

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

**Submitted on Behalf of Mr Foster**

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

### **1. Introduction**

1.1 We are instructed to submissions on behalf of Mr Foster of [REDACTED]  
[REDACTED].

1.2 We have previously submitted on behalf of Mr Foster 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our Clients) compromise the Application to a degree that the timetable should be revisited, or indeed the application withdrawn.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 Access

2.3.1 We raised at the hearing concerns as to a lack of detail as to how Mr Foster will be able to access his retained land including over Clint Bridge; and also the protection of services that run over the bridge and are required for livestock welfare.

2.3.2 We would reiterate this request for detail as it is not only crucial for Mr Foster in terms of planning for his business, but also to ensure that animal welfare standards are not compromised.

2.3.3 In particular, we are concerned that the acquisition of the following plots will leave retained land and buildings inaccessible: 07-01-11, 07-01-21, 07-01-26, and 07-01-71.

## 2.4 Ecological Mitigation Areas

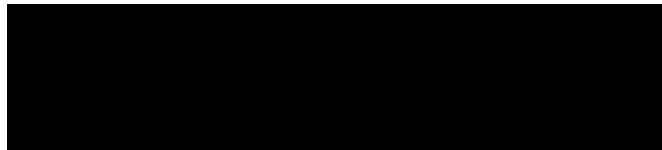
- 2.4.1 A number of queries were raised during ISH3 in relation to the status of land earmarked for ecological mitigation, and whether the areas shown essentially just constituted restoration of existing grassland rather than improvements in the form of woodland or wetlands etc to off-set losses elsewhere<sup>1</sup>.
- 2.4.2 Specifically in relation to plot 07-01-44 we have yet to be provided with details as to whether they have categorised this area as EFB or EFD.
- 2.4.3 For EFB areas, the Applicant has yet to provide confirmation as to whether post works they can remain in agricultural production.
- 2.4.4 In respect of any EFD areas, we would ask for clarity as to what form they will take, and who will manage these areas.
- 2.4.5 The drastic difference between the two designations is of critical importance to Mr Foster. We would submit that it is impossible for him to reasonably plan and mitigate his losses without this information.

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

### **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 also raise concerns in respect of how Mr Foster will access retained land during and after the works have been completed and the impact of disruption to services on animal welfare.
- 3.3 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 Foster incurring otherwise avoidable losses.



14<sup>th</sup> March 2023