

Mortham Estates
A66 NTP Proposal
Development Consent Order Application by National Highways
Deadline 5 Post Hearing Note
To
Planning Inspectorate
IP Ref No 20032137.

1. Background

1.1 This Post Hearing Note (PHN) has been prepared following the Item Specific Hearing held on Thursday 2nd March 2023 which, inter alia, considered the Applicants justification for the compulsory acquisition and woodland planting of Mitigation Plot 08-01-16

1.2 This Note seeks to explain why Mortham Estates do not consider this requirement to be:

- Necessary
- Justified
- Proportionate.

2. The Applicants Justification

2.1 This was outlined at the Hearing to be based upon three tests:

- Need
- Location
- Size

2.2 Need was demonstrated by Ecology Surveys and the use of Natural England's Biometric Planning Tool

2.3 Location was informed by the requirement to be as close to the area of loss - to be within the same scheme and county and to maximise opportunities for enhancements

2.4 Size of Mitigation Plots 08-01-04/08-01-16/08-02-09/08-03-01 was determined by the 2.58ha loss within Scheme 8 (Rokeby to Cross Lanes) and the 4.5 ha loss in Scheme 7 (Bowes)

3. The Interested Party's Objection

Limited or no account has been made of:-

- 3.1 The historic character and appearance of the Mortham Estate along the A66 corridor – particularly the impact of Mitigation Plot 08-03-01 on the setting of St Mary's Church at Rokeby and the avenue of pollarded large leaf limes along the western boundary of the churchyard (views into and out)
- 3.2 The Estates' 10 year Woodland Plan (map attached)
- 3.3 The loss of productive agricultural land and the impact upon the respective farm businesses
- 3.4 The adverse impact of the proposal upon the pheasant shooting and deer stalking/control conducted by the Estate
- 3.5 The sterilisation of the identified mineral reserves identified by Breedon Aggregates (submission to DCC Minerals Plan "Call for Sites" attached)

4. Alternative Proposal

- 4.1 Notwithstanding that we cannot identify the woodland loss of 2.58ha in Scheme 8 nor the 4.5ha in Scheme 7 and our belief that if such loss has occurred mitigation should follow the Applicants criteria by locating this within the Scheme concerned (as woodland within Scheme 7 is rarer and of more landscape and environmental value than that in Scheme 8), we offer a site at the entrance of Cockleberry Farm to the south of the Cross Lanes junction amounting to 6.70 ha (compared to the 6.73ha sought)
- 4.2 This is shown by way of illustration on the Estates 10 year Woodland Plan
- 4.3 A temporary Licence will be granted to the applicant for the planting and establishment to be accomplished with a deciduous/coniferous species mix
- 4.4 The alternative site has adjacent road access, does not adversely impact upon the sporting or deer management, has a better fit within the landscape and does not compromise the setting of St Mary's Church, sterilise identified mineral deposits or impact upon farm businesses (as its current use is an annually sown game crop)

5. Other Issues:

5.1 Permanent Acquisition v. Temporary Licence

- 5.1.1 The Applicant seeks to permanently acquire 113 acres but is not seeking any areas to hold on "temporary" or "essential" licence. This includes the permanent acquisition of component parts of the Rokeby Registered Park and Garden (RPG) (Plots 08-03-08 & 08-03-17). No explanation has been given nor assessment made of the impact of this proposal on the designated assets
- 5.1.2 The Applicant should identify those areas where only temporary possession is required (such as for services, drainage, access,

establishment of mitigation planting) that could be held on temporary licence and returned to Mortham Estates upon completion to safeguard the historic integrity of the Estate

5.2 Private Means of Access

5.2.1 The Applicant was unable to clarify the status of the Private Means of Access (PMA's) upon completion of the works.

5.2.2 There appear to be two alternatives:

5.2.2.1 Option I – Highways maintainable at public expense

5.2.2.2 Option II – Private Means of Access maintainable by the properties they serve with such rights as required reserved to the Applicant or Third Parties

5.2.3 There may be the need for a blend of these alternatives determined by the requirements of each PMA but blanket acquisition would remove the Estates ability to control access – most particularly vehicular but unauthorised equines too leading to the inevitable conflict between users and compromised farm security

5.2.4 This issue has recently been highlighted by the Deputy President of the NFU in an article in the 10th March 2023 edition of the Farmers Guardian concerning HS2 (clipping below) – the same principled concerns apply to the A66 NTP proposal



NEWS

TREATMENT OF FARMERS CONDEMNED BY NFU

THE treatment of farmers has been condemned by NFU vice-president David Exwood who accused the company of using its powers 'to the extreme'.

He said: "HS2 is taking land unnecessarily on a permanent basis where some land could be taken on a temporary basis, including land needed for utility diversions, mitigation areas and compounds. Also it seems unnecessary to acquire main access driveways which lead to the farm, when again just rights could be acquired and would suffice."

"Many farmers have been given an assurance that an underpass or overbridge will be built but HS2 is now saying that these accommodation works will not be built until the end of construction - this is too late and the farms impacted will be out of business."

Tim Broomhead, compulsory purchase and compensation partner at Knight Frank, said the way relations were conducted between HS2 and farmers were 'bureaucratic at best'.

"Businesses will be lost as there seems to be a definite mismatch between contracts with farmers and its design and build practices. Everything appears to be for engineering expediency. Stress is now a big factor for many of the farmers we work with - we are seeing it on a daily basis. Some of them have already being dealing with this for 10 years. I do not think HS2 appreciates what the farmers are going through."

Land agent Simon Spencer said: "Something needs to change and I call on those at the highest level, be it in Government, to do a deep dive investigation into HS2 and how it is acting before it is too late and we see further tragedy on-farm such as someone taking their own life."

David Exwood

5.3 Footpath & Cycle Routes

5.3.1 The Applicant proposes a footway and cycle path (Parcel 08-03-01) to pass to the south of Rokeby Grove and Tack Room Cottage to replace the existing provision to the north, running alongside the A66 westbound carriageway within the Greta Bridge by pass cutting

5.3.2 No assessment has been made of the impact of this proposal – which was made after the assessment of the scheme was undertaken

5.3.3 Recent correspondence in the Teesdale Mercury from a cyclist suggests the proposal to reroute is to prevent users crossing the dual carriageway

as they do now) to access the proposed mini roundabout on the C165/A66 junction

5.3.4 This issue arises as a consequence of the Applicants choice of the Black option for the proposed Barnard Castle location rather than the Estates Blue

11 8, 2023

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Cyclist hits out over A66 plan

BY NICKY CARTER
Reporter

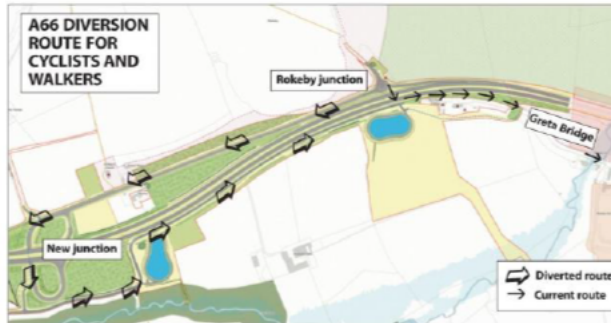
THE design for a new road junction at Rokeby as part of the £1 billion A66 upgrade has been branded "wrong and dangerous".

The current configuration allows cyclists and walkers to cross the A66 at Rokeby to reach Greta Bridge and go onto Brignall and Barnard Castle via the old road near The Morritt. But the scheme submitted to the secretary of state by National Highways will mean walkers and cyclists will have a one-and-a-half mile detour to reach Greta Bridge.

They will have to use a new junction to the west, near Rokeby Chapel, before travelling on a cycle path next to the A66 to get to the old road at Greta Bridge. Teesdale resident Jill Collins, a keen cyclist, has criticised the design and called for a safe crossing at Rokeby. She said: "I have been following the A66 project since it started and was involved with a walking, horse riding and cycling focus group.

"We cannot get National Highways to understand that their proposals for the Rokeby junction are wrong and dangerous."

Walkers and cyclists will have to head west for three quarters of a mile to an overpass which will give them access to the southern side of the A66 and then return three quarters of a mile east.



LONG AND WINDING ROAD: The proposed designs mean a long diversion for cyclists who want a quicker and safer route across the A66 at Rokeby

"The A66 is already dualled eastbound at this point," Ms Collins adds. "It switches to single carriageway at the current Rokeby junction, about where their little roundabout will be."

"This route is heavily used and people want to cross the A66 here. They will not be prepared to cycle or walk an extra one and a half miles to use the proposed bridge at the new junction."

"At the least the current crossing at this point must be maintained, or better still, put in a bridge or underpass."

"In an urban area, it would be totally unthinkable to suggest such a lengthy diversion for cyclist and walkers."

"The route is heavily used by cyclists and some cyclists are already using the A66 itself, probably due to the appalling state of the steps that give access to the old road into Greta Bridge."

It is feared cyclists would ignore the detour and cross the A66 anyway.

Ms Collins said: "Failure to provide an adequate crossing at the site of the existing Rokeby junction would greatly increase the number of cyclists using the new A66 eastbound with many then crossing the two carriageways

to turn right to get to Barnard Castle and Brignall."

"National Highways have failed to respond to this issue. Instead stating that other junctions will be improved for cyclists."

The A66 development consent order to dual the remaining 29km of single carriageway was submitted to the secretary of state for transport last year. A consultation for 32 proposed design changes to the scheme closed on Monday, February 27. The changes, to reduce construction costs included the removal of three underpasses at other locations along the

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Ms Collins added: "I am pretty sure that the majority of the people using this crossing [at Rokeby] have no idea what National Highways have planned for it."

National Highways was unavailable for comment

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5.4 Visualisation & Photo montages

5.4.1 The Estate have asked the Applicant for further Photo Montages/Visualisations of the proposed underpass and its relationship to St Marys Church and for the proposed mini roundabout on the proposed Local Access Road at the existing C165/A66 junction

5.4.2 In their absence, an accurate assessment of the impact of the Applicants proposal cannot be made.

5.5 Registered Park and Garden Mitigation

5.5.1 The Preliminary Environmental Information (PEI) Report on Cultural Heritage assesses the impact of the proposed Black and Blue Options for the Barnard Castle Junction to be "Moderate Adverse" but in the Environmental Assessment (Table 8-22) submitted as part of the DCO process by the Applicant reduces this to "Minor Adverse" without any apparent justification.

5.5.2 Reference is made to options for mitigation but it is again unclear what these are and further information is requested from the Applicant

WHT Salvin MRICS

[Redacted signature]

14th March 2023