



# MOLLETT'S FARM

## Deadline 6 Submission from Mollett's Partnership (trading as Mollett's Farm)

### Summary of this document's contents:

This document contains our Deadline 6 submission to the Examining Authority, relating to the Sizewell C development application.

In it we comment on those aspects of the Applicant's revised draft DCO that still concern us, along with matters arising from submissions from other parties and direct interaction with the applicant's representatives.

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## 1. Headline Issues

We find ourselves, again, needing to re-iterate that the applicant has yet to materially address the many issues we have drawn to their attention during both pre-application 'consultation' phases and now the Development Consent Order (DCO) Examination process itself, which we say falls well short of the requirements which should be expected of them; particularly with regards to their obligations to prevent foreseeable harm to a significant tourism business with approximately 1,000 visitors a year. Some of the specific issues are re-visited below, which should nonetheless be read in conjunction with our earlier **Deadline 2 Written Representation [REP2-380]** and **Deadline 5 Written Representation [REP5-244]**.

We have yet to see any substantive discussion and debate as to the appropriate alignment for the Two Villages Bypass (TVB). The Topic was not even reached on the relevant hearing day. We note with some dismay, however, that an argument against the Parish Council's alternative alignment is the impact on the PYO strawberry operation of our neighbour, James Blyth. That would be a commercial impact to be taken into account, we accept, although such would be compensated for under the statutory code. We find it particularly ironic, and objectively unacceptable, that the applicant should raise that impact as an argument against the alternative route and yet, to date, pay so little regard to the impact of the DCO route on our tourism business.

The applicant falsely identified us as an *"isolated farmhouse"* when any reasonable enquiry and visual observation would have shown the contrary. Unfortunately, this mindset has persisted, with too much focus on the impact of the DCO on our agricultural land. We do have fields that are farmed but that is not our core business, which is tourism, which produces our main source of income and is of significant value.

To be fair to the applicant, it sent five people to a recent meeting with us and a more positive attitude to amelioration of the impact of the DCO route seemed to be evinced, with revised proposals from the applicant expected as of 21<sup>st</sup> August. The ExA is asked to note therefore that the revised DCO cannot be expected to be the last and, as regards our particular circumstances, should be further revised to provide for:

- (i) Bunding on the western side, wide enough and high enough to provide effective noise attenuation, from the Farnham Hall area to the Friday street roundabout.
- (ii) A linear public footpath along the western side of the TVB, from the proposed public footpath diversion near the walled garden of Farnham Manor to the Friday Street roundabout, to which we should be connected, by a new Private Means of Access (PMA) if necessary.
- (iii) To the west of the linear footpath, a landscaping belt to better address the scar of the new road in the landscape and to shield us visually from that scar.
- (iv) Noise attenuation fencing around the compound and, post completion of the TVB and removal of the compound, noise attenuation fencing and landscaping along the existing A12 and TVB to shield us from the worst of the traffic noise and light pollution from the Friday Street roundabout.

This will require adjustment of the red line boundary. We are not opposed to the loss of land from our title for this purpose. There can be nothing sacrosanct about the red line, which it appears the applicant is ready to move at the Farnham Hall area. Rather, it is a matter of what the applicant should choose in order to better address the impact of its scheme on the landscape and as against businesses.

It would appear that the applicant has deliberately set the boundaries of the TVB so that they either abut or are just outside the land owned by us. One would hope that this has not been done, improperly and unreasonably, specifically to avoid the need to give proper compensation but in any event is representative of inadequate design thinking and particularly as regards the proper use of powers to mitigate what is otherwise an unacceptable approach as regards the impact of its scheme.

Consideration must also be given to the proximity to our tourism business, and not just our land and buildings, as our current tranquil and attractive landscape setting is intrinsic to our business offering. Guests enjoy walks around our property during their stay or pitch their tents in our eastern paddock which will be only 15 m away from the applicant's proposed 'red line' site boundary, 45 m away from the edge of the TVB cutting and 70 m from the centreline of the road itself. That's over 300 m closer than the current A12 is today, so must have a material effect on the enjoyment of those areas and therefore affect our business. We do not see this point refuted by the applicant and indeed see ample evidence in their own submissions to support our position.

Representatives of the applicant have also been in discussions with **Farnham Environment Residents & Neighbours** (FERN, of which we are also a member) to explore improved noise and landscaping measures for affected properties. Despite our interests being at similar distances to other members, and more significant in several respects, we have so far been overlooked and omitted from meaningful plans to address the deficiencies of the applicant's TVB design. Although the Farnham Hall area already benefits from the footbridge approach ramps (i.e. some bunding) and a much deeper cutting, the applicant is nonetheless considering additional measures requiring further land-take. If such steps are required and possible there, then they are most certainly also required and possible here. We attach the plans tabled by EDF at our meeting in **Appendix B** below, which show a marked contrast between what the applicant is considering at the Farnham Hall area and the lack of similar provision for us. That in itself demonstrates that there is no legislative constraint on revising the red line for proper mitigation purposes, as expressly provided for in **Section 246 of the Highways Act 1980**.

Finally, we are mindful of the parallels between our own situation and the recent High Court decision made in connection with the **Highways England** scheme to construct a road tunnel on the A303 near Stonehenge – most recently that the Transport Secretary's approval has been ruled "*unlawful*" and in part for failure to address specific issues individually.

## 2. Unjust Process

This is our busiest time of year and we are having to find time and resources to deal with what is a fundamentally flawed process, for the following reasons.

There is not enough time between submissions to find the relevant information which in any event involves downloading 300+ documents just to see if they are relevant, as there is no notification of what actually refers to us. One has to have computer / broadband capacity for these massive downloads and a degree of competence to enable searches on Adobe protected documents using key-words, etc. This alone is a massive task. Then one has to analyse the information, find experts who understand the relevant sections / reports, employ them (at expense) just to allow the lay person to even understand what is being said, and allow time for a proper response which is not always possible within the limited timescale.

When we already have full time jobs and limited resources, this is extremely difficult, especially when the applicant's submissions contain errors or are 'mislabelled'. For example, the four TVB cross-sectional drawings on **Page 6** of **EN010012-006355-Sizewell C Project - Other- SZC Bk2 2.8(B) Two Village Bypass Plans Not For Approval** are labelled "*Sizewell Link Road*" and also appear inconsistent with the known dimensions of the proposed TVB in those locations. So, can the information contained within this and other documents be relied on? Many of the statements from the applicant are misleading at best, lack transparency and as stated need experts to read as well as having multiple cross references. It is the 'spaghetti code' we have referred to in the past.

At our busiest time of year there is a relentless burden of extra work to be carried out, work that requires expert advice. For lay people running a business, the risk is that we are in the position of running out of time and finances to confront the applicant through the DCO Examination Process, which is inherently unfair and indeed unjust. It feels as though the burden is becoming intolerable – financially, emotionally and physically. The injustice is so frustrating; we are facing potential business extinguishment and the argument thrown back is that what is happening is allowed as it is within guidelines of one sort or another and the fact they are removing our business's unique selling points (USPs) is just not relevant. How can this be happening? How do we get a proper say in this? We rather feel as though we are up against the 'EDF juggernaut', which is set on a path of simply rolling over our business, without adequate mitigation and without proper compensation. The DCO process undoubtedly eases the delivery of major infrastructure but is being applied here with little regard for an important tourism business within the local economy. If the 'greater good' is to be served by a new power station, then how can it be right that that simply overrides the impact on a business like ours?

Our business is built on being a haven of peace and tranquillity, with easy access to shops and facilities at Friday Street, and multiple options for enjoyment whilst here. All this is being removed and the stock answer is there is nothing to answer as the building they have deemed to be our business is 175 m from the boundary. How can we be heard? This is not the extent of our business. If we are supposed to adapt our business to survive, to accommodate 'the greater good', surely that cannot be at the expense of a thriving tourism business, without proper thought to, and delivery of, appropriate mitigation and proper compensation.

Yet again we find ourselves in the position where EDF is not answering our questions and concerns in its written submissions, to date. We are still in the realms of deflection, where our points are ignored and they focus on issues they think they have a good argument for. Again we refer the ExA back to the issues we have when EDF talk about what suits them, deaf to our entreaties or the specific questions we have raised, obviating any meaningful discussion by multiple references and denials which have no substance behind them. That is, if they do not want to answer a question, the stock response of *“SCZ Co.’s response at Deadline 2 remains valid”*. This is patently untrue as:

- It was based on Mollett’s Farm being an *“isolated farmstead”*, not a tourism business, so by definition must be insufficient and inaccurate. Mitigation must be sufficient for a thriving tourism business, not an isolated farmstead with some farmland. There is no comparison between the needs of the two.
- If our situation had been appreciated properly, they would not have been asked these additional questions.

By continuing to deny in written submissions that there is an issue here, EDF is causing unnecessary harm to us financially, physically and emotionally.

We keep raising issues which are ignored, deflected, inaccurately reported by EDF and/or are contradictory. In the reports to the ExA one would have thought that they were being reasonable but the reality is far from this. The recent meeting gave their noise and landscape consultants a direct opportunity to see on site what the issues are, and to be fair to those representatives, they spent additional time looking around our property. Mr Richard Bull gave us warm words of engagement and consideration of our issues but these need to be realised in further modification of the DCO and we look forward to receiving further proposals, and in particular some measure of equity as between us and other members of **FERN** at the Farnham Hall area.

### 3. Specific Comments and Details

#### 3.1. Drainage and Irrigation

We are not experts in land drainage but the applicant has asked us to provide the documentation for them to base their decision on, despite saying to the ExA they have employed experts and are consulting us. This is unreasonable and unfair; we don't even have the expertise to know what it is they actually need or want and information we provide could then provide them with an excuse if this is not as it should be for not rectifying or making adequate provision. They should be carrying out the surveys they need, not us. It is the applicant that is causing change to the landscape and drainage arrangements in particular. This is not of our doing. It is for the applicant to spend time or money and accept responsibility for the interference with drainage, and provide a remedy, not us. Especially since it is work they are telling the ExA that they are doing when they are not, but expecting us to do it.

In the same way, they keep referring to *"not telling us how to run our business"* whilst at the same time saying how helpful they are being in suggesting alternative *"opportunities"*. However, the obvious destruction of our current offering is doing exactly this. They are dictating how we can run our business by destroying the fundamental offering we currently enjoy and the intrinsic value that we have built over the years. *"Opportunities"* to house Sizewell workers are valueless as they stand. As stated previously they also represent the extinguishment of our business as it currently stands. EDF constantly refer to this 'red herring' without backing it up. We have asked but they refuse to guarantee occupancy or parity with our current customer revenues, nor have they any proposals as to how we would finance relaunching our business once the TVB is built even if this were possible. It is disingenuous to keep raising this issue and perhaps Mr Bull would like to liaise with his staff to accurately understand how disingenuous and insincere this statement is. It may sound good when said to the ExA, in public and on paper, but there is nothing behind the words. This is, so far, an empty suggestion that is not a proper compensation offer.

So far there have been multiple references to telling us all about **Part 1 of the Land Compensation Act 1973** and **Section 10 of the Compulsory Purchase Act 1965** and referring us to this if we think we have been affected. **Part 1** compensation, if actually payable after one year after opening of the TVB, would come far too late. By year one after opening, we will have been so detrimentally affected as to make this survival as a tourism business extremely doubtful. It is against the rules of natural justice to say that 'if we don't like it we can resort to these remedies' knowing how limited they are. **Section 10** has already been proven to not be fit for our purpose but the real irony here is that, if the applicant provides the appropriate mitigation, as we are requesting, it would most likely reduce the detrimental effect and therefore compensation and the necessary land take would be fully justified under **Section 246 of the Highways Act 1980** (and would be accepted by us). The applicant has failed, to date, to take our situation into account properly; we simply do not understand why not, since providing proper mitigation is clearly within statutory powers should they choose to exercise them. It is patently untrue that we are not going to be severely damaged. There is no natural justice in this nor can the applicant claim to be acting properly in the public interest by not addressing our issues.

Despite acknowledging that the changes they will be imposing will significantly change our environment, they say it is acceptable; because it is within allowable parameters but this fails to recognise that, in designing a road scheme, it is the applicant that is artificially and unjustifiably limiting the parameters. What we are saying is, that had they provided the proper mitigation and taken land under **Section 246**, this would be a more equitable situation, and one they are now contemplating in the Farnham Hall area, but not yet, apparently, for us. We sincerely hope that the ExA will recognise the demonstrable unfairness in the way in which the applicant has dealt with us and the inadequacy of the approach taken to date. Sizewell C Project – Environmental Statement.

The following paragraph numbers refer to the applicant's document **EN010012-006301-Sizewell C Project - Other- Request for Further Changes to DCO Application 26**, submitted at Deadline 5.

**Paragraph 2.4.42** states that closed board fencing would be provided where the site abuts existing woodland but there is no mention of providing noise attenuation measures for residents and businesses that will be detrimentally affected. If they were being socially responsible, there would be a positive legacy for all where possible.

**Paragraph 2.5.5** talks about leaving a legacy improvement for the area but this is only for certain elements. For those affected by the TVB, it is a legacy detriment.

The following paragraph numbers refer to the applicant's document **EN010012-006267-Sizewell C Project - Other- Written Summaries of Oral Submissions made at ISH4- Socio-economic and Community Issues (9 July 2021)**, submitted at Deadline 5.

### 3.2. Effects on Mollett's Farm

**Paragraph 1.2.86** Mr Bull explained that he had spoken to the proprietors of Mollett's Farm and provided reassurance that dialogue would continue.

**Paragraph 1.2.87** this is again a reference to the red herring of Sizewell worker accommodation – an empty promise as stated. We fail to understand how this 'possibility' is a real solution to our business loss during construction. We are doing just fine as we are but this is an acknowledgement that we will not be able to continue during construction or potentially during the build of the power station, without any concrete offer behind it. How can they present this as if they are doing something for us when it has no real substance and is not anyway guaranteed? They have consistently refused to offer us more than the opportunity to go on a preferred supplier list (with 'every man and his dog' no doubt seeking to be on this list) so this is not a meaningful offer and does not offset the paramount need for revision to land take for proper mitigation and PMA and PRoW provision. If the TVB is to proceed on the DCO alignment.

The following paragraph numbers refer to the applicant's document **EN010012-006286-Sizewell C Project - Other- Written Submissions Responding to Actions Arising from ISH4- Socio-economic and Community Issues (9 July 2021)**, submitted at Deadline 5.

**Paragraph 1.6.10** Mr Bull stated that a number of discussions had been held with the proprietors of Mollett's Farm. This is not quite true; discussion is a two way process and nothing has yet been put forward that is



meaningful, answers our specific questions or changes any of the fundamental issues we have raised. Regrettably, the applicant's representatives did not come to the meeting on the 21<sup>st</sup> July with meaningful proposals for us, unlike our fellow members in **FERN** in the Farnham Hall area.

### 3.3. Meeting with EDF's Representatives on 21<sup>st</sup> July

In order to give the ExA a better understanding of the effects of this scheme on us, we are submitting our comments and reflections in this submission on how the scheme impacts upon us. We were really hoping that this meeting was going to be a turning point as EDF had finally acknowledged that we are here, as a tourism business and what we are – but it seems not.

- At this meeting we were told that the next meeting should be 21<sup>st</sup> August, but this is a Saturday so we are assuming this was an error – although we are happy to do this date. Obviously, there is not much time left before the DCO has to be decided, so we, and the applicant, need to make sure we make some real progress before then.
- Whilst we were pleased that EDF is now acknowledging that we exist as a tourism business, we have to say that we are disappointed that, unlike for the Farnham Hall area, we had no meaningful proposals for mitigation from the applicant at the meeting which would reflect the belated acknowledgement of our tourism business. The proposals for landscaping, as they stood then, do not go anywhere near to providing us with proper mitigation for the DCO route. It was particularly upsetting when compared with the new draft proposals for others in **FERN** in the Farnham Hall area to see that the new proposals excluded us. We are hoping that this is just an oversight and that now the representatives have visited the site they have a better understanding of what the impact is likely to be on us, and what the applicant needs to do to rectify this omission and provide us with proper mitigation and compensation that reflects the impact EDF's scheme is going to have on us. Again, see **Appendix B** below.
- During **Issue Specific Hearing 4 (Socio-Economic and Community Issues)** we specifically asked to have our concerns responded to and not be in the position at the end of the meeting of having these *"deflected and ignored"*, and be in the same position we were in at the beginning of the meeting. Sadly, despite the reassurances by Richard Bull later saying that there should be a *"meaningful dialogue"* not just a *"sympathetic ear"*, it seems that nothing has changed, and will not, unless the applicant now comes forward with meaningful offers.
- Our concerns are, that yet again, despite having had a meeting, there is still nothing on the table that we can talk about realistically, as there have been no substantive changes proposed. None of our issues have actually been addressed, to date, and we still feel ourselves very much in peril through no fault of our own. This meeting cannot be considered as 'consultation' as there was nothing to consult on as yet. We had rather hoped, that having had a month to prepare for the meeting, that there might have been something to discuss as we have provided the information so many times now that we thought someone might have at least read it in preparation for the meeting. Our fears are that yet another month will pass before we can even get to a starting point that reflects our new acknowledged position and changes the issue of mitigation from that of an *"isolated farmstead"* to that of a successful and thriving tourism business. We would also like to understand why the

applicant's draft improved proposals for **FERN** residents in the Farnham Hall area exclude us, even though we are also members. This is discriminatory, for no good reason.

- Our case is laid out in our **Deadline 2 Written Representation [REP2-380]**. Please can we ask that EDF's representatives come prepared to discuss the specific issues and that this agony of procrastination and obfuscation on the part of EDF can end? Whatever the ExA can do to expedite matters would be much appreciated.

### 3.4. Rights of Way and Footpaths

The temporary footpath does not go to Friday Street – well it does on paper, it follows a diverted route via the new footbridge, but what the map fails to highlight is that the bridge it crosses does not and will not exist at present so it is not a viable alternative and the irony is that once it does, the plan is to extinguish this route. Another example of the complete misinformation and obfuscation – it is a nonsense.

The proposed crossing to replace our right of way to Friday Street is unworkable. We can understand that desk based PROW officers at the County Council may not have known that we have about 1,000 visitors a year who go to Friday Street but the reality is that having an at-grade crossing of a 60 mph road is simply bad design. If the applicant considers that it cannot justify another bridge at this location, then the safe way to enable the public and our visitors to get to Friday Street is to provide a linear footpath to a splitter island at the roundabout, i.e. with a safe refuge after crossing one half of the carriageway. That must surely be possible, as part of a full linear footpath on the western side of bunding from the walled garden at Farnham Manor. We find it ironic that the applicant pays attention to the needs of a landowner for a farm PMA but yet does not sensibly plan for large numbers of people using the PROW network. The ExA is asked to note once again that the TVB stops up the PMA across the route that was the old driveway to our farm and still used now by our visitors to get to Friday Street. In design terms for pedestrian use, the applicant simply has not thought things through properly. An at-grade crossing for a footpath on a 60 mph road is simply a very bad idea!

It is a key selling point of an out of town business like ours to have access to shops and restaurants on foot. The applicant has yet to explain why they can impact our business to this extent but bear no responsibility for this impact, or make sensible provision. If we currently enjoy an amenity, what 'greater good' can they claim for not making adequate alternative provision, which is so easy to do?

The facility for a safe pedestrian crossing at the north-eastern roundabout by Friday Street should be on every arm; the one proposed is wholly insufficient as it provides access from the most unlikely side and yet again does nothing to support our access or that of the nearest villages or homes. The additional footpath / crossings we are suggesting can be seen marked on the sketch map in **Appendix A** below.

## 4. Comments on the Applicant's Deadline 5 Responses to ExQ1

The following all pertain to the applicant's Deadline 5 document – **EN010012-006220-submissions received by D3 and D4 2** – within which it commented on responses to the ExA's first set of written questions (ExQ1).

### 4.1. AG.1.6 – Effect on Business Operations

This response clearly indicated that they did not regard us as a tourism business but the response to this at **Deadline 5** is still that the responses provided at Deadline 3 remain valid; this cannot be true. This entire document seems to reflect this attitude. We raise something and they just revert to saying their original submission remain valid but with no evidence or justification. How many times is it necessary to raise issues before some meaningful solution is put forward? We say the same thing over and over and they respond by saying nothing. Is it open to the ExA to address this failure to address issues properly?

### 4.2. SE.1.12 – TVB – Noise

EDF have gone to a great deal of trouble to obfuscate the issues by focussing on the noise report we submitted and relying upon a standard method of calculating noise impact without taking into account our particular circumstances. Since it was agreed at the meeting on 21<sup>st</sup> July that the experts would discuss together, we await the outcome.

The ExA is asked to recognise that the TVB site boundary is only 15 m away, not the 175 m point the applicant has chosen. The applicant's assessment cannot be relied upon and indeed shows a complete lack of understanding of what our business is and how it operates.

### 4.3. SE.1.12 – TVB – Visual Impact

The applicant admits that there are significant effects during construction and go on to say that *“By Year 15 of operation, the effects would be moderate adverse”*. Please can the ExA ask the applicant to explain what we are supposed to do in the intervening 15 to 17 years? They go on to say they met with us on 21 July 2021 in relation to landscaping proposals – but as stated above, yet again, there was nothing of note that was new on the table and certainly nothing adequate or concrete despite having had over a month to prepare for the meeting. Indeed it did not even give us parity with our fellow **FERN** members, which rather felt like another slap in the face to Mollett's from EDF.

### 4.4. SE.1.12 – TVB – A12 Access

A repeat of the statement that it will be better for us after the TVB is built with no details on the impact during construction other than a vague reference – this does not address our specific concerns clearly – how long can this continue?

### 4.5. SE.1.12 –TVB – Amenity Access

As previously stated the PROW provision is clearly inadequate – it is still depriving us of an amenity even if on paper they can say it still exists, via an at grade crossing, at the bottom of an embankment. Are they suggesting that holiday makers should cross this road after having scrambled up and down the cutting –

especially with shopping, dogs and children? It is not a solution. They are depriving us of a key USP. This is not a workable solution. We need a linear footpath on the western side of the bund to a splitter island on the southern arm of the Friday Street roundabout, to which our property should be connected, as a minimum. The ideal solution would, of course, be a footbridge.

#### 4.6. SE.1.12 –TVB – Business Opportunity

As stated this is an empty promise, thrown in by EDF to give the impression they are discussing something positive with us when this is clearly not the case. Even if a financially viable way was found to substitute tourist bookings with those resulting from the Sizewell C project, we are constrained by a provision in our planning permission that prohibits any guest staying longer than 56 days per year, ruling out any prospect of providing long-term Sizewell C accommodation.

#### 4.7. SE.1.12 –TVB – Mitigation

This is so far from the truth it is ridiculous. The starting point puts us at a clear disadvantage despite now acknowledging our new status and they are not deviating from this to date. To suggest that they have met and liaised with us is obfuscation – they have met with us but on an initial basis that there was no plan to make it significantly different to how it currently is or to recognise that the DCO route is a mere 15 m from our business interests. We await revised proposals, with – as stated above – equitable treatment for more mitigation as proposed for **FERN** members at the Farnham Hall area.

#### 4.8. SE.1.12 –TVB – Water Supply and Drainage

Again, not true. There has been no meaningful discussion, no plans showing proposals and a request that we provide the information they should have taken into account. As stated above, this would be detrimental to our interests and we request that the ExA ask the applicant to collect the information and produce the relevant technical drawings. As they said they had employed a subject-matter expert, we are unclear as to why they think we should be responsible for the time, cost and burden of responsibility this would entail. They are also failing to recognise this is not just an agricultural drainage issue. Yet again we need to stress that we run a significantly-sized business. There is also drainage associated with that and also our primary residence.

#### 4.9. Miscellaneous

The responses we have had from EDF so far basically to say that they will do nothing to protect us or mitigate meaningfully or even compensate us for what they are inflicting upon us. They maintain that they are following the correct procedures. Whilst acknowledging they will change our environment and trading conditions considerably as a result of their activities they repeatedly maintain that they are acting within guidelines that allow them to do this. How can this be true or even fair? There is no natural justice in a process that allows one business' interest to supersede another's. Through no fault of our own we are having our business environment significantly altered by EDF. If they choose to do this they need to recognise the impact on us. They have the power to put in **Section 246** mitigation to protect us. There has been no suggestion that a bund would do nothing in terms of noise attenuation but rather, for us, this has not yet been considered. We await the review but the problem with this process is that the applicant appears to

think it can actually act as both judge and jury, as opposed to justifying its scheme as being in the public interest. We have retained a firm of solicitors who can draw on the expertise of a retired solicitor who promoted highway schemes for over 25 years, including orders preparation and inquiries. Proper scheme planning involves not just a bare minimum design process but consideration of what wider impact a scheme will have and what amelioration should be provided, **as part of the scheme**. This is a matter of deciding what should properly happen. There is no statutory constraint but quite the reverse, because **Section 246** expressly provides the power. If it is the case that EDF simply did not realise what our tourism business is, they should certainly know by now. There has been no explanation as to why the applicant cannot address our issues in a proper way. We sincerely hope that the applicant will be re-considering our position as a result of the meeting on 21<sup>st</sup> July and come back to us with meaningful proposals, as they have already done in relation to the Farnham hall area, even if not concluded as of 21<sup>st</sup> July.

## 5. Conclusion

It cannot be said to be in the public interest for EDF to construct a TVB on the basis they have adopted so far, as regards the impact on Mollett's Farm. The approach to road design appears to be based on an incorrect understanding of the powers available to EDF and do not represent proper consideration of what should be incorporated into the scheme to mitigate its impact. Similarly, inadequate consideration has been given to PMA and PRoW needs, whereas it would be very simple to provide for a linear footpath. An at-grade footpath crossing is not an acceptable alternative and cannot be regarded as a reasonably convenient replacement facility for the purposes of **S14(6) Highways Act 1980**.

The approach taken by the applicant in setting its red line as against Mollett's Farm is perverse and irrational, given the powers available to it. It is unacceptable that the applicant has not considered properly the effect of its scheme on our business. Compensation is not an appropriate remedy. Mitigation works are required.

A developer must take an affected party as they find them. Mollett's Partnership is a business created to target tourism and has borrowed heavily by way of mortgage secured against land and buildings, and with high costs of finance. The applicant is keen to state that it has offered us the chance to house temporary workers but the reality is that the market rate for worker accommodation is dramatically below that of tourists and as such, without the continued tourist rates of income, we would be unlikely to be able to pay our existing finance charges and therefore our lenders would likely repossess under the secured mortgage. The result of this would be that we would lose tenure of our land and buildings. Furthermore the lender would likely sell the properties while Sizewell C and TVB construction was ongoing and the market value of the holding artificially depressed, all as a result of the applicant's development. The applicant is not acting in a reasonable nor rational manner and all the losses that will likely result from such conduct are entirely foreseeable and have been for the last two years.

It is hoped that rather than the applicant continuing to state that it is acting within Government guidelines, they will soon obtain proper legal advice and review its approach for us. We were hopeful that this would be the case, from the meeting on 21<sup>st</sup> July

With no disrespect intended to the ExA, we presume that the implications of the **High Court** decision on the **A303 Stonehenge** tunnel DCO will be studied and this Examination modified accordingly. In that respect, may we respectfully remind the ExA that at Mollett's Farm's we have non-designated heritage assets, as confirmed by our own Heritage Assessment (see our **Deadline 2 Written Representation [REP2-380]**) and the **Deadline 2 Heritage Impact Assessment [REP2-264]** submitted by **FERN**. In addition, EDF has belatedly recognised that we are an important tourism business. We therefore ask that, in the light of the Stonehenge decision, the ExA pay particular regard to the special aspects of our situation at Mollett's Farm and do not accept the latest version of the DCO as acceptable, specifically as regards Mollett's Farm but more generally as regards the landscape impact of the DCO alignment and the unsatisfactory arrangements for public rights of way and private means of access.

We reserve the right to elaborate on the matters set out above.











