

A66 Northern Trans-Pennine Project Post Examination Consultation- Response of Emma Nicholson to DFT letter dated 8th November

Environment Management Plan

Any steps to dilute the Secretary of State's duty to continue consulting relevant parties and Statutory Bodies on all future versions of the Environmental Management Plan ("EMP") would set a dangerous precedent

The purpose of future iterations of the EMP is to set standards for the ongoing management and operation of the scheme during and after the construction process. Oversight of future versions of the EMP by the SOS is every bit as important and detailed scrutiny is essential. There is no evidence to support a belief that NH can be trusted to mark their own homework. The mass failure of trees on numerous NH schemes detailed in various newspaper reports over the summer shows how essential ongoing oversight is. <https://news.sky.com/story/half-a-million-trees-have-died-next-to-one-21-mile-stretch-of-road-national-highways-admits-12836768>

If the DFT hands NH more control on overseeing its own work, then it will simply exacerbate its already poor performance on Environmental protection. The backlash will be like that currently being experienced by the Environment Agency. The article above illustrates that poor delivery on Environmental matter is an issue the public is already aware of and there is an expectation on the Secretary of State not to repeat the same mistake.

It may seem like a good idea to devolve responsibility to external agencies, but all evidence points to an inevitable drop in standards. The residents along this route will suffer together with nature, habitat, water, and air quality.

Timing of the Arboricultural Impact Assessment

Within my Deadline 1 Written Representation I highlighted my concern that the Arboricultural Impact Assessment (AIA) remained. The Examiners at the Issue Specific Hearings appeared to make it absolutely clear that the EMP must include the Arboricultural Impact Assessment.

An AIA must be complete prior to the grant of a development consent order. To delay the AIA until after a decision is made means the AIA becomes nothing more than a token gesture. It would clearly be perceived as a tick box exercise by whatever body was commissioned to conduct it. What would the purpose of a post AIA be post decision.

- It would not feed into decisions about the extent of land required to achieve the necessary level. Environmental mitigation required to compensation for the trees, hedgerows and habitat lost.
- Time would be lost in commissioning the report when it could be completed pre- decision.
- No value would be placed on tree loss when it came to the merit of approving the scheme.

- The temptation to downplay the value of individual trees would increase as the decision was already made.

The impact of the scheme on arboriculture should form part of the balancing exercise conducted by the SOS when deciding whether or not to grant the DCO. If an AIA is not conducted before determination of the DCO, there can be no confidence that proper efforts have been made to come to a reasonable conclusion of the impact of the scheme.

The environmental, social and economic benefits of retaining good quality trees, and mitigating tree loss, to help mitigate the negative impacts of construction on habitat and landscape are clear.

This scheme takes goes directly through and close to protected landscapes. It will inevitably have a negative impact on the existing tree stock. An AIA is required to understand the existing tree stock, the site-specific effects of the planned. development and what mitigation measures might be required.

An AIA is also necessary to ensure that the proposed work remains within the law for example in relation to any Tree Preservation Orders that exist, and in terms of harm to statutory protected sites.

Already NH have failed to identify ancient trees, or they have failed to classify tree stock correctly. In Kirkby Thore it was the knowledge of local residents which drew attention to the fact the planned route ignored an ancient oak on Sleastonhow Lane. This is not an isolated case. This was only noted because the lane is used for recreational purposes and the tree is viable to the public.

<https://cwherald.com/news/fears-600-year-old-oak-at-risk-due-to-plans-for-a66-upgrade/>

Where the route cuts across private land the public cannot be relied upon to bring the existence of such trees to attention of NH, and it is not their role to do so. That is the purpose of the AIA.

Article 54

The suggestion that the detailed design of major infrastructure projects should be devolved to the relevant planning authority (“RPA”) is another sign of watering down standards.

Westmorland and Furness Council is a recently constructed entity which is finding its feet. It is a combination of County Council and local councils merged into one unitary authority. Planning staff are spread across one of the largest and most inaccessible counties n the country. What checks have been made as to the relevant expertise within the Westmorland and Furness .

When the question of how approval of large infrastructure was addressed at the Issue Specific Hearings the Examiners were surprised by the submission of Watercolors despite their specific request for visual representation . The link is provided to the segment of the examination which dealt with the Troutbeck Viaduct which crosses the Eden SAC.

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010062/TR010062-001496-ISH3%20Session%201.html>

Article 54(1), requires the development to be designed in detail and carried out in accordance with the design principles, works plans, engineering section drawings. To devolve this to Westmorland and Furness when the structures involved are sited within AONB/ Setting of AONB, impact on the Eden SAC does not ensure that proper expertise and technical consideration is available to ensure the protection of these valuable landscapes.

The RPA would only have to consult the Environment Agency on Flood mitigation . It would not be required to consult other bodies to include the NP AONB on the visual impact, the Local Parish of vernacular design to ensure it was in keeping with the setting.

Bizarrely in relation to the approvals under paragraph 7 and 8, the RPA only duty (save for the Environment Agency) would be to consult with the RPA itself.

The design of viaducts, draining ponds, access roads and ancillary works are technical decisions that require a proper understanding of the technical implications of the decisions. By way of example, and to illustrate the pollution issues which arise a recent article in the Guardian is attached emphasizing the impact of these structures.

<https://www.theguardian.com/environment/2023/oct/05/potentially-toxic-road-runoff-outfalls-polluting-england-rivers>

Lake District National Park

I have from the outset in each response hi-lighted the inconsistent approach by NH in relation to the LDNP. The schemes' main objective is economic. It says one economic benefit is to increase tourism. This entirely overlooks the fact that Local residents (as in Cornwall / Wales where increased Council tax is being introduced) are overwhelmed by tourism and traffic. The policy of the LDNP and Cumbria tourism is to reduce day trip. The emissions and increase in road traffic is against their policies and contrary to the UNESCO world heritage designation. I support the submission made by Friends of the Lake District and the LDNP on this issue.

PINS Administrative Errors

The Secretary of State letters refers to administrative errors which meant Interested parties did not receive update. A full list of the interested parties who were not updated at each consultation should be prepared by PINS. The Interested parties who were not consulted should then be provided with a full schedule of the documents they were not consulted on and given 28 days to respond. To avoid carrying out this exercise compromises the integrity of the examination.

Signed

Emma Nicholson

29.11.2023