

## **A66 Northern Trans-Pennine Project**

### **Planning Examination 2022-2023**

#### **Submissions for Post Examination Consultation**

**IP no – 20032255**

We are responding to letters from the Applicant NH of September 15<sup>th</sup> seeking comments from interested parties on new information submitted. This submission addresses the following.

The summary of a letter by Executive Director of Major Projects to Tim Farron MP. A full copy of that letter is provided – **Marked Annex 1**

- NH letter responding to new developments on the Carbon Budget Delivery Plan/Climate Change Committee and Transport Select Committee
- Dr Andrew Boswell's Further evidence to include on Air Pollution
- Natural England Response re the degradation to Blanket Bog in the North Pennine AONB
- Government Announcement that it will push back the phasing out of Fossil fuel Vehicles to 2035, the granting of new licenses for North Sea oil exploration and the failure of industry to bid for contracts to build new Offshore wind developments thus reducing the supply of electricity from renewable sources.
- To ensure there is no doubt this information has been made available to the Secretary of State I ask that this response is provided to the SOS personally.

#### **1. Letter to Tim Farron from Nicola Bell dated 30<sup>th</sup> August**

##### **Methodology of Project Speed –**

In response to questions raised on the methodology of Project Speed the response by the Applicant is to restate the campaign line, which is to deliver public investment better, greener, and faster. The claim that this project is delivering "greener" is absurd and growing more absurd by the day with every Government announcement that is made. The reliance placed on the switch to EV within the Environmental assessment is now completely undermined and the Environmental Statement should be redone, and the Examination paused until this updated information is obtained. To proceed without this risks flawed decision making.

##### **Freedom of information**

It should not be necessary to appeal to obtain every small bit of information. This undermines the entire purpose of the Freedom of Information Act. When Public Bodies' refuse to be transparent with how public money is being spent this makes it more likely that litigation will ensue. Decision making should be clear and transparent. When Government agencies are confident that their decisions are based on

strong foundation information flows. That every piece of information must be extracted should cause the Secretary of State concern.

### **Costain**

The Applicant was asked to provide information on the cost implication of Costain having served notice and the remaining contractors having served notice of escalating cost. The Applicant is asked to provide an update on the current costs estimate as the most recent figure is suggested to be 1.49 billion.

Attached are the minutes of a meeting with the project director of Balfour Beatty on 16<sup>th</sup> September 2022. Marked as Annex 2. In discussions about the Cost of the Temple Sowerby to Appleby section and the BCR it was suggested that cost of this one section at 27 % of the scheme would be 0.5 billion. The project Director corrected this estimate and advised. (See minutes) that their cost estimate for this section and a small portion of the adjoining scheme was slightly less at 450 million.

Pro- rate this means the correct estimate for the scheme is already 1.66 billion. If contractors are already budgeting different figures to those being publicly reported, isn't it time for the Department of Transport to be clear about the predicted costs.

### **Temple Sowerby to Appleby Benefit Cost Ratio**

NH gave a clear commitment to us during the meeting on 16<sup>th</sup> September 2022 that the BCR figures for each section (which they indicated had been requested due to ongoing request made by us) would be provided.

It is extremely likely that Public finances will dictate (as can be seen with HS2) that that not all 9 sections can proceed, and cost saving will need to be made. Which scheme is least value for money should be public knowledge and available to the SOS when decision is made, Updated BCR for each of the individual scheme must be undertaken immediately.

### **The Overall Scheme BCR**

The Benefit Cost Ratio (BCR) for the scheme found in the Combined Modelling and Appraisal Appendix must be recalculated to take the additional greenhouse gas which will now occur following the Government announcement that a ban on the sale of new Fossil Fuel vehicles will be delayed for 5 years. The A66 scheme adopts calculations which place reliance on the reduction of GHG. Those calculation/assumptions are no longer valid and must be re-done.

The greater emissions due to the five-year extension for ICE vehicles must now be considered. The figures in the air pollution and environment section will also need to be reappraised to take the additional pollution and damage from ICE vehicles into account. This will push the already Poor VFM BCR (as defined by the Government's [Value for Money Indicator](#)) further below 1 making this scheme even worse value for money.

## Consultation

We attach just some correspondence with the Applicant immediately before the DCO was submitted highlighting clear inadequacies in consultation. Marked as **Annex 3**. That consultation had been inadequate was recognised by the Applicant to the extent that they desperately sought a series of meetings before the DCO was submitted to try and create the impression of having consulted. All meetings were devoid of clear information, plans, details of predicted land take and mitigation. Attending a meeting is not consultation.

We were invited within a meeting with the project director Lee Hillyard on 30th March 2022 to accept that “we are where we are” in terms of consultation. He accepted that was an unfortunate term.

Attached marked **Annex 3** are just two examples of the issues raised on Consultation. Within the Examination Library is a full schedule of the Inadequacies in Consultation attached to Eden District Councils report. The Applicant gave no response to that document.

## Cost

The Applicant is asked to provide updated costs estimates and an updated business case which factors in the delayed introduction of EV's.

The Applicant is also asked to provide details of funds provided through Designated Funds Opportunities and specify how these projects are contributing to the scheme calculation of No Net Loss

The Applicant and the SOS are asked to consider the logic of consenting a scheme before the full business case is updated to reflect changing circumstances and developments including the very important issue of cost when the country is in financial crisis.

## Business Impact Assessment

The scheme does not meet the requirement of the Planning Act which requires there must be a compelling case that the scheme is in the public interest to justify the Compulsory Purchase of private land. The A66 Scheme does not meet that test.

The Applicant did not carry out a Farm Business Impact Assessment and it is totally disingenuous to say they were prevented from doing so. There is ample correspondence inviting them to arrange such a survey with ADAS. The applicant was reluctant to allow representatives from ADAS to attend unaccompanied stating a lone worker policy prevented this. They could give no explanation as to why ADAS could not provide two workers to conduct the Farm Business Impact assessment and proceed without the oversight of a NH employee with no agricultural knowledge.

Meetings were arranged where Farm Impact Assessments were to be discussed but instead a soil specialist was provided. Attached as Annex 4 is an email which refers to a meeting Lee Hillyard was to attend to discuss and progress a Farm Impact assessment but instead a soil specialist attended.

To suggest, in circumstances where we have facilitated endless surveys and intrusions, we would frustrate a Farm Impact Assessment is ludicrous. The Applicant simply did not conduct one and sought to frustrate it by insisting on trying to manage professionals who could conduct such a survey.

How the Applicant now asserts the statutory test for Compulsory Purchase of Sleastonhow Farm is met (particularly in the face of a scheme BCR of minus one and falling) is not addressed. The Applicant cannot properly address the impact on our Farm business as no assessment was done.

### **Tourism and the Lake District National Park**

We request that the Secretary of State is made aware of concerns about the impact of the development on the English Lakes World Heritage Site. We note in the Applicant's response dated 7 September 2023 to Mr Dyer under the heading Tourism that National Highways continue to try and downplay the impact that the proposal will have on the Lake District National Park/World Heritage Site by only referring to Cumbria Tourism, Eden Tourism Network and the LEP's support for the project without acknowledging the Lake District National Park Authority's concerns around tourism. We would refer the Secretary of State back to the submission made by the Lake District National Park Authority who manage the English Lake District World Heritage Site (Ref REP1-028) which states:

"Whilst not within the Lake District National Park boundary, the impacts of this development will be felt within the national park and aspects of this proposal are contrary to the strategies and action.

in the statutory Management Plan" ....

"The Key transformative actions [of the management plan] are all focused on promoting sustainable transport and reducing car dependency, including active travel, rail and bus improvements, integrated ticketing, and traffic management.

We have clearly set out that we will reduce carbon emissions and transport within, and to, the Lake District as currently transport contributes to almost one half of our carbon budget. Carbon emitted from visitors travelling to the Lake District will clearly be increased through the A66 development, undermining our progress towards net zero.

Excessive traffic at peak times in the Lake District is already damaging the environment and the visitor experience. The modelling around the A66 shows that it will generate additional traffic. A significant proportion of that traffic will be destined for the Lake District, further increasing pressure on already overstretched infrastructure. We believe the figure quoted in the response to our representation of 350 cars per day to be underestimated and we ask that this be factually verified, as such a nominal increase would appear to contradict the figures that claim the project will lead to economic growth in the tourism sector.

Our desire is to encourage more overnight stays to benefit the economy and reduce carbon. We fear faster journey times from northeast England to the Lake District may only further the attractiveness of daytrips which, whilst we understand may be desirable for aspects of economic performance, are not as beneficial as overnight stay spends.

We trust the above highlights some of the issues that the Lake District National Park Authority would like you to consider in terms of the aims of the management plan and best practice within a World Heritage Site”.

This clearly lays out concerns around the impact of increased vehicle numbers and day trips making it harder for the Lake District National Park Authority to manage the already difficult traffic issues within the national park.

These concerns have not been adequately addressed by the applicant and support of the project by the three organisations mentioned does not negate the concerns of the National Park Authority which has to balance income from visitors with looking after a national park which is already under significant pressure from over tourism (e.g. [this article in the Telegraph 19/09/2023](#)).

## **2.-NH response on relevance of new developments since the close of the Examination re Net Zero**

Within previous objections we have hi-lighted that Sleastonhow Farm (which doubles as the Carbon Calling Conference host farm) practices regenerative farming methods and consequently hosts an annual conference focused on reducing carbon emission in the agriculture sector. Our annual conference took place on 9/10<sup>th</sup> September and was hit by heavy flooding. Delegates were impacted when leaving. Animals had to be moved from our fields which are in the Troutbeck Floodplain. That weather events such as this are no longer exceptional is alarming.

The ongoing drive to prioritize large infrastructure projects, erasing any remaining chance of delivering on our Carbon budget, makes a mockery of the efforts individuals like us make to try and deliver those targets. Why is there an expectation upon the individual to change when the Government seems incapable of doing anything other than seeking to wiggle out of its own targets? That since writing this observation the Governments have announced a watering down of its commitment on the 2030 introduction of EV's gives weight to this comment.

Since the examination closed, we have had yet more evidence and research from several sources identified in my earlier letter (published on the PINS site) about how the Government is failing to meet its own targets. Transport is identified as the sector failing on all targets and impacting most on the UK's ability to meet carbon budgets. The reliance placed by the Government on future greener energy solutions was undermined by the recent announcement that no bids had been received to build offshore wind farms and new licenses would be granted in the North Sea. Thess announcement widens the gap further.

The failure to prioritize action needed to secure green energy significantly undermines any Carbon emission assesssment relating to the A66. The Transport Select Committee (TSC) recently stated that the plan for decarbonization of the transport sector required a rapid shift to Zero emission vehicles. That shift is reliant on the availability of energy from green sources and this will not come online within the timescale government has predicted. The A66 carbon impact assessment should be redone to reflect this development and the fact that EVs will not be using green energy as quickly as predicted. (Or following yesterday's announcement the shift to EV's will be significantly delayed.

The A66 impact assessment constantly focuses on what will happen if the scheme does not happen. The concern is a negative impact on growth. There is no equivalent assessment on what will happen if the scheme goes ahead and the carbon impact of one of the largest infrastructure projects in the country. The evidence was before us this summer.



I give the above as context and ask that the Applicants wholly inadequate response to our letter of 22<sup>nd</sup> August is judged against the backdrop of what is happening on the ground and the impact this project will have on the “Carbon Budget Delivery Plan and Transport Decarbonisation Plan”. The Applicant responds as follows:

*“the Applicant remains of the view that the commentary on government policy of this nature is not specific to the DCO Application”.*

This is a deliberate mischaracterisation of our letter. The applicant’s mischaracterisation is to consider that the information in our letter was provided outside of the scope of the Secretary of State’s decision making on the A66 scheme under the Planning Act 2008 („the 2008 Planning Act”). Quite the contrary, we provided this information on updated developments with the express purpose of informing the SoS decision making process. The purpose of providing the information contained with the CBDP and other documents was because it is vital information relating to whether there can be confidence that the A66 is consistent with the CBDP.

The wider context here is that a reasoned consideration of the GHGs from the A66 project and how they comply with the risk-assessed delivery of the CBDP (and the NDC and the sixth carbon budget) is very much a live issue for the SoS in her/his decision-making, under section 104 of the 2008 Planning Act. The SoS must reach conclusions as to whether approving the scheme would lead to the UK being in breach of its international obligations (s104(4)); in breach of any statutory duty (s104(5)); or be unlawful (s104(6)). The latest evidence, and risk analysis of the CBDP, is required to be able to make a reasoned conclusion on these matters, and the material submitted in our letter was provided to assist the SoS in reaching those conclusions.

A failure to address whether the emissions from the A66 schemes fit reasonably within the relevant sectoral reduction strategies in the CBDP, and give reasons, would amount to a breach of statutory duty under section 104(5); alternatively, a failure to give an adequately ‘reasoned conclusion’ under regulation 21 of the EIA Regulations, including in respect of the up-to-date position and/or a breach of the public law duty to give reasons.

### **3. Dr Boswell’s Further evidence to include on Air Pollution**

The impact on people with respiratory conditions to include within our own household and in particular Kirkby Thore school must be properly assessed given this information.

### **4. Natural England Response re the degradation to Blanket Bog in the North Pennine AONB**

Given the Position Statement of Natural England that the Management Plan proposed by the Applicant in respect of Blanket Bog does not constitute Mitigation, the Applicant should update the Environmental Statement to reflect the additional GHG the degradation of peatland will trigger. Rather than being a carbon sink the result may be that the peatland becomes an emitter of carbon. These revised figures

should be obtained and available in an Updated Environmental statement to the SOS and included within a revised BCR and business plan before a decision is made to grant or refuse this scheme.

The Government Announcement that it will push back the phasing out of Fossil fuel Vehicles to 2035, the granting of new licenses for North Sea oil exploration and the failure of industry to bid for contracts to build new Offshore wind developments thus reducing the supply of electricity from renewable sources.

Where in the BCR assessment is the negative impact of an increase in extreme weather events, pollution, impact on crop growth and loss to business caused by climate change? When you are moving cattle due to flash flooding in September you know the impact. When you are faced with changing your farming practices to adjust to climate impact you know the impact. Why does the business case for the scheme not factor those elements into its assessment?

Both the Climate Change Committee and the TSC have emphasized that the Transport sector is causing the UK to lag in its Carbon Budget Delivery plan. The A66 is one of the biggest contributors. Rather than being a scheme which meets the CCC/TSC recommendation that only transport solutions which reduce traffic should be considered, the entire business model of the A66 is predicated on facilitating increased traffic. It is a scheme conceived Pre-Net Zero. It shows us in real time how the Government devotes its energy to ignoring its own legislation and targets whilst people on the ground scramble around trying to deal with torrential downpours on a Sunday afternoon in September. The Secretary of State should pause and consider how the A66 would provide for a future with less traffic. In its current form it does not. Consent should not be given until there can be confidence the A66 will not build in traffic growth. If that does not happen the conclusion would have to be that the Secretary of State considers the recommendations of the CCC and the TSC as something it can ignore notwithstanding the recent NETZERO JUDGEMENT which made clear what these must be given Material/Considerable weight.

## **5. Safety**

There are regular articles in the local press and the construction press referring to the A66 as the most dangerous road in Britain. In Gloucestershire the A417 was similarly referred to. In fact, every local area in the country has a road believed to be the "most dangerous. This is being used to whip up fear and generate local support. It is a fiction, but it persists without any evidence to support it. Analysis by Euro RapP rates the A66 amongst other strategic roads as typically Low to medium risk and that is its consistent rating over the year. It lists high risk strategies and rural roads. The A66 does not feature. It lists high risk rural roads. The A66 does not feature. It lists roads where investment would produce the most safety benefit. The A66 does not feature. The risk with generating falsehoods and manipulating peoples genuine fear about safety to justify a business case, is that roads which have much higher safety concerns are not prioritised and a vanity project such as the A66, which produces low travel deduction times, little safety improvement (the Combined Appraisal Documents confirms there is a small reduction to fatalities but more significant accidents due to increased speed after 1.59 investment) is that investment is not targeted. Local MPs may get to trumpet about the investment they have supported whilst safety improvements that would produce a real reduction in risk are ignored.



## **6. Nitrate Emission and the Troutbeck SAC**

Concerns raised about the nitrification of the SAC have been responded to with the reassurance that this will be addressed by the reduction in Nitrates due to the phasing in of EVs. That is now significantly delayed. Will this position be reassessed given the national concern about river health and given the Troutbeck is a Special Area of Conservation.

Signed Tim and Emma Nicholson

22/09/2023



Our ref: CEO 22765302  
Your ref: TF152939

**Nicola Bell MBE**  
**Executive Director of**  
**Major Projects**

Tim Farron MP  
By email to: [REDACTED]

[www.nationalhighways.co.uk](http://www.nationalhighways.co.uk)

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/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](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.



**A66 Northern Trans-Pennine project**

		<b>Revision / Version:</b>	<b>V1</b>
<b>Date:</b>	16/09/2022	<b>Reason for Issue:</b>	<b>information/action</b>
Location:	[REDACTED]	Time of Meeting:	10.30am
Drafted By:	[REDACTED]		
Attendees:	[REDACTED]		
Apologies:	None		
Material:	Hard copies of HE565627-AMY-EGN-S00-MP-LX-200011 & 200032 were tabled and left with EN/TN/HC at both A3 and A1 size.		
<b>Item</b>	<b>Description</b>	<b>Action</b>	
	<i>The below is a summary of the key points raised in the meeting.</i>		
	<i>Actions have been noted where there are issues which need addressing or questions answering.</i>		
1	MCG provided an update on the project position in respect the DCO timeline advising that the programme will be determined by the appointed Examining Authority		
2	A general discussion followed on the programme duration and phasing of the works. MCG advised that four contracts were to be let for Contractors to deliver the project. CT advised that the delivery programme is yet to be confirmed but it was anticipated that there would be simultaneous working across the project. Concerns were raised by TN in respect to the junctions at M6 and A1 in respect to their greater urgency. CT advised that those schemes likely to commence first		
3	EN questioned how National Highways were going to respond to Air Quality concerns raised in Principal Areas of Disagreement and Relevant Representations from Natural England. MCG advised that the team were reviewing and that an appropriate response would be provided to the request from Natural England for clarification as to the use of LA105. Note, this was flagged as red within the Natural England Relevant Representation.		
4	The meeting agreed to move forward to seek to capture content for a Position Statement (a record of outstanding issues) without prejudice to the concerns raised by EN/TN/HC in regard to the scheme and the wider project. Post Meeting Note: a draft of the document is provided with these minutes capturing some of the key points requiring resolution. This should be read as the start of a process and it is requested that HC/EN/TN consider other aspects that should be added to the document and discussion at future meetings.	HC/EN/TN	



5	RS explained the principle of Options Agreement to secure land and confirmed National Highways desire to minimise the footprint of the project	
	RS confirmed that revised plans showing the 'blacktop' of the road are being prepared and would be shared shortly. These would form the basis of the potential to enter into Options Agreements. It was advised that subsequent meeting with the DC would explore the potential options agreement route and whether this is something that EN/TN would consider.	
6	PC tabled hard copy of DCO drawing HE565627-AMY-EGN-S00-MP-LX-200011 and associated legend HE565627-AMY-EGN-S00-MP-LX-200032. Which are available digitally (pages 12 & 33 respectively) via the link: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010062/TR010062-000305-2.8%20Environmental%20Mitigation%20Maps.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010062/TR010062-000305-2.8%20Environmental%20Mitigation%20Maps.pdf</a>	
	HC enquired as to the requirements for environmental mitigation including maintenance regime. PC advised that this was submitted as part of the DCO and is available via the PINs website. This can be found via the following link: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010062/TR010062-000285-2.7%20Environmental%20Management%20Plan%20Annex%20B1%20Outline%20Landscape%20and%20Ecology%20Management%20Plan.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010062/TR010062-000285-2.7%20Environmental%20Management%20Plan%20Annex%20B1%20Outline%20Landscape%20and%20Ecology%20Management%20Plan.pdf</a>	
7	Eden Rivers Trust scheme was discussed and confirmed by MCG as not being part of the project with designated funding ringfenced for 2023 to progress the feasibility study	
8	A discussion followed in regard to the private water supply that feeds the farm. TN confirmed that the borehole is approximately 50m with a pump at approximately 30m. It was sunk in about 2007. The borehole is located immediately south of the gypsum seam based on advice from a British Gypsum geologist. The unfiltered water is pumped under pressure to the house. No water is stored at the house.	
	A back up main supply is connected to the house in case of emergency but is not utilised.	
	The connecting 50mm pipework is approximately 3ft deep	
	RS committed to surveys pre and post construction in order to ensure water quality and feed is preserved. CT also confirmed that a method statement will be in place for the protection of the borehole during construction works in the area.	
	TN stated that a permanent feed to the house is required at all times and that disruption during construction would not be tolerated.	
	TN noted that a number of field drains were crossed by outfall from ponds.	
	CT requested that if there are any records of private water supply, be it sketches, plans or other then the team would welcome receipt of these from EN/TN	HC
9	RS suggested that a S50 licence would be required for any private pipes or supplies running beneath the new carriageway but CH advised that this would not be acceptable but an easement would be ok.	
10	CT provided an update on the additional surveys that would be required	
	TN advised that topographical surveys (on foot) would be acceptable with advance notice and suitable method statements being provided. CT committed to providing a named survey supervisor throughout. The likely date for surveys would be in October 2022.	

	CT explained the need for further ground investigation to support the detailed design of the structure. CT advised that Structural Soils would undertake the surveys. TN commented that the previous surveys teams were not competent and did not reinstate nor manage survey works considerately. CT reiterated that he would provide a full time survey supervisor and the issues could be escalated to him.	
	CT sought to undertake the surveys in October/November but EN/TN both strongly stated their objection to the timing of the surveys, stating that spring was appropriate. CN/TN stated that whilst they had no objection to the GI it must be done at the appropriate time of the year.	
	PC enquired as to potential ground protection measures but TN advised that the grass would be damaged with such measures and reiterated the need for the survey to take place in the spring.	
	CT advised that further ecological surveys may be required to support detailed design.	
	CT confirmed that he would share a survey schedule once it was available	CT
	Line of communication were confirmed as: Pre-site – via HC On site – with TN	
11	Conversation moved on to the Trout Beck River Restoration project. TN advised that invertebrate surveys have taken place over the summer.	
	MCG confirmed that the feasibility study have been deferred for a year in order closer align to the planned start of works and will take place in 2023	
	MCG reiterated that the restoration project had not been included within the scheme as a contributory mitigation measure following concerns raised by EN	
12	EN questioned what the view of the road would be from the property, requesting that it be screened. PC confirmed that the road would be principally screened to the south west but that high sided vehicles may still be visible. To the south west the road would be visible from the property. Mitigation planting is proposed but it was noted that this would take time to mature	
13	EN/TN commented on the nitrification of the river due to the road and that Eden have limited/stopped development proposals as a result	
	CH enquired as how spray from the road would be managed. PC stated that this was a detailed design issue but would seek to understand what, if any, consideration is given in design standards/principles	PC
14	Access to the construction site was discussed. CT advised that it was likely that the approach would be through the site from the east and the west, limited by the beck. CT confirmed that access management plans would be prepared following a requested by TN	CT to note
15	PC enquired of EN/TN as to their views of reducing the standards of Sleastonhow Lane to be more in keeping with the existing road. EN/TN advised that they would be supportive of this and that they only needed replacement provision not enhancement. PC advised that the road had been designed to CCC standards but that these could potentially be challenged. EN/TN noted that the lane is often mistook for an alternative route out of Kirkby Thore on Sat Navs and that signing provision would be helpful. Post Meeting Note: Question to EN/TN; would they be willing to take ownership of the road if CCC were willing to discuss?	CT to consider as part of detailed design
	TN noted that Sleastonhow Lane is bridleway. EN advised that they had been contacted by CCC in respect to DMMO applications from British Horse Society.	
16	Reference was made the 'Mire Field' and the potential disruption during construction to wintering birds. CT to note and consider as part construction programme	CT



17	TN noted that land to the north of the school was also a nesting ground for birds. PC to check ES for reference.	PC
18	The specification of fencing was discussed. RS confirmed that the landowner would normally assume responsibility for the ownership and maintenance of the boundary fence unless it is specialist fencing when NH would maintain it. CH enquired about deer fencing. PC/CT agreed to review the provision following a conversation that deer were present.	PC/CT
19	EN questioned the safety of the existing sections of dual carriageway and what works were planned. MCG confirmed the scheme extents and that National Highways Operations were responsible for these lengths and had a series of planned interventions and ongoing studies.	
20	The improvements to walking and cycling route along the old A66 was discussed. CT advised that the team were investigating means of consolidating the walking and cycling route into the old A66 cross section.	CT
21	TN noted that Owl Mitigation was being provided. PC tried to explain the intent but offered to provide the reference in the ES as to where this was explained in more detail	PC
22	EN enquired as to the cost of the scheme noting that it was 27% of the overall budget in the Economic Assessment. CT noted that the works value of the Balfour Beatty works was approximately £450M (inclusive of part of the Penrith to Temple Sowerby scheme). PC/CT confirmed that the 27% assessment was broadly correct	
	EN asked what the BCR for the scheme was on its own. PC explained that work was being undertaken at the moment via a process called decremental analysis. PC explained that the sum of the parts of the project has an impact due to the wider project benefits achieved by dualling all the remaining sections. MCG explained the impacts of splitting the project into schemes and the disbenefits that this would create.	
23	Programme was discussed and CT explained that his team were currently preparing the detailed construction programme. CT explained that it would be approximately 1 year to start construction due to the enabling and clearance works that would be necessary.	
24	Next meeting agreed, tentatively suggested as being in 1 months time dependent on any updates that might be available. Post Meeting Note: Please could HC advise following receipt of the minutes and consideration of aspects that could be raised via the Position Statement Process as to the most appropriate time to arrange a follow up meeting.	HC
25	PC confirmed that the project team would extract the Position Statement content from the meeting notes and share. (Provided with the minutes as a starting point for discussion)	PC

**Meeting with Mr & Mrs Nicholson & NH**

<b>Title:</b>	<b>Meeting with Mr &amp; Mrs Nicholson &amp; NH</b>	<b>Revision / Version:</b>	V1
<b>Status:</b>			
<b>Date:</b>	30.3.22	<b>Reason for Issue:</b>	
<b>Location:</b>	Teams/ Project hub Penrith	<b>Time of Meeting:</b>	16:15 – 17:45
<b>Drafted By:</b>	[REDACTED]		
<b>Attendees:</b>	[REDACTED]		
<b>Apologies/ Unknown</b>	None		
<b>Resources</b>			

**Meeting notes:**

NH met with EN and TN (in person) and HC (via Teams) to listen to their concerns as summarised below:

- EN challenged the level of engagement from NH and stated it is not as expected/ inappropriate for a project of this size and for the level of impact they will see.
- HC advised that the Nicholson's believe the current alignment is the incorrect one. They believe it is the incorrect option that is being taken forward and that the selection of options (at PRA and stat con) were based on incorrect/incomplete data.
- HC also believes the assessment of loss of business for the orange route option is incorrect and no business compensation would be due.
- EN & TN believe that the Natural England assessment is incorrect and based on a 50m bridge span for the orange route option when it should be around 350m.
- EN and TN believe that our sifting of options was set up to prove the blue option as the best option rather than a true sifting (biased in our assessment of impact).
- HC stated that no surveys have been done on EN & TN's land so how can the assessment be correct. TN corrected that "some" surveys have been undertaken.
- It is EN and TNs belief that the stat con brochure and stat con overall was biased towards the blue route option. EN also stated that the access to the village for the orange route option was not shown in the stat con brochure.
- EN stated that the orange route option would also remove traffic (such as HGVs) from the village however it was only stated that this would be a benefit of the blue route option.
- It was also raised that British Gypsum may not be trading once the project works are completed and EN affirmed she believes that NH haven't consulted them on this.
- EN and TN also raised that they made comments at the route options meeting held in July/August 2021 (before stat con began) and believe that notes were taken at that meeting but notes have not been shared.
- EN and TN were concerned that they haven't been given any plans detailing the impact of the project on their land, plans are only available online and landowners don't know where to find them.
- They received the letter to negotiate this week and were very angry and dissatisfied with the plan included in the letter.

NH didn't recognise some of the complaints made and concerns raised but agreed to look into it ahead of the planned DCO submission.

[REDACTED] Mon, Mar 28, 2022,  
12:24 PM

to A66 NTP, [REDACTED]

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FAO Bernice Sanders and Ian Balmer

Tim and Emma Nicholson I met with Richard Sowerby (VOA) on Friday

A number of issues arose/were discussed

1. Tim Nicholson (TN) advised that, on National Highways figures, the preferred alignment will generate 3 times the amount of carbon as the online solution
2. TN and HC raised queries as to the extent to which
  - a. Regard was had to pollution issues arising from [REDACTED] farm particularly relating to the river was taken into consideration on route alignment
  - b. The correct valuation methodology was employed in looking at the [REDACTED] claim. It is my firm view that the business is not entitled to relocation and that any assessment of loss based on this is flawed
  - c. The surveys undertaken either validate the route alignment chosen or issues which can be addressed
3. The principles of the heads of claim were discussed alongside the early acquisition premium
4. Richard explained that, on current timing, the DCO is to be submitted at the end of May. This seems absolutely extraordinary given that my client has still not be provided with
  - a. a definitive plan of land take – and in the absence of this it is difficult to understand how the proposal has been correctly consulted on
  - b. any details of (or even need for accommodation works) including highway crossings
5. It is further unclear how National Highways can properly address ecological issues at Sleastonhow Farm in the DCO having yet to undertake any

meaningful surveys. My client remains willing to host survey visits at a mutually convenient time. If it was considered that there was a difficulty in securing access then NH does, of course, have powers which could be used. For clarity TN appreciates the need for a Lone Working policy but sees no benefit in the PLO attending – it would make far more sense to have 2 qualified ADAS personnel in attendance

6. The lack of dialogue by the PLO is stark – it appears to Mr and Mrs Nicholson that others are contacted and consulted without the same courtesy being afforded to them

I look forward to hearing from you further

H

**Henry Church**

Senior Director

CBRE | Valuation & Advisory Services | Compulsory Purchase

Henrietta House | Henrietta Place | London W1G 0NB



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**From:** Emma Nicholson [REDACTED]  
**Sent:** 22 September 2023 13:16  
**To:** [REDACTED]  
**Subject:** Fwd: National Highways response - A66 Northern Trans-Pennine project - meeting on 29 April CRM:0087330

----- Forwarded message -----

**From:** Emma Nicholson [REDACTED]  
**Date:** Tue, Apr 26, 2022 at 4:07 PM  
**Subject:** Fwd: National Highways response - A66 Northern Trans-Pennine project - meeting on 29 April CRM:0087330  
**To:** Church, Henry @ London HH <[REDACTED]> Tim Nicholson <[REDACTED]>

What agricultural landholding survey?

----- Forwarded message -----

**From:** A66 NTP <A66NTP@whay [agricnationalhighways.co.uk](mailto:A66NTP@whay.nationalhighways.co.uk)>  
**Date:** Tue, 26 Apr 2022 at 16:04  
**Subject:** National Highways response - A66 Northern Trans-Pennine project - meeting on 29 April CRM:0087330  
**To:** Henry Church [REDACTED]  
**Cc:** Tim Nicholson [REDACTED] Emma Nicholson <[REDACTED]>

Dear Henry,

Thank you for your email of 26 April 2022 regarding the meeting arranged for Friday 29 April.

In response to your queries:

- Unfortunately Lee is not available for the meeting on Friday. As the Project Director, he probably has not got the detailed knowledge to contribute to the discussion regarding land take, ecology and potential impact on the farm. We would propose holding a further follow up meeting with Lee for a strategic discussion regarding project progress and next steps following the outcome of the meeting this Friday.
- David is part of the contractor team that undertook the soil surveys and Ruth is a soil scientist who reviewed the surveys and carried out the agricultural landholding survey. They will be able to feedback on findings from the survey and the assessments already carried out at the farm.
- As part of the review of the surveys already carried out David, Ruth and Richard can help us agree on next steps and determine if additional surveys are required.

Thank you again for contacting us. If you have any questions in the meantime, please let me know and I will be more than happy to help. I can be contacted on [A66NTP@nationalhighways.co.uk](mailto:A66NTP@nationalhighways.co.uk).

Kind regards,  
Monica