

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

WRITTEN REPRESENTATION REGARDING THE A14 CAMBRIDGE TO HUNTINGDON IMPROVEMENT SCHEME DEVELOPMENT CONSENT ORDER 201 [...]

PLANNING INSPECTORATE REFERENCE: TR010018

ON BEHALF OF

**PETER MANN, LODGE FARM, BUCKDEN,
CAMBRIDGESHIRE PE19 5UH**

**PLOTS 8/21a, 8/21b, 8/21c, 8/21d , 8/21e , 8/21f , 8/21g , 8/21h , 8/21i, 8/21j, 8/29a 8/29b, 8/30,
9/2a, 9/2b, 9/2c, 9/2d, 9/2e, 9/2f, 9/4a, 9/4b and 9/5**

OWNER/OCCUPIER: PETER MANN

1. Background

- 1.1** We are instructed to act on behalf of Peter Mann of Lodge Farm, Buckden, Cambridgeshire as owner and occupier of land affected by the A14 Cambridge to Huntingdon Improvement Scheme. We are instructed to make formal representations on the scheme both on general and specific matters. The representations are made without prejudice to making further objections/representations for different reasons, or in order to amplify these representations.
- 1.2** We have requested further details on the proposed scheme from Highways England (the "Applicant") and their contractors but have not received all this information at the time of submitting these representations.
- 1.3** Since submitting an Outline Representation on behalf of Basil King, no further contact has been received from Highways England in respect of the scheme proposals, and therefore all the issues raised at that time remain unchanged.
- 1.4** When asking for additional information from Highways England, the response has been that the matters we have raised will be dealt with at the "detailed design stage". We would like to formally record the concerns which we have in respect of this statement. We do not wish to be put into a position whereby when it comes to the "detailed design stage", we are told the design

issues raised should have been dealt with earlier on in the scheme and it is too late. The Applicant cannot say that it will deal with matters in dispute at a later stage. They should either be dealt with prior to the enquiry or determined by the Inspector and/or final authority.

- 1.5** Peter Mann farms a mixed holding extending to approximately 245 acres. Under the scheme proposals, approximately 48.34 acres are due to be permanently acquired, with a further 22.88 acres to be temporarily acquired during the scheme's construction period. A further 5.14 acres are due to be subject to future rights reserved by the Highways Agency.

2. Part A: General Matters

- 2.1** The DCO will contain powers to acquire compulsorily as much of the Order land as is required for the authorised development, or to facilitate or is incidental to it (Article 20 (1))
- 2.2** The DCO will contain temporary possession powers (Article 30(1))
- a. To enter on and take temporary possession of land specified in columns (1) and (2) of Schedule 7 for the specified purposes and any other order in respect of which no notice of entry has been served under Section 11 of the Compulsory Purchase Act 1965
 - b. Remove any buildings and vegetation from that land
 - c. Construct temporary works on that land; and
 - d. Construct any permanent works specified in relation to that land in column (3) of Schedule 7 or any other mitigation works.
- 2.3** Schedule 1 of the DCO identifies in relation to several of the specified works the construction of flood compensation areas, attenuation ponds and landscaping ("The Flood and Landscaping Areas")
- 2.4** Furthermore, Schedule 1 of the DCO additionally specifies soil storage areas and related matters ("SSA's")
- 2.5** This representation on behalf of Peter Mann is limited to inclusion of land in the DCO for which compulsory acquisition and temporary possession powers are sought for the purposes of the Flood and Landscaping Areas and SSA's.
- 2.6** Peter Mann contends the aforesaid use of the Flood and Landscaping Areas and SSA's are not matters for which powers of compulsory acquisition under Article 20 and powers of temporary possession of land under Article 30 can lawfully be included within the DCO.
- 2.7** Peter Mann understands the creation of Flood and Landscaping Areas and SSA's will occur during the course of construction with the proposed Highway Improvements; accordingly, for this construction period powers of permanent compulsory acquisition of land are not required as the affected land is not required permanently.
- 2.8** Furthermore, Peter Mann will represent that the Applicant has failed to show that the landscaping mitigation measures are required on the scale sought at all and has failed to show by hydrological evidence that flood alleviation areas and balancing ponds as specified are required on the scale sought or at all.
- 2.9** It follows that the affected land is neither required for the developments to which the DCO will relate, nor is required to facilitate or is incidental to that development within the meaning of Section 122 (1) and (2)(a)-(b) of the Planning Act 2008.

- 2.10** Further there cannot be a “compelling case in the public interest for the land to be acquired compulsorily” that is permanently, within the meaning of Section 122 (3) of the Planning Act 2008 where the land is only required temporarily, or where the taking of the rights would be sufficient.
- 2.11** Further there is no power in the Planning Act 2008 by which a DCO may include powers of temporary use and possession of land. A DCO may include provisions authorising the compulsory acquisition of land, and for the matters which may be included in the DCO. The issued guidance about the making of a DCO, which may include provisions authorising the compulsory acquisition of land, states nothing about the inclusion of provisions for temporary possession.
- 2.12** In respect of the land required for the Flood and Landscaping Areas and SSA’s, the works proposed for the said areas can be achieved by the taking of rights only and neither permanent compulsory acquisition nor the temporary possession powers, if the latter can be lawfully included are required. The permanent acquisition of land for such purposes is unnecessary and would evoke the Articles of the European Convention of Human Rights.
- 2.13** The Applicant has failed to provide the affected owners and their agents with any feedback, response or analysis following earlier meetings and consultations.

3. Part B: Matters Arising Specific to Lodge Farm, Buckden

- 3.1** Plot 8/21c relates to land to be temporarily acquired in connection with a right of access to the Flood and Landscaping Areas to the east. A width of approximately 50 metres has been designated in order to do this. No explanation has been received as to why such land would be required and this needs further discussion/explanation. Part of the farm’s main drainage system would stand to be affected if this land was disturbed. Mr Mann objects to any form of access through his farm. If the Applicant is successful in building the Flood attenuation pond in its proposed location, then this should be accessed directly from the new highway, for which there appears to be ample room. Emergency access onto the new highway could be achieved via the land to the north of Kasauli / Hill Rise / Landmans Portaloos.
- 3.2** As mentioned in General Matters no justification has been given with regards to why an attenuation pond is required to the south of the proposed highway. If it is required, this should be located to the north of the highway in plot 9/2a. Mr Mann strongly objects to this and requests that firm evidence is provided as to why this is not possible.
- 3.3** Peter Mann asked whether or not the Highway would be able to be aligned further north in order to mitigate against the injurious affection caused to the northerly parts of his holding. Furthermore, this would increase the distance that the Highway is from Lodge Farm House. Grassland abutting the farmyard is at a premium, and should be preserved at all costs. The Applicant stated that this would not be possible, but was not able to provide any additional reasons beyond that it would not be possible due to the “road curvatures”. When reviewing the plan it is hard to understand this as a satisfactory response.
- 3.4** It is proposed that an access to Peter Mann’s northerly land is provided beneath the new carriageway. It has not been confirmed as to how this access will be provided to allow Peter Mann to access his severed land. The area is prone to flooding and therefore this will need to be addressed in more detail. The access should be as equally commodious as the existing one. The access needs to be large enough to accommodate large agricultural vehicles.

- 3.5** As mentioned in General Matters, no satisfactory response has been given as to why 11 acres of profitable farm land (8/21g & 8/29a) will be compulsorily permanently acquired, when there is poorer land available to be acquired within the Buckden Lakes and to the east of Buckden Landfill. This would be the common sense approach which would achieve the desired outcome for the Applicant, and would mitigate against Peter Mann's losses. It may also be possible to make use of Buckden Landfill site, seeing as minimal construction will be involved for the feature.
- 3.6** Further, when we have previously suggested using an additional bridge section to achieve best usage of the ground for flood alleviation, this proposal has received no answer as to why it is not possible.
- 3.7** Clarity is required on the emergency accesses to be reserved by the Applicant and to how this will be handled. Security is a major issue for Peter Mann to the extent that he has been a victim of burglary 19 times previously. The creation of any additional access points will serve to increase the fragility of his holding's security. It has not yet been agreed as to how the access will be used and what its regularity will be.
- 3.8** Plot 8/21e (approx. 12 acres) has been highlighted to be temporarily acquired during the construction phase of the scheme, and yet only approximately half of it is due to be used as a SSA, with the use for the remainder unexplained. Mr Mann objects to this and questions why the adjacent Landfill site cannot be used to store soil, as opposed to taking productive agricultural land. This would be a far more logical approach.
- 3.9** Plot 9/4b has been reserved as right of access detailed as Viaduct Access track. No justification or explanation has been provided as to what this is or why it is needed. Mr Mann objects to this.
- 3.10** Peter Mann has limited grazing on the holding, which is predominantly located to the north of the proposed Highway (Plot 8/21e). The impact that this will have on his Pedigree Limousin herd will be severe, to the extent that he may have to reduce this herd size which clearly has implications in terms of its pedigree.

4. Representation and Appearances

- 4.1 The Applicant has told Peter Mann that a number of his concerns will be dealt with at the Detailed Design Stage. Accommodation Works are yet to be agreed and this will need significant discussion.** It should be recorded now, that Peter Mann has the above issues which remain unresolved and the Applicant has stated that these will be dealt with at a later date.