - Rented to W M Heron & Sons Limited	30.5	12.34
28	Rented from MOD	To W M Heron & Son	4.73	1.91
29	David & Maureen Heron	Eastfield Farm	29.93	12.11
30	Eileen Simpson	Rented by W M Heron	11	4.45
31	Steven & Christine Heron	Bluebell Allotment on Stainmore - Same Holding No. as Eastfield Farm	27.97	11.32

Legend

Land Ownership - Warcop

- Christine Cuthell
- David & Maureen Heron
- David Ian Heron
- David Ian Heron & Steven Heron
- John Heron
- Owned by John Heron (Brooklyn)
- Owned by Mark Blackett-Ord
- Owned by MOD
- Rented from Messrs Ellwood
- Rented from MOD
- Steven Heron

Scale - 1:6,000

Client / Project: Heron, S			
Drawing Title: Land Ownership Map - Warcop			
Drawn By: RD	Checked By: CH		
Date: 13.03.2023	Scale: 1:6,000	@ A2	
Project Number: BDL704415	File No: -	Dwg No: 01	Revision: A

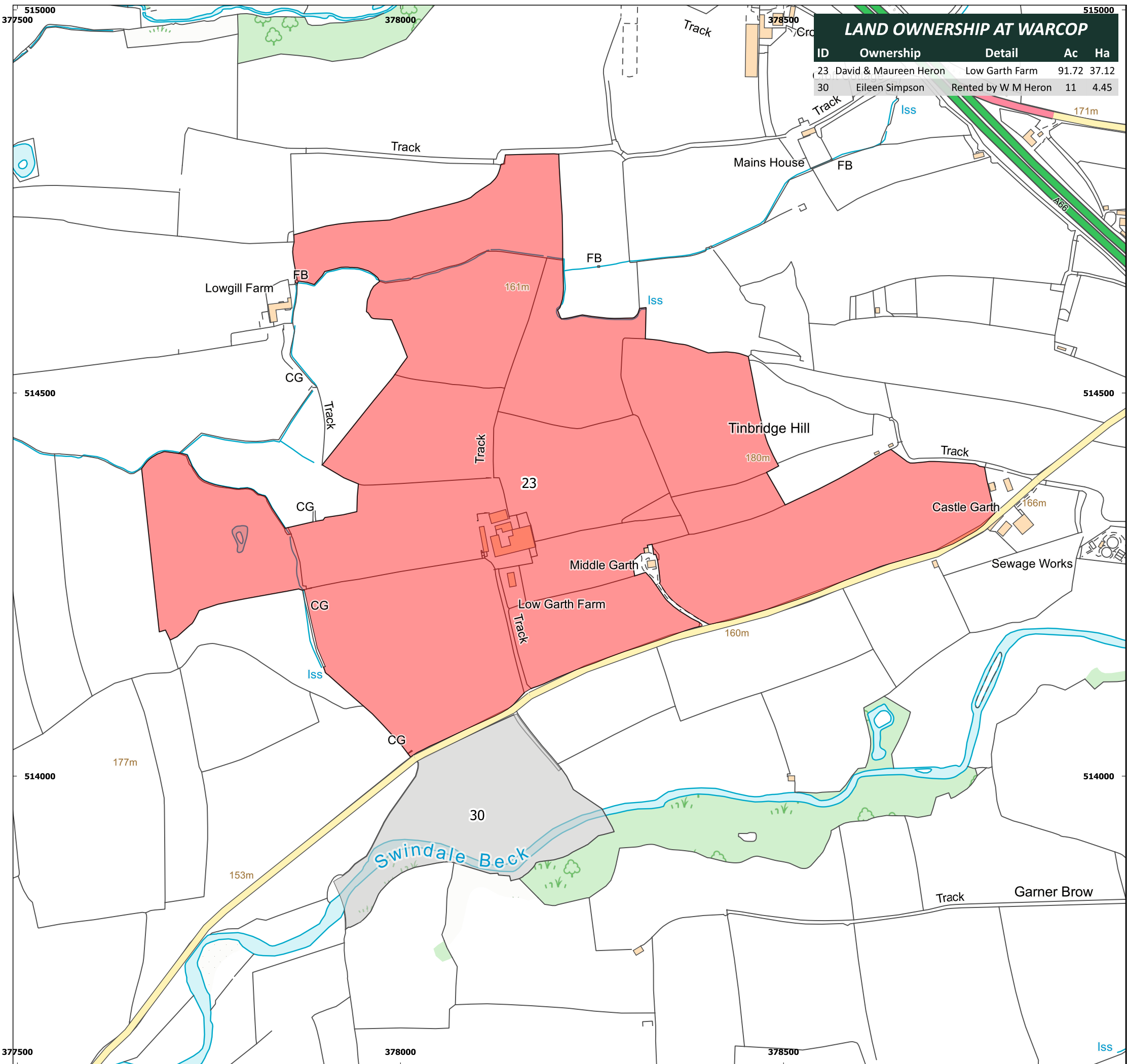
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Path: 1. Client Projects\H\Heron, S\BDL704415 - Dualling of A66 - Land Ownership Plan

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LAND OWNERSHIP AT WARCOP

ID	Ownership	Detail	Ac	Ha
23	David & Maureen Heron	Low Garth Farm	91.72	37.12
30	Eileen Simpson	Rented by W M Heron	11	4.45

Legend

Land Ownership - Warcop

- David & Maureen Heron
- Eileen Simpson

N

Scale - 1:5,000

Client / Project: Heron, S			
Drawing Title: Land Ownership Map - Warcop			
Drawn By: RD	Checked By: CH		
Date: 13.03.2023	Scale: 1:5,000 @ A3		
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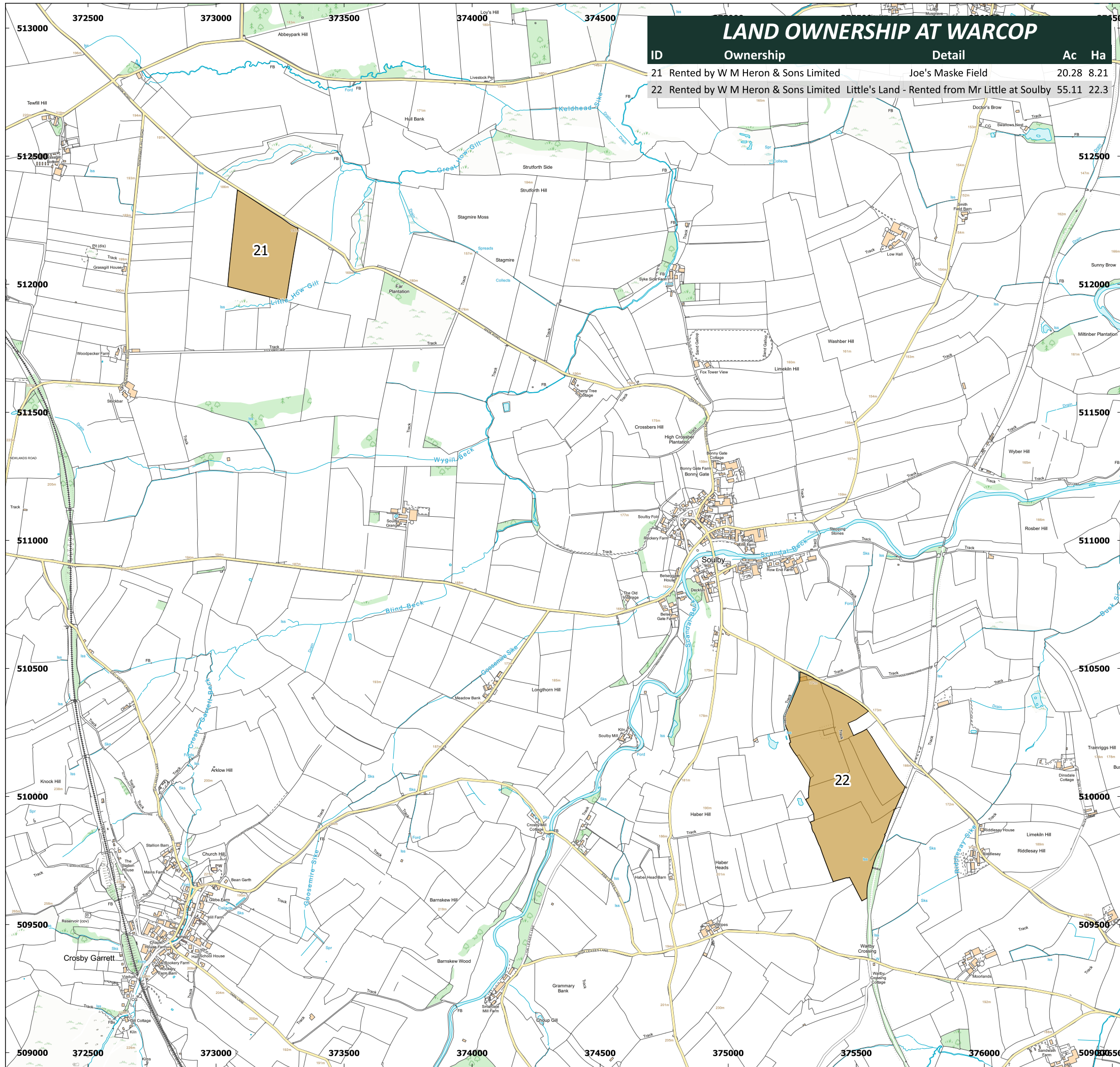
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ID	Ownership	Detail	Ac	Ha
21	Rented by W M Heron & Sons Limited	Joe's Maske Field	20.28	8.21
22	Rented by W M Heron & Sons Limited	Little's Land - Rented from Mr Little at Soulbly	55.11	22.3

Legend

Land Ownership - Warcop
 Rented by W M Heron & Sons Limited



Scale - 1:15,000

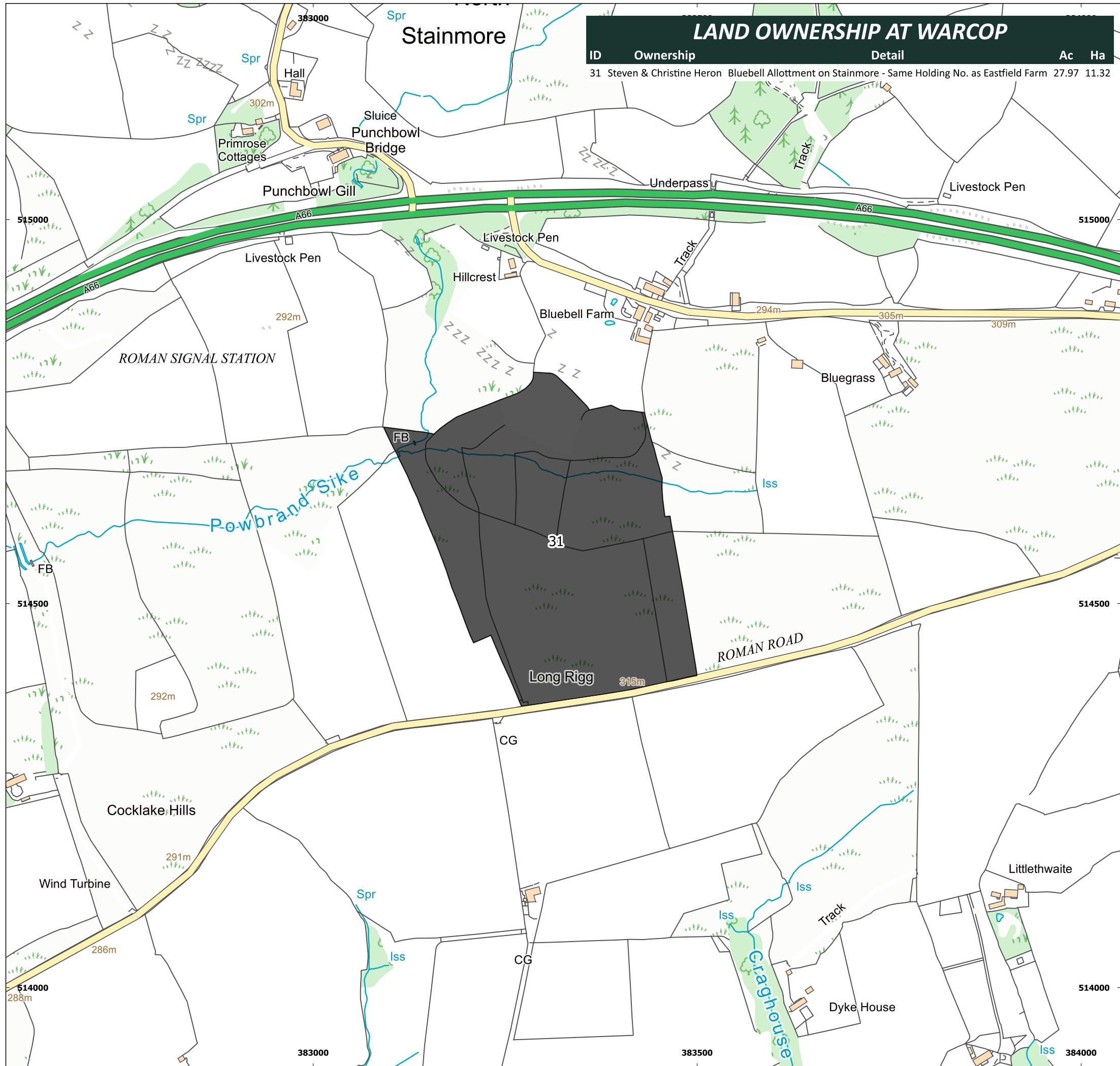


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Legend

Land Ownership - Warcop

- Steven & Christine Heron

N

Scale - 1:5,000

Client / Project: Heron, S			
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