

Our ref: CEO 22765302
Your ref: TF152939

Tim Farron MP
By email to: [REDACTED]

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Major Projects
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30 August 2023

Dear Tim Farron

Dualling of the A66

Thank you for your email of 17 August 2023 to Nick Harris, on behalf of Ms Emma Nicholson of [REDACTED], in your capacity as the Liberal Democrat Prospective Parliamentary Candidate concerning the A66 Northern Trans-Pennine project. I am replying to you as this issue falls within my area of responsibility.

We try hard to minimise the impact of our works on our local communities and I do understand the concerns Ms Nicholson has raised. I hope the following information is helpful and provides clarity on the current position for each of the points raised in Ms Nicholson's email to you.

Complaints

We have engaged with Ms Nicholson throughout the process and have replied to her queries on a regular basis. We've also met Ms Nicholson in person on several occasions, either at our offices or at Sleastonhow Farm.

Methodology of Project Speed

The A66 has been identified as one of the key infrastructure projects subject to the UK government's Project Speed initiative, which aims to bring forward proposals to deliver public investment projects better, greener, and faster. Please see section 1.4 of the Case for the Project at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010062/TR010062-000226-2.2%20Case%20for%20the%20Project.pdf>.

In line with Project Speed, a number of actions have been taken in order to expedite the project. This includes preparing the Scoping Opinion alongside the Preliminary Environmental Information Report, earlier engagement with relevant bodies to ensure an

effective statutory consultation period, proactively promoting the use of Planning Performance Agreements, optimising the Local Authority Engagement Strategy, and preparing the Environmental Management Plan to embody requirements which would normally form part of the Pre-Commencement Requirements of the DCO (Development Consent Order).

Freedom of Information

Regarding Freedom of Information requests, these are responded to within the Freedom of Information Act 2000. There is a separate appeals process with the Information Commissioner's Office should Ms Nicholson wish to challenge our responses. The link to the process can be found here:

https://nationalhighways.co.uk/media/a14hbrhu/foi_eir_complaints_process.pdf.

Planning Inspectorate meetings

We do thank Ms Nicholson for attending the hearings held by the Planning Inspectorate, as part of the Examination process, in both Barnard Castle and Penrith. We are confident that the Planning Inspectorate gave due regard during the process to her inputs and submissions.

Costain

National Highways and Costain have agreed to a change in contracting strategy, which will see Costain's involvement on the A66 come to an organised and managed end.

Temple Sowerby to Appleby

The DCO submission for A66 Northern Trans-Pennine project include details of the calculated Benefit Cost Ratio (BCR) for the project. The reported BCR is 0.92 and further information on this calculation is available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010062/TR010062-000268-3.8%20Combined%20Modelling%20and%20Appraisal%20-%20Appendix%20E%20Stage%203%20Economic%20Appraisal.pdf>.

The project team is aware of the Nicholson family's request for a BCR for the Temple Sowerby to Appleby section of the project only. Whilst this information is not currently available, section 6.4 of the Case for the Project document presents the case for the proposed Temple Sowerby to Appleby scheme specifically. This is available online at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010062/TR010062-000226-2.2%20Case%20for%20the%20Project.pdf>.

Also, regarding costs, the split of costs per scheme is included in the Combined Modelling and Appraisal report as Ms Nicholson mentioned. It confirms that schemes 04/05 costs relate to 27% of the total project cost.

Consultation

Regarding Ms Nicholson's comment about consultation, ahead of the launch of statutory consultation, we carried out several engagement events virtually and in person to brief communities on what we would be consulting on.

The statutory consultation was widely advertised to reach all interested parties. This included press advertising, local deposit and poster sites, social media, and a mail out to approximately 14,000 homes and businesses.

We've engaged with interested specialists through focus groups and extensively with local communities through drop in events and local mail outs, posters, and local authority engagement. In addition, we have dedicated Public Liaison Officers along the route whose role is to work in local communities and with landowners.

As part of our consultation, we carried out extensive community engagement hosting 24 events along the route which were attended by a total of 1,663 people.

We do not view engagement and consultation as a single point in time and this has been reflected in our ongoing approach to engaging at a local, regional, and national level. Our work with our stakeholders, including all impacted landowners and communities, will continue as the project evolves.

We have regularly engaged with the Nicholson family to understand their considerations with respect to the individual schemes and the overall impact of the project. The most recent time we met with them was in September 2022, and prior to that the project team attended meetings in March and April at our project hub and their property. There has been an ongoing feedback loop into our design teams around the comments and requests from all parties which are being considered and factored in where possible.

All the feedback received during our statutory consultation in 2021, and the subsequent supplementary consultations in 2022, has been collated and reported in the Consultation Report which forms part of our DCO application.

Regarding the development of scheme 4/5, including alternatives considered and how the decision was made, this is included in the Project Development Overview Report submitted as part of the DCO at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010062/TR010062-000272-4.1%20Project%20Development%20Overview%20Report.pdf>.

Cost

We thank Ms Nicholson for the observations on potential cost escalations and respond as follows:

- Land Prices – this is one area we have sought to mitigate through the acquisition completion premium, which allows us to secure land at its current value ahead of our DCO consent for a premium payable to the landowner. Ms Nicholson and family are familiar with this process, and their land agent on their behalf has subscribed to this process. Furthermore, our systems containing the land estimates also account for increases in land prices. In addition, the land cost estimate is refreshed on a six-monthly basis to capture these changes along with any other amendments as knowledge of the land and its use improves.
- We have identified all the land we require for the project in the DCO. The detailed design is being developed within those parameters and we're looking to reduce the land take where possible. This is the normal approach taken for the development of the design of nationally significant infrastructure projects.
- We have made provision for all the blight claims we expect to receive in our cost estimate. This is based upon assessments and reviews carried out by the district valuer whilst undertaking the lands cost estimate.
- The project cost estimate includes all costs to develop and deliver the project, including any environmental mitigation required to achieve no net loss. The project is however also progressing the development of Designated Funds opportunities, which are to deliver benefits beyond the project requirements and to be funded by a separate fund. Such Designated Funds opportunities were not presented as part of our DCO submission as they are not part of the core project scope.

As Ms Nicholson has referenced, costs form part of our BCR which will be contained within the full business case, to be approved by the Department for Transport and His Majesty's Treasury over the next few months once we have a DCO decision.

Northern Policy Foundation

We're aware of the Northern Policy Foundation article (published on their website on 29 July 2023) and we were not consulted on this article. Our full business case when submitted will report on the value for money.

HM Treasury

Regarding Ms Nicholson's comment about the involvement of HM Treasury, the Infrastructure and Projects Authority (IPA) regularly review the A66 Northern Trans-Pennine project. The IPA reports to the Cabinet Office and Treasury. All departments are also briefed via regular correspondence to the Government Major Projects Portfolio and via regular reports to the Roads Minister and the Prime Minister's Delivery Report.

Business impact assessment

We acknowledge that some land will be severed by the scheme. Access within the farm will be provided via the realigned Sleastonhow Lane as well as under the back span of the Trout Beck viaduct. Detailed access arrangements including field boundaries and livestock management will be developed as part of the accommodation works to be developed during this detailed design phase.

Regarding an agricultural or business impact assessment, we can confirm that the impact on the Nicholson's agricultural land holding was assessed and reported in the Chapter 13: Population and Human Health of the Environmental Statement (ES) available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010062/TR010062-000311-3.2%20Environmental%20Statement%20Chapter%2013%20Population%20and%20Human%20Health%20.pdf>.

The assessment was carried out in accordance with the applicable Design Manual for Roads and Bridges (DMRB) Guidance. Under this guidance the assessment considered the characteristics of the land itself i.e., farming practices such as arable or pastoral, and any associated infrastructure for the purpose of agricultural production, amongst other parameters such as location and accessibility.

In undertaking the assessment, the holder of the agricultural interest did not provide any responses to the requests for information from us. Therefore, the assessment was carried out based on publicly available information and taking a precautionary approach. The sensitivity of this was classed as high. Robust worst-case assumptions were utilised, which resulted in the impact on the Nicholson's landholding being concluded as a significant adverse effect (see Table 13-50 of the Chapter 13 of the ES). This inherently considered any impacts on the agricultural business operations taking place on the land.

It is not considered that the outcome of this assessment would be altered because of any further information being provided, given the worst-case assumptions applied. As such, we maintain that an appropriate, precautionary assessment of the impacts of the scheme on the Nicholson's agricultural land holding has been carried out, with a worst-case reported.

The resulting significant adverse effect, alongside all others reported in the ES, will need to be taken into account by the Secretary of State in determining whether or not to grant the DCO regarding the requirements of the National Networks National Policy Statement and the overall balancing exercise in respect of considering whether the adverse effects of the scheme outweigh its benefits.

Friends of the Lake District and National Park

With regard to engagement with Friends of the Lake District (FOLD) and the National Park, we have not excluded them from the consultation process as it is a public consultation. We note that they made representations to the Planning Inspectorate as part of the examination process. FOLD have also been invited to take part in several of our

stakeholder groups that have spanned the lifetime of the project. This includes the A66 Stakeholder Reference Group and the Environmental Interest Focus Group.

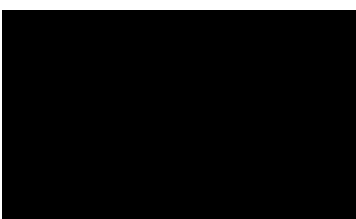
I do hope our response demonstrates that we have been consulting and working with Ms Nicholson throughout the A66 Northern Trans-Pennine project.

The project is part of our Road Investment Strategy which is a centrally funded package of improvements to our strategic road network. I would like to reassure you that we're progressing with the project and, subject to the DCO being consented, we intend to start works in spring 2024.

I understand that you're also meeting our Project Director Lee Hillyard on 7 September 2023 at your constituency offices in Kendal, where Lee will be able to discuss matters with you in person.

I do hope this information is helpful. If your office would like any further information, please contact our Project Director, Lee Hillyard who will be pleased to respond. Lee can be contacted by email at Lee.Hillyard@nationalhighways.co.uk. Our Customer Contact Centre can be contacted by email at info@nationalhighways.co.uk or by telephone on 0300 123 5000. Alternatively, contact me or Nick directly.

Yours sincerely



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