

Submission ID no 13115

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Deadline 9 Submission- Closing Summary of unaddressed issues

### **Mitigation at Impact at Sleastonhow Kirkby Thore**

Submissions at Deadline 8 by Kirkby Thore PC hi-light the continuing failure of NH to commit to mitigation measures at Sleastonhow Farm. The road is 9 metres above the Troutbeck flood plain and in only 1 metre of cutting. There is no bunding. Previous visual and acoustic screening have been removed. All assurances of appropriate mitigation to ameliorate the severe impact have been removed/watered down as the design has progressed. None of these changes have been highlighted or discussed. The impact of no mitigation in a rural landscape and within the setting of an AONB impacts not just those resident at Sleastonhow Farm but also local residents who use the lane for recreational purposes and those walking the long distance Lady Ann Way route.

### **Change to Speed limit on Sleastonhow Lane**

It is noted from other submissions that a reduction to the speed limit is proposed on Sleastonhow lane. Whilst entirely sensible this has not been discussed with the Residents of Sleastonhow Farm the only residents on the lane. There is a concern that the rural character of the lane will be diminished by road signage. A better approach would be to mark the road as for access only to prevent cut through and people using google maps trying to avoid future disruption on the A66. NH proposed Solution is to close the village of Kirkby Thore but they not given any response to how this would be achieved.

### **Project Limits**

The project design is incomplete. This continues to impact on NH ability to plan mitigation and be clear on projected future land take. This is reflected in the fact very few people have agreed terms for sale. NH simply do not know what they want as either Permanent or Temporary land take. They seek to agree Options for future land take which leave Landowners in the dark. It also means no clear projection of cost can be undertaken. This project cannot be properly costed because the design mitigation and land take are unresolved. The BCR for the project as a whole is already minus 1 and the Temple Sowerby to Kirkby Thore is projected to cost 0.5 billion pounds to the taxpayer.

### **Refusal to disclose projected cost**

NH have been asked to produce a BCR for the Temple Sowerby to Appleby scheme. As this is predicted to be the most expensive scheme, given the number of structures required, an assessment of the cost benefit has clearly been conducted. In the brief meeting where options were discussed the reference to new BCR being conducted for each option was minuted. Since then NH have resolutely refused to disclose the cost of this individual scheme and insist it does not exist. The project lead MCG confirmed these calculations were being conducted but then wrote to say only a calculation of the overall scheme had been conducted. If true this is mismanagement of public funds on a gross scale. The ability to consider whether contractors are keeping within projected costings can only be conducted if a budget exists. The refusal to disclose this information to the taxpayer and presumably to the Secretary of State (as the figures are stated as not existing) is a fundamental flaw and reflects the failure to provide key information necessary for decision making that has been a feature of the project throughout.

### **Late Changes introduced into examination**

Clarification is sought on whether the current projected cost of 1.2 billion is based on the assumption that all proposed changes would be accepted into the Examination. As not all changes were introduced into the examination does this increase costs. It is clear that the majority of late changes proposed were motivated by a desire to limit costs.

### **Design Detail/ Troutbeck Viaduct**

The Project design is incomplete. In particular the largest structure on the entire route has not yet been designed. Only misleading watercolours were submitted to the Examination. They are misleading as they depict an idealised vision of what the dual carriageway may look like cutting through a Special Area of Conservation. The EX should not approve a scheme where such fundamental design information is simply missing and NH have refused to co-operate with all requests to provide this information.

### **North Pennines AONB**

Landscape advice on this project is woefully lacking. It does not seem that Natural England engaged with this issue at all due option selection and it was only at Statutory Consultation stage that there was a recommendation that advice on landscape should be sought from the NPAONB partnership team. The failure to consult before Route Selection appears to have created a scenario where NPAONB partnership simply accept what they are told by NH on the reasons for route Selection. The PADS document prepared by NH on behalf of NPAONB is an example of how NPAONB have been misled. The state concern about the northern route at Kirkby Thore but accept the position when they are told the Environment Agency and others agencies preferred this route to the southern route as it was beneficial to the river Eden and other conservation issues. That is quite simply untrue.

The Environment Agency, Natural England and Eden River Trust all expressed a preference to keep the road out of the Troutbeck SAC but were told that there was no option due to the need to avoid the Roman Viccus. NH have opted to prioritise archeology over landscape, health, biodiversity, landtake, cost, flooding, GHG emissions and just about every other criteria to avoid losing time by having to re-evaluate its choice of the northern route at Kirkby Thore and avoid losing time such is the emphasis placed on speed.

### **Cumulative Carbon Assessment**

From the first meeting with NH I have expressed concern that this project will contribute to the UK's failure to meet its Climate targets. This is a statutory obligation and it seems that as the A66 project was in its infancy when the Net Zero and Climate Budgets were introduced, rather like Biodiversity Net Gain, the A66 project team have just proceeded as though it were business as usual and the climate emergency does not apply to road building.

The A66 will contribute an additional 500,000 tonnes of CO2 from construction alone. Once operational it will create more traffic. The example given by a NH traffic modeller within the examination of an Individual in Darlington deciding to travel to Penrith rather than shop more locally is an acceptance that the existence of this road will increase traffic and add more CO2 that would occur otherwise. This is in direct contradiction to every policy the government has on climate and travel.

Once operational the road will add an additional 35,000- 40,000 tonnes of CO2 annually. There appears to be no attempt to address how this fits with our ability to meet our 5th and 6th climate budget.

Dr Andrew Boswell has given evidence throughout the examination and emphasised that it is unclear how the drive to Net Zero will be secured and indeed all the evidence currently available suggests that we are very far off course in the drive to deliver net zero.

This project is an example of lip service being paid to our Statutory Obligations.

Given the national and global importance of climate change the EA are asked to pay this issue very careful attention. The SOS when considering their decision must review the position on the revised Net Zero Strategy together with the status of any ongoing legal challenge. The recent report from Professor Greg Marsden ( provided to the EA) does hi-light the likelihood that the UK will fail and an additional 500,000 tonnes of CO2 from this scheme before 2029 means the risk of the UK failing to meet its obligations under the Paris Agreement is increased

## **Failure to properly consider alternatives to dualling**

There has been no genuine consideration of alternatives to dualling. NH have adopted a one size fits all policy and treated each of the schemes the same. Even where the physical constraints of a section clearly indicates that dualling may. Not be appropriate the drive to dual has taken priority over all over considerations.

The existence of a purple route for the Temple Sowerby - Appleby. Section was never disclosed in consultation . It was seemingly introduced into a last minute meeting ( brainstorming by Microsoft Teams ) to enable NH to say that consideration had been given to not single track. As the minutes of this meeting disclosed. The purpose was to avoid legal challenge rather than genuine consideration to this option.

That the existences of a single carriageway was not made known to the public when there were clear advantages does clearly demonstrate a failure to properly consult. The priority y has always been to deliver the project NH devised and prevent modification creating any delay.

The SOS is asked to consider the costs implications of going off line and cutting into open countryside on this section which are estimated at 0.5 billion pounds. A short section of single carriageway would by-pass the village of Kirkby Thore, avoid structures in the Troutbeck floodplain and radically reduce the cost of the entire project as up to 5 large structures would no longer be necessary.

## **Flooding at Kirkby Thore**

The risk of future flooding at Kirkby Thore in circumstances where the River Eden is full and flood water backs up in the Troutbeck floodplain is a possibility. The loss of the Eden River Trust floodplain restoration project which resulted from the A66 may contribute to future flooding and is described as not properly assessed as the hydrolic models to justify fy the scheme are yet to be agreed with the Environment Agency. This information of future flood risk should be understood and the EA should not approve a scheme where this information is not yet confirmed.

## **Licence to build in Special Area of Conservation Floodplain**

NH require a special licence to build within a floodplain that is designated as a Special Area of Conservation The impact on the floodplain and the biodiversity of that floodplain is evident even in the initial stages where only investigative work is underway. Nesting birds have been disturbed and left their nests. The site close to Sleastonhow is one of just a few occupied by Lapwing and Curlew. These populations are already at critical levels and the presence of vehicles and people have caused them to abandon their nests.

The SOS should be conscious of the reality of building in the floodplain and fact that mitigation does not work if populations have left and have reached such a state of decline no level of mitigation can protect them. Only habitat conservation will work.