

## **Post Hearing Submissions on the A66 Northern Trans-Pennine Project**

**Submitted on Behalf of Mr & Mrs Hayllar**

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

### **1. Introduction**

1.1 We are instructed to submissions on behalf of Mr & Mrs Hayllar of

[REDACTED]

1.2 We have previously submitted on behalf of Mr & Mrs Hayllar 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 1<sup>st</sup> and 2<sup>nd</sup> 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our Clients) compromise the Application to a degree that the timetable should be revisited, or indeed the application withdrawn.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 Ecological Mitigation Areas

2.3.1 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 elsewhere<sup>1</sup>.

2.3.2 Specifically in relation to plots: 06-05-29; 06-06-06;06-06-14;06-06-05; 06-06-22; and 06-06-23, we have yet to be provided with details as to whether they have categorised the areas EFB or EFD.

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<sup>1</sup> ISH3 Session 2 07:12 – 09:20

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

2.3.4 In respect of any EFD areas, we would ask for clarity as to what form they will take, who will manage these areas and whether they can be farmed to any extent.

2.3.5 The drastic difference between the two designations is of critical importance to Mr & Mrs Hayllar. We would submit that it is impossible for them to reasonably plan and mitigate their losses without this information.

#### 2.4 Farm Impact Assessment

2.4.1 Mr & Mrs Hayllar stand to be heavily impacted by the scheme, and as designed would lose around 13% of their total farmed area, all from the best, most versatile land on their holding.

2.4.2 The 'Agricultural land holding baseline summary'<sup>2</sup> prepared by the Applicant identifies the sensitivity of the holding as '*very high*'; but this only relates to access requirements for retained land. We are not aware that the Applicant has carried out any substantive review of the impact where substantial areas of land are being acquired from farm businesses.

2.4.3 We respectfully submit that this impact must be fully considered and accounted for as part of this process.

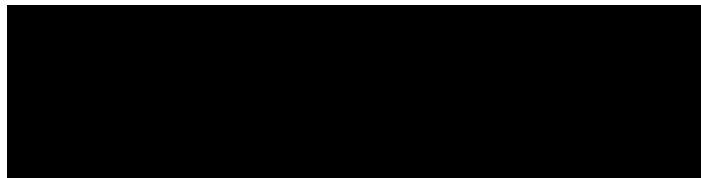
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<sup>2</sup> TR010062

2.4.4 In addition to weighing up the costs and benefits of the scheme as a whole, the Applicant cannot with any certainty predict the costs of the scheme without understanding how it will affect farm businesses along the route.

### **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 ISH3 raised queries in respect of ecological mitigation areas and further detail is needed from the Applicant in this regard in order to prevent Mr & Mrs Hayllar incurring otherwise avoidable losses.
- 3.3 We also suggest that the Applicant must carry out impact assessments on the Farming Businesses which will be heavily impacted by the scheme in order to fully understand the implications and associated costs.



14<sup>th</sup> March 2023