

Written Representation to the Bramford-Twinstead Examination

(Full Version)

by

Alan Hall

████████████████████

████████

████████

████████

Summary

My representation concerns the detail design of a proposed access bellmouth, and the way in which National Grid have handled my attempts to achieve a minor modification.

I describe how the proposed design needlessly:

- Is environmentally damaging by the destruction of mature hedge, trees and habitat.
- Intrudes on a residential garden rather than using adjacent idle agricultural land.
- Is likely to be higher cost due to the tree works and necessary replanting scheme.
- For the same reason, is likely to be more disruptive to road traffic in construction.

I demonstrate how an alternative solution avoiding all of these negative factors is easily achievable but which requires a minor modification of the DCO plan to provide the required flexibility.

I describe how National Grid has failed to engage effectively with me over the last 8 months to implement such a solution, how they have wasted time in pursuing unachievable alternatives, given ever-changing and unreasonable explanations for their actions, and ultimately failed to explain why they have not proceeded with a simple and obvious modification to the benefit of all.

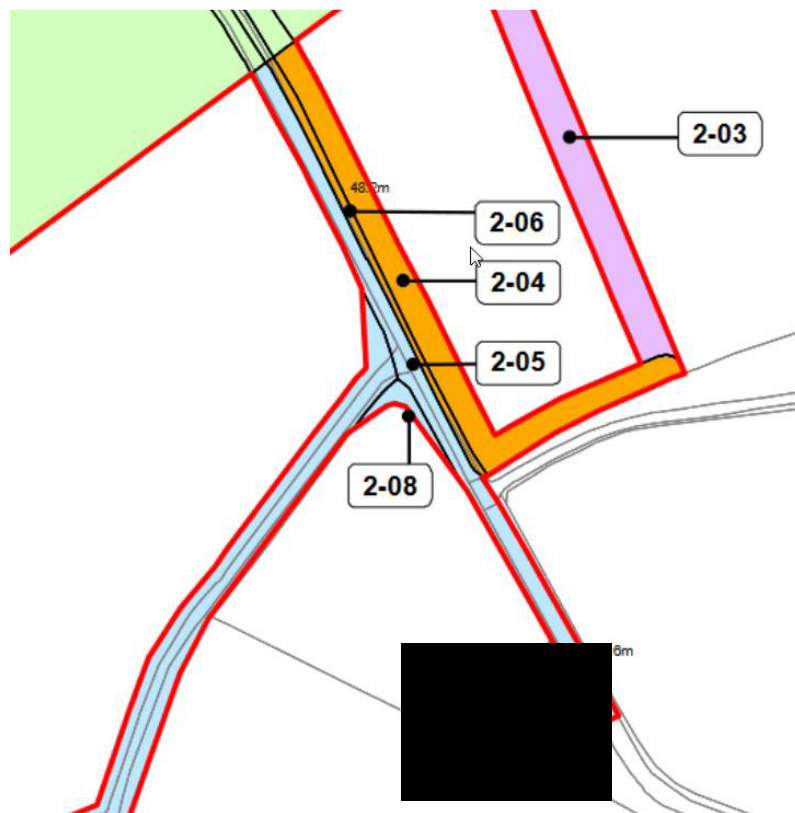
Finally I criticise the Targeted Consultation and subsequent Landowner Engagement.

I urge the Inspector to require National Grid to revisit this issue.

Background

The Targeted Consultation in September 2022 introduced, for the first time, the intention to utilise an existing farm track immediately adjacent to the northwest garden boundary of my property at [REDACTED]. NG have not fully explained their intended use but I believe that it will not be used for construction activities (which will be serviced by a more direct, temporary track) but only to meet future inspection and maintenance requirements, and the land and environment will NOT therefore be restored to the original condition following construction.

On that understanding, I DO NOT object to the proposed use of the track itself, but I DO object strongly to the proposed access bellmouth design, shown below. Label 2-08 indicates the relevant area of land, which lies between the red DCO outline inside the curtilage of [REDACTED] shown in black.



Proposed bellmouth design (from Document 2.3: Land Plans (Final Issue A, April 2023))

Attempts to engage with NG to arrive at a solution have met with reluctance to engage in a timely or effective manner and I therefore ask the Inspector to consider the following matters:

- 1) Poor design of a bellmouth access when a superior solution is readily achievable.
- 2) Failure of NG to engage effectively in discussing modification of the design.
- 3) Adequacy of consultation and subsequent NG engagement with landowners.

1) Bellmouth Design

The DCO plan is based on a standard highway bellmouth template oriented symmetrically at the end of an existing farm track. It involves the creation of an extensive stone-based turning area and associated visibility splays. This arrangement needlessly:

- Intrudes on a residential garden rather than using adjacent idle agricultural land.
- Is environmentally damaging as it calls for the destruction of mature hedge, trees and habitat, including 3 oaks of well over 100 years age.
- Is likely to be higher cost due to the tree works and necessary replanting scheme.
- For the same reason, is likely to be more disruptive to road traffic in construction.

NG have confirmed that no site visit or survey was carried out prior to the creation of this design, and that it was the result of a remote, desktop process. It is unsurprising that the designer, having no knowledge of the local context, produced this poor arrangement. The appended photos illustrate the failings of the current design, and show where a preferred access could be formed.

An improved access could easily be created adjacent to the proposed one or a very short distance to the northwest utilising non-productive agricultural land, allowing ample hard turning area and sightlines to be provided while completely avoiding the damaging aspects of the proposed design as follows:

- Avoids intrusion onto residential property, eliminating privacy and security issues.
- Is environmentally positive. Felling of trees is eliminated, the agricultural hedge is already trimmed within highway sightline limits and the very small area of agricultural land involved is not in production (it has been used for vehicle access for many years).
- The additional cost involved in deviating the track by a few metres is minor, given that machinery and material will be on hand to upgrade the entire 500m of the track. This will be dwarfed by the cost of tree and hedge work and essential replanting scheme.
- Disruption to traffic during construction will be far less than for a programme of tree felling.

One *possible* design is shown in my sketch below, using geometry copied directly from an access on sheet 10 of the land plan but many other arrangements, possibly in closer alignment with the current design, are possible as demonstrated by the wide variety seen throughout the project land plans. The landowner is willing to accommodate this, an outline design was prepared, and was ready to sign a suitable agreement with NG. This option was silently abandoned by NG who very much later, having run the clock down, offered various "explanations", none of them satisfactory. I challenge these later.

An alternative proposed by NG was to utilise the existing access with only minor pruning work, relying on an exemption by the Highways Authority based on the anticipated light and very occasional use. They have been unable to secure such an exemption at this stage and although this remains a possible mitigation it is only wishful thinking as NG have little or no control over the matter. Firstly, NG have considered only the visibility splay issue but the requirements for the actual

turning area (shown in blue in the original plan) will be determined by the contractors and inevitably they will go for the most extensive option “just in case” and because “it’s in the plan and already approved”. They have no incentive to do otherwise. Secondly, regarding visibility splays, these are determined by the local Highways Authority who have offered only general aspirational comments without specific commitment.

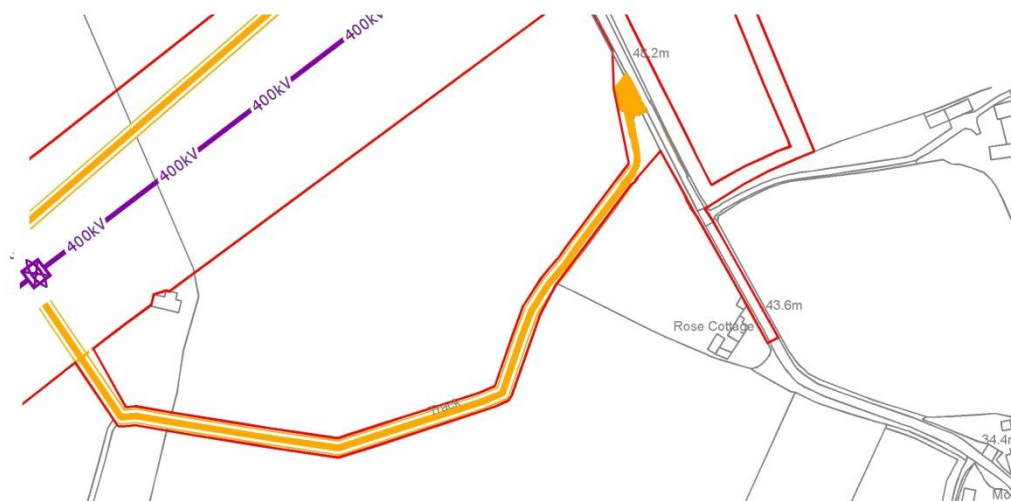
NG are in no position to deliver these mitigations, however good their intentions.

In practice, if the DCO is approved as drawn, I have little confidence that development will proceed other than to the full extent of the plan. The fact that NG have already offered to conduct landscaping and planting on the *inside* of the DCO red line even at this early stage indicates to me that they have little confidence in their own mitigation proposals.

The critical factor requiring the Inspector’s urgent attention is that the DCO plan as drawn allows **no flexibility** to modify the current design should NGs hypothetical mitigation plans prove unviable. Only a minor modification is required to allow provide options at the detail design stage to the benefit of all, and remove uncertainty.

Attempts to engage with NG over 8 months to progress this simple, obvious and direct solution have been unsuccessful. I do not believe NG have shown due diligence or acted responsibly and have followed a muddled and illogical path that has led to failure, as described in the following section.

I ask the inspector to review the plans and direct NG to reconsider.



An illustrative example of an alternative access

2) NG Failure to Engage Effectively

Without exception, everyone with whom I have communicated has responded favourably to my proposal. There have been NO objections raised on technical, environmental or other grounds and it remains a mystery why the simple change required has not taken place despite 8 months of (attempted) engagement with NG.

NG are at pains to stress how they seek to work with landowners to resolve difficulties, but this has not been my experience. Communication with NG was almost invariably initiated by myself and progress had to be constantly chased. I emphasize that at no point has anyone from NG taken the trouble to meet me face to face on site, although I know that they are frequent visitors to the area.

The full saga of my frustrating and unsatisfactory encounter with NG is lengthy. I am happy to expand fully on this if the Inspector requires, but offer here a very brief summary.

Following the consultation, I made every effort from November 2022 to make contact with anyone at NG who could discuss my detailed concerns but it was not until 24th February that I was finally put in touch with Matthew Bell who I believe is the project's Senior Surveyor. He seemed to agree with my proposal and the need for flexibility but seemed unenthusiastic about progressing it. I especially stressed the vital need to modify the DCO plan as soon as possible to allow flexibility in implementation.

In April I learned accidentally that Brunton Knowles (BK, NG's land representative) were conducting detailed negotiations with my neighbouring landowner for an alternative access, eventually reaching the point at which a legal agreement was ready to sign. In May I learned that the intention was to implement this outside the DCO area utilising standard planning procedures. I considered this absolutely bizarre and again stressed the need for a (simple) DCO amendment, which I was told BK finally initiated through the NG change request system.

In June, BK also pursued an alternative, but *additional* option to utilise the pre-existing track access with little or no modification, relying on an exemption from SCC Highways department based on the volume and nature of the anticipated traffic. It was clearly stated that the alternative access remained as a fallback position.

Fully three months later, BK reported that a Highways exemption could NOT be obtained prior to the DCO Examination, as the project was not yet at a stage where sufficient detail was available. This should have been obvious from the start to the experienced professionals of the NG team, and this whole exercise appears to have been a pointless diversion from the main task.

On further questioning, BK informed me that the promised fallback alternative access could not now go ahead, quoting the following reasons:

- “Regrettably my clients were not willing to support a solution that takes them outside the Development Consent Order limits so I was unable to progress the deal I had in mind with your neighbour”.
- “Equally, my clients face almost insuperable difficulties in seeking to change any of the limits in the plan that have been set, as they are advised they would have to start the whole process of consultation over again. There is no time to do this as the programme is now set and must comply with agreements they have made with third parties”.

I found it astonishing that this had not been revealed earlier. The landowner’s agent was likewise surprised to hear that the access plan had been abandoned.

Regarding the first reason, being outside the DCO area, I had stressed from the beginning (in February) that DCO plan coverage would normally be required. NG and their professional representatives MUST have been aware of this and so the work to negotiate an access outside this area could only have proceeded with the expectation that an exception would be made but which now appears impossible as a matter of policy. How could this misunderstanding arise within NG? Once again this futile exercise, however well intended, wasted vital time that should have been spent pursuing a DCO change.

Secondly, NG state that they were unable to change the DCO boundary because they “would have to start the whole process of consultation over again”. The phrase “whole process” is grossly misleading. Even now, at the examination stage, there is a process for such change and Paras 2.3 to 2.5 of Guidance Note 16 make it clear that consultation may not be needed at all, and if it is then it need only be proportionate. The Inspector would advise what is required and for this trivial change I cannot accept that this would be onerous. To suggest that it would involve “almost insuperable difficulties” is just not credible.

I do not know what process would need to have been followed prior to the DCO application but presumably it would not be more onerous. When the topic first arose, 8 months ago, it would have been simple. Even now it is still achievable within the timescale. The regrettable lateness of the hour is down to NG.

Finally, (yesterday on October 10th)! after these explanations were challenged, BK advised that NG:

“are under pressure to use the existing access rather than make a new one (for very good landscape and environmental reasons)”.

This is pulling a rabbit from the hat! From whom are they under pressure? What are the very good reasons? Why has this been mentioned only now? It seems NG are very confused as to their reasoning on this proposal and are grasping at straws.

In conclusion I suggest:

- NG have been reluctant to engage, slow to progress and required constant chasing.
- NH have never met with me to discuss my proposal.

- NG accepted the principle of my proposal from an early stage and have never (until yesterday) offered any grounds for objection.
- NG pursued avenues of implementation that were diversionary and doomed to failure when they should have been following the obvious path.
- NG's thinking has been muddled and unprofessional.
- NG have, as a consequence attempted to "run the clock out".
- There is still time for change!

3) Adequacy of Consultation and Subsequent NG Engagement with Landowners

I consider that the Targeted Consultation and engagement with affected landowners, although perhaps complying with all the tick boxes, were in practice unsatisfactory and ineffective.

- NG's agents supplied misleading information to me during the targeted consultation as regards the extent of works on my land.
- NG failed over an extended period to engage effectively with me to resolve a simple issue with the plan, as detailed in the previous section.
- Their email of 26th September states that:

"Equally, my clients face almost insuperable difficulties in seeking to change any of the limits in the plan that have been set, as they are advised they would have to start the whole process of consultation over again."

It thus seems clear that there could never have been any possibility of making changes in the project timescale following the consultation, for my proposal or anyone else's. How can this be considered an adequate consultation?

Conclusion

NG have negligently adopted a poor and inappropriate access design.

Rather than grasping the nettle and working with landowners to implement the simple and effective solution proposed, they have been uncommunicative, dragged their heels, and simply delayed matters in the expectation that they can just run the clock down.

NG have wilfully or negligently pursued avenues that suggested they were working towards a practicable solution when they knew, or should have known, that those avenues were dead-ends.

The targeted Consultation and Landowner Engagement has been ineffective.

I hope the Inspector will agree and take such steps as he feels appropriate to redress this situation.

Alan Hall, 11th November 2023



Looking towards the highway from the track



Looking down the track from the highway

