

SNTS on NE:

Dear Mr Kean,

We write following the release by the Inspectorate of a letter from Natural England (NE) dated 13 March 2023 [REP8-057] and a statement of common ground between them and the Applicant dated 13 March 2023 [REP8-031]. This letter concerns the submissions of NE in respect of agriculture and agricultural land classification. We have also seen the Deadline 10 submission on agriculture and ALC by AG Wright and Son (Farms) Ltd with which we agree and repeat as if made by us.

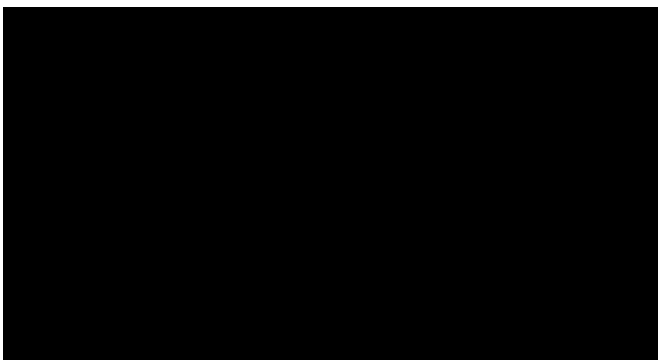
For some time, SNTS has been concerned about NE and its failure: properly to consider information produced by Interested Parties; to meet with Interested Parties; and, properly to take into account what Interested Parties have said. Indeed, NE have stated that they will not engage directly with Interested Parties. Whilst contact has been made with NE by phone and correspondence, there has been no proper response or engagement with SNTS on these matters over the course of the whole examination.

In its latest submission NE has taken into account new information from the Applicant and, once again, failed to take into account what has been said by Interested Parties and a number of independent soil scientists.

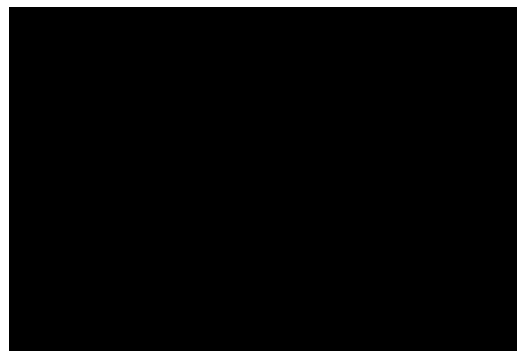
In these circumstances, SNTS submit that the ExA must not rely on the submissions of NE on agricultural issues as it has inadequately considered and totally failed properly to take into account the submissions from Interested Parties that it has received. It has also not adequately performed its function as set out in law as statutory advisor and independent regulator. This has led to errors in its reasoning and conclusion which cannot be relied upon. We have been advised that these deficiencies are so significant that they amount to an error of law.

As such, the submissions of NE are something which the ExA and the Secretary of State cannot place any weight on. If either were to do so, this would make their recommendations or decisions (respectively) in error of law on those matters.

Kind regards,



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