

By email: A66Dualling@planninginspectorate.gov.uk

14 th January 2024

Dear Secretary of State

TR010062: A66 Northern Trans-Pennine Project

Registration identification number – 20032255

The Secretary of State's (SoS) letter of 24th January invited National Highways (NH)

to provide a response to the latest submission from Natural England dated 19 January 2024.

Natural England is the Statutory body tasked with providing statutory advice to the Secretary of State on numerous issues to include landscape and the new duty created by the Levelling-Up and Regeneration Act (LURA) 2023 . The LURA act creates a new duty which is to seek to further the statutory purposes of National Parks and AONBs.

The A66 project is on the edge of the Lake District National Park (LDNP) I have consistently highlighted how the A66 project is in direct contradiction with the LDNP's stated objective (as set out in their Relevant Representations) which seeks to reduce the number of day trippers in the LDNP and drastically reduce vehicles.

The A66 scheme skirts the edge of the North Pennines AONB and the scheme cuts into the AONB at Warcop and into the setting of the AONB at Kirkby Thore. It is acknowledged that the scheme impacts on features of the AONB to include impacting on wildlife, birds and river landscape that are unique to the AONB such as Curlew, Lapwing as well as otters, owls bats and migrating birds.

As someone who has interacted with NH since 2020 and submitted several submissions detailing the lack of thought given to alternative options, such as the extension of the existing speed limit at Kirkby Thore, road widening and a designated village road, NH consistently refused to consider any alternative to dualling and feely stated the scheme objective was to create an end to end dual carriageway. No alternative to dualling were presented to the Statutory Consultation for consideration.

NH must be asked to evidence how they have sought to further the statutory purpose of the LDNP or the AONB at Warcop or Kirkby Thore. The consistently refused any alternative to dualling. Their position was that the project objective was to dual. NH would not deviate from that , to the point that the only options consulted on were dualling.

In Kirkby Thore, where the option selected cuts into the setting of the AONB, the Troutbeck SAC and a SSI the interests of the AONB were sacrificed to facilitate Project speed. There was an absolute determination not to deviate from the route selected in 2003 when the A66 project was last considered.

I refer to my earlier submission in particular dated 18th December with attached Document headed Inadequacies of the Consultation Process specifically the Temple Sowerby to Appleby Scheme) [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010062/TR010062-001182-Emma%20Nicholson%20-%20Written%20Representations%20\(WRs\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010062/TR010062-001182-Emma%20Nicholson%20-%20Written%20Representations%20(WRs).pdf).

Natural England's statutory advice

Natural England's statutory advice included:

The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes and imposes an obligation to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose. Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan. **The relevant**

protected landscape team/body should be consulted.' (emphasis added by Natural England)

The Secretary of State should not make a decision before following Natural England's advice and consulting the relevant protected landscape bodies (presumably LDNP and the North Pennines AONB) on whether NH have sought to further the conservation and landscape of the Protected landscape.

NH should not be left to interpret what the duty means and whether they have fulfilled it.

The Campaign for National Parks

On 31st January the Campaign for National Parks submitted a legal opinion from Alex Shattock at Landmark Chambers. This again hi-lights the clear obligation the LURA act creates and emphasises the Secretary of States obligation to consider whether the addition expectation created by the Seek to Further test has been met.

Arboculture Assessment

I have read the recent submission from the Woodland Trust . The need to conduct an Arboculture assessment was impressed upon NH by the Examiners at ISH 1. It is unclear why it has not happened given more than a year has passed. That would indicate that unless the Secretary of State insists it will not be conducted.

The Secretary of State should note that at several points NH say they will follow the advice of the Woodland trust on replacement tree planting. That is illogical. The Woodland trust cannot give advice is the baseline assesment does not exist. It is also illogical to pick and choose when the Woodland Trust is right.

The Secretary of State should delay a decision pending the completion of an Arboculture Assessment.

PINS Administrative Error

Despite requests for clarity on the extent of this error this has not been answered. This means there cannot be confidence in the rigour of the consultation process. The Secretary of State should ask for this question to be addressed before making a dictions.

Office of Road and Rail

Today the Office for Road and Rail has announced a formal investigation into National Highways and its ability to deliver capital projects. The OFRR was at pains in its letter to emphasise that the decision was not taken lightly. The governing body is expressing real concern about how NH operates and whether it can deliver capital projects.

The A66 is one of the most expensive projects in RIS2. It has the weakest business case at 0.92. That will inevitably get worse. The Secretary of State should await the outcome of the investigation and delay a decision on the DCO. That delay would allow time to follow the advice of other Statutory Agencies which has recommended further advice is sought.

Signed ..Emma Nicholson