

ADDITIONAL REPRESENTATION IN RESPECT OF THE BRAMFORD TO TWINSTEAD PROJECT

SUBMITTED BY BROWN & CO PROPERTY CONSULTANTS AS AGENTS FOR AND ON BEHALF OF

MR G V S NOTT OF MAGNOLIA HOUSE, PEBMARSH, HALSTEAD, ESSEX, CO9 2PB

INTRODUCTION

The Inspectors' attention is drawn to the Representation submitted in July 2023 (Deadline 1) on behalf of our client, Mr G V S Nott, the owner and occupier (trading as D P Nott & Sons) of land at Pebmarsh, Halstead, Essex.

Mr Nott is identified within the Book of Reference as PIL (Person with an Interest in Land) No. 702.

PURPOSE OF THE DEVELOPMENT CONSENT ORDER

National Grid are proposing to acquire a permanent right of access (defined as Class 4 – Compulsory Acquisition of Rights – Access) across Mr Nott's land, identified as Land Parcel Nos.; 29-01, 29-02, 29-03, 29-04 and 29.05 (in common with others).

The stated purpose of the right to be acquired is to provide access, during the construction period, to the Stour Valley West CSE Compound and provision, in the long term, for access to the site should National Grid have a need to undertake substantial repair or re-building works to the infrastructure in the future.

When National Grid initially approached Mr Nott, in the Summer of 2022, it was on the basis that they would only require a temporary haul road across his property during the construction phase of the Project. This is the basis upon which the Consultation was undertaken in Autumn 2023 and upon which my client duly responded.

In January 2023, the 'temporary' requirement changed to a 'permanent' one, with National Grid advising that upon completion of the Project, they would then require the right to come back over the property at a later date, should the need arise. The implication at the time, was that future access was likely to only be required periodically, every 25 to 30 years, when National Grid needed to undertake substantial works which would justify the cost of reinstalling the haul road.

Towards the end of August 2023, National Grids' agents advised that it had become clear that their client would require access at other times over Mr Nott's land and would not always propose to reinstate the haul road.

ALTERNATIVE PROPOSAL

Upon confirmation of National Grids' requirements, Brown & Co wrote on 30th August 2023 to their agents' advising that our; *'client has asked me to again raise the question of an 'alternative' route for the haul road. You will recall that National Grid originally rejected the idea that the haul road be diverted around the boundary of the two larger fields affected by the proposal, on the basis that this would cost more money. Subject to agreeing detailed terms, including landscaping and fencing provision, my client has asked me to propose that the route to be taken by National Grid follows that shown on the attached plan between Points A to E, subject to that section of the haul road between Points A and B being left in situ upon the completion of the scheme, which would represent a substantial cost benefit to NG and also provide them with a secure access in the future.*

It is further proposed that between Points B and C, National Grid utilise the existing road network to obviate the damage to the land drainage system in the field situate to the North of the road. Access over the land between Points C, D and E you will recall will not impact on any existing land drainage.'

Despite the substantial cost savings of not having to remove the haul road upon completion of the construction phase of the Project, National Grid advised, via their agents', that they were not prepared to consider a review of the route as;

- they would not have planning permission to leave the haul road in-situ;
- the alternative route would potentially result in disruption to the owners of properties in near proximity to the haul road; and
- the alternative route was not included as part of National Grids' consultation process, thereby creating a potential legal issue.

Mr Nott requests that the Planning Inspector note that that he remains aggrieved that;

- National Grid (and their agents') have not been clear as to their access requirements from the outset, which in his opinion therefore undermines the validity of the initial Consultations undertaken; and
- that National Grid have pressed ahead with their DCO application without first fully exploring the concerns of the landowners affected by the haul road, many of which could have been reduced, had their access requirements been clear from the outset.

HEADS OF TERMS FOR THE OPTION AGREEMENT AND DEED OF EASEMENT

As previously advised, the draft Heads of Terms circulated and the accompanying Deed of Grant (for a proposed permanent right of way), have been based upon standard documentation utilised by National Grid for the acquisition of rights to lay cables beneath land with associated access rights thereto.

Whilst changes to the Heads of Terms have been proposed, to date National Grid have still not been prepared to provide an updated draft of the proposed Deed of Easement in respect of the proposed right of way to which reference within the Heads of Terms is made.

The rights sought and proposed restrictions contained within the Heads of Terms and the associated Deed of Easement remain unclear, both in terms as to their extent and effect.

As at the date of this submission, we await updated draft Heads of Terms for review and comment, but are advised that this may now contain a 28 day Notice provision for re-use of the haul road, which will significantly impact on future environmental scheme options that the farm is able to enter into and further underpins the rationale for the construction of a permanent access around the boundary of the fields, rather than the temporary haul road through the centre of the farm, currently proposed.

Mr Nott again requests that the Planning Inspector seeks clarity from National Grid as to exactly what they require on both a temporary and permanent basis and require them to provide site specific draft documentation for review, together with accompanying plans.

ECOLOGY

To our clients' knowledge, the ecological assessments and statements submitted in support of the DCO in respect of the proposed haul road to be constructed over his land are based upon desktop exercises, as no physical inspection of the land has been undertaken.

My client requests that the Planning Inspector note the presence of;

- barn owls, that hunt along the brook proposed to be crossed by the haul road;
- badger setts, within the brook proposed to be crossed by the haul road;
- bats, within the farmstead;
- field mice in the adjacent fields; and
- hares within the surrounding area.

As has previously been highlighted, if the haul road were to be located around the boundary of the two principle fields and left permanently in-situ, then the long term impact of the access and any future subsequent access requirements would be significantly reduced and a permanent wildlife corridor established, through the landscaping of the haul road with a new hedge on the field side.

Simon J Gilbey MRICS for and on behalf of Brown & Co

as agents for Mr G V S Nott of D P Nott & Sons

11th October 2023