

Comments on Responses to EXA's Second Written Statements of Landro Group and Hinchinbrooke Water Tower Limited (HWT Ltd) (Registration ID Number 10030978)

Application by Highway England for an Order Granting Development Consent for the A14 Cambridge to Huntingdon Improvement Scheme

Reference:

Land North of the Brampton Road, Huntingdon currently incorporating The Elevation Public Car Park, Redundant Water Tower and Reservoir
Plots 34/1a, 34/1al, 34/4a, 34/4b, 34/25b, 34/25d & 34/25e, 34/31b

Summary

This representation is made by Mr Guy Gredley of Landro Limited and Hinchinbrooke Water Tower Limited, who owns the redundant water tower and reservoir and associated land and car park under the A14 opposite Huntingdon railway station.

The water tower has an extant planning approval for conversion to offices with an additional office extension. The adjacent land has the benefit of planning approval for car parking.

The water tower development has commenced for the purposes of planning with relevant conditions being discharged and the joint access to serve both the offices and car park having been implemented (i.e. commencing the development).

It is also to be noted that these sites fall within the adopted 'Huntingdon Best Action Area Plan' as an allocated site for commercial / institutional use.

The owner has specific objections to the loss of key strategic areas that he feels are not necessary to the success of the A14 proposal and is concerned about the lack of meaningful response from the applicant to issues that have been raised.

The planning status of the owners site which includes comprehensive landscaping detail appears to have been overlooked and the responses from the applicant to the questions raised appear to suggest that matters of detail will be dealt with at a later stage but the owner considers that these should be resolved at this point.

In specific terms the following are of concern:-

1. The commitment in the proposals as currently formulated to landscaping the whole of the site frontage when this is clearly unnecessary and would bar access to the car park and significantly hinder the future development of the entire site.

Inspectors will recollect that this was mentioned on the accompanied site visit and the applicant responded that some necessary changes would be made. To date, no plans have been produced to show this amendment.

2. The proposals will effectively prohibit the development of the water tower development as a result of the loss of available car parking space and vital maintenance access area to the west of the tower.
3. The proposed landscaping and treatment to the reclaimed highway lands to the boundary of site and the exiting view common seriously undermine the tower development, are poorly conceived and incorporate land previously owned that should be returned to the owner.
4. The owner has grave concerns over the lack of information about the methodology to be employed in removing the elevation section of the A14 that passes over his land. It is assumed that the methodology will be similar to that previously proposed which required a considerably larger working area. It is understood that the removal will be facilitated by the use of the north section of the existing A14 given that the applicant appears to suggest that there would be no access gained directly from Brampton Road.

Responses to:

Crown Land Plans (HE/A14EX102) and Book of Reference(HE/A14EX101):

Plot 34/4b; By Duty of a lease dated 28th October 2008 made between Landro Ltd and the Huntingdon Freeman Charity this land is leased exclusively to Landro Ltd for a term of 100 years. Basil Clifford King is not a Tenant or Lessee and this reference should be removed.

Plot 34/25d By duty of a Conveyance dated 11th December 1986 made between The British Railway Board and Secretary of State for Transport the Board were given rights to form a Bridge over specified areas and this did not include this plot. Accordingly reference to Highways England Company Ltd as a Category 2 person should be removed.

Compulsory Acquisitions(HE/A14EX82)

Ref 344: Plot 34/1a; The Land was compulsory purchased from our Predecessors in Title and forms part of a Highway to be stopped up and adjoining our land and should be returned to us. Accordingly we should be identified as Cat 1/2 Interest.

Compulsory Acquisitions Status Report Update(HE/A14EX/94)

Plots 34/4a, 34/4b, 34/25d

The applicant describes the stage of negotiations as ongoing, that regular discussions are held and that further meetings are to be held. This would imply meetings have already occurred. This is not the case. The applicant has failed to address our concerns and objections and refused us any meetings.

Listed below in date order are the email correspondents with the applicant and represent the sum total contact to date.

The first response is dated 22 June 2015 giving generic advice to the way forward. The second response dated 26th August acknowledges an error in the Application. The Applicant assumes all issues are related to matters of Detail Design yet has refused to present such details ahead of the Order Determination Stage. We refute our concerns are issues of Design alone but also of the need to take land.

The Applicant has inaccurately addressed the Matters Outstanding and failed to address remedial measure required in addressing the loss of the Water Tower Development and therefore shown The land is being reasonably required for the purposes of the development (s. 122(2) of the Planning Act 2008). Plot 34/25d is clearly not reasonably required in order to enable this development to proceed, it being required purely for the purposes of landscaping which is inappropriate and unnecessary in the context of this scheme. The relevant DCLG Guidance (para. 11) specifically refers to landscaping in the context of Development Consent Orders and states that *“in such a case the Secretary of State will need to be satisfied that the development could only be landscaped to a satisfactory standard if the land in question were to be compulsorily acquired, and that the land to be taken is not more than is reasonably necessary for that purpose, and that is proportionate”*. I do not believe that Plot 34/25d is reasonably necessary for the purposes of landscaping, or that it is proportionate for it to be taken in the circumstances.

The Act also requires there to be a compelling case in the public interest for the compulsory acquisition (s122(3)). Para. 13 of the guidance states that *“for this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is acquired”*. There is no compelling case for the acquisition of Plot 34/25d, it merely being required for landscaping that is not necessary in the circumstances of the case. Weighed against this is that the acquisition of the plot will give rise to the loss of access and therefore prevent the redevelopment of the Water Tower, which will be a significant private loss.

In addition, there is a public benefit to the redevelopment of the Water Tower for employment use. Policy HW5 of the Huntingdon West Area Action Plan allocates the site for office use. This policy also envisages a wider employment development which will share the single point of access as currently exists for the Water Tower. Therefore, the proposed acquisition of Plot 34/25d will delay this key strategic employment site, identified in the adopted Huntingdon West

Action Area Plan, being brought forward, contrary to adopted planning policy. You may also wish to note from the Council Officer's report in relation to the planning application for the conversion of the Water Tower which concludes that the "scheme will be a landmark for Huntingdon and forms part of the wider aspirations for the West of Huntingdon re-development". In short, the proposed compulsory purchase of Plot 34/25d will delay the redevelopment of the Water Tower and further employment related development as recognised in adopted planning policy, which is clearly contrary to the public interest. The proposal therefore falls foul of the statutory test set out in s.122(3), as well as that in s122(2).

Listed below are all direct correspondence between the Applicant:

*From: Guy Gredley [mailto:gg@landro.co.uk]
Sent: 21 May 2015 14:26
To: Lewell, Jon E
Subject: Elevations Park, Brampton Road, Huntingdon*

Dear Jon

I attended a Preliminary Meeting hosted by the Examining Authority last week and heard further explanation around their Draft Timetable for examining your application.

The first Deadline on the 1st June 2015 request receipt of Reports on the status of negotiations with affected persons in respect of compulsory acquisition for each plot and I note that to date there has been no negotiation or discussion concerning my land that is to be taken. I have had no response to my last few emails that raise these issues and in deed from your last email dated 26th November 2014 you are under the impression no lands are to be taken from the areas around and to our Water Tower Development. This clearly is not the case! Further more you have shown to taken a stretch of land to the front of site to provide a planting strip. This land at present is already a planting strip but you have also extended this into my entrance and therefore you propose to sever my access to the entire site. Has it not occurred that when eventually I redevelop the land I might want to install my own planting strip

I must add that the level of liason and discussion with the Agency for this scheme has been shocking. I think it is fair to say we hold quite a considerable strategic site for which we have been stymied for over a decade by this on off scheme. During the last scheme we had numerous meetings and constant dialogue with the Consultant Contractor (Atkins) and at least we understood the manner and means of their plans; particularly relevant to the nature and method for dismantling the Viaduct. To the extend we got down to swept path analysis for dozers and crane positions. I must admit the sparsity of land you propose to occupy in order to remove the viaduct I am wondering if you will be using helicopters to remove it.

We have raised reasonable enquiries to date and would have expected some progress on these. We will need to respond in due course to the ExA deadlines and therefore will be expanding on our progress to date and expressing our dissapointment. We will also seek an accompanied site visit to raise all these issues with the Inspector.

Regards

Guy Gredley

FIRST RESPONSE dated 22 June 2015

Dear Guy,

Thanks for the chat and catch up. I hope the next stages are a little clearer, the DCO deals with essentially a preliminary scheme which is now just now moving into detail design / construction stage which is where I think most of your concerns lie.

Just to update, the detail designers are just getting going and in terms of the delivery the contracting side is also getting underway. As we discussed this will effectively mean that we can now pick up where we left off several years ago.

We note your views on working area and access etc and clearly your wider planning proposals, but a meeting soon with the contracting side will be possible and begin to make things a little clearer.

I apologise if you feel our reaction to queries has not been adequate but hope that as discussed above your concerns do essentially sit within the practical construction process bracket.

Kind Regards

Jon dated 22 June 2015

Dear Jon

I refer to your last email and also the recent site meeting with the Inspector.

You will appreciate we are pushing on with our representations and wondered if there is any further progress to report to us that might inform this process further. As you are aware we remain extremely concerned by the imposition of the planting and loss of access to the front of site together with our other objections. I am still perplexed how you propose to remove the Viaduct and Embankment Earth back through the Views Common on to the new Views Common Round about after this is open. Have you not removed the slip road access from the round about to the common. Also I was interested to see the number of questions the Inspector was asking in relation to retaining the existing Viaduct. They can't possibly be going down this Road- can they? Is it really feasible the Viaduct would be kept.

Can you give me any updates. I look forward to hearing from you.

Regards

Guy Gredley 11 August 2015

Dear John

I have left a telephone message and wondered if you could clarify the point before I instruct my people to follow this up.

When we met on site with the Inspector and viewed the issue relevant to the Landscaping and Entrance to site you commented nothing was going to change and that this part of site

would remain the same.

Just to recap: You have shown on you Plans to Compulsory Purchase Plot: 34/25D a section to the front of site which includes the entire width of our only site entrance. Your application clearly states this land is to be used for Landscaping.

My understanding of Landscaping involves Plants and Trees and does not include Roadways.

You may very well be correct and you do not intend to take my Entrance. Therefore if this is so then your plan is incorrect yet during the recent rounds of amendments to your application no alteration or alteration has been made to this plot and therefore we can assume therefore you were incorrect in your on site assessment.

That still leaves the fact you have not listed this entrance as being Stopped Up. Either way there is clear contradiction and error in your plan which I am guessing might be subject to some Judicial Review at a latter stage.

Perhaps you might be able in the first instance to reply in writing whether the plans as submitted are correct. Once we have this we can take matter forward.

If I do not receive you reply I will instruct my legal team to make further Representation to the Inspector.

Regards

Guy Gredley 25th August 2015

SECOND RESPONSE dated 26th August 2015

Dear Guy,

Further to our chat, and apologies that I had misrepresented the issue on your frontage to the Brampton Road at the Water Tower.

I can confirm that we will of course maintain the existing car park access onto the Brampton Road. The detail design process will pick this up at which point we can sit down and look at the detail, but essentially we would retain the existing access arrangement. As we discussed the objective of the landscape strip is to continue the existing line of trees into Huntingdon from Brampton. We note your concerns that this could compromise your future development, part of which would include the creation of a new street frontage. It would be good to discuss the exact nature of the tree planting, which is part of this landscape proposal during the detail design, at the moment clearly the plan is indicative of intent.

We will need to update plans to reflect this change to correct the access error.

We also note your comments on the land ownership where you feel you may have other rights, please send any plans or historic information that may help us understand the concerns.

We also note your concerns regarding the viaduct removal methodology, it is still very early days for this part of the project but the construction teams will be in touch as soon as they start addressing this part of the scheme in detail.

Kind regards

Jon 26th August 2015

Dear John

I refer to your email dated the 26th August 2015 the contents of which I have subsequently discussed with Nick Coombes at the Inspectors office and I am duly copying him in on these emails.

It is with regret, frustration and also alarm that at this late stage: after my detailed responses to the Application you have finally woken up to at least one of our objections. Indeed your admission comes as some what of a relief in proving what I have suspected for some time that I do not believe you have even read any of our submission let alone given these serious consideration.

You stood in front of the Inspectors and us on our recent site visit and were specifically asked about the Access. I admit You looked somewhat lost on the subject even though our detailed responses on this particular issue had been submitted several weeks prior. The fact the inspector chose to visit site and examine the issues first might have, we hoped, meant you would have brushed up on the issues first. Yet the real disappointment is that having raised the issue on site this remained unchanged in your second round of amendments as did any of our other objections.

I do not wish to turn this in to a polemic but whilst we are focused on these issues could you please do me the service of acknowledging the Development Boundary of the Water Tower Development Building; confirming that you understand the West Elevation of the New build is most solid concrete and therefore the only Glazing is to the North and South Elevation. The North Elevation being where your planting is proposed. Can you also acknowledge the loss of Parking and the Access Area to the West of the Tower. Every time we have a discussion on the subject you repeat that you are not taking any of the Tower Site. Can you now acknowledge you are and that the consequences of your encroachment will render the development unbuildable. Please at least acknowledge that.

I enclose for you a Plan from the original Transfer between The Water Authority (AWG) and the Then Minister of Transport showing the Area marked 29T which is the part of the Tower site taken by the original scheme. I enclose a Conveyance between The Freeman Charity and AWG transferring the Access way to their ownership. You see as predecessors in title we do have an interest in these lands and they do not represent "other peoples interests". We think under a more considered proposal these lands could or should be returned to us.

Returning to the issue of the main site entrance and the landscaping strip and I would like to summarise our history and ambition in the site. I first purchase the tower site in 1996 for the princely sum of £10k with grand ambitions of putting this wonderful building back to use and to create a fantastic piece of architecture. I obviously did not have enough land and therefore spent the next decade firstly pestering the hell out the freemen to rent me land, agreeing separate terms to purchase the reservoir and then successfully taking the remainder of the site from Network Rail. We then employed Make Architect whose principle Ken Shuttleworth, widely credited with designing the Gerkin, to come up with a scheme. This had preceded a design competition involving several other ideas undertaken by different Architects. Makes solution was by far the most cultured; simple, elegant and very workable. Then followed Hundreds of thousands of pounds investment in the planning stages to secure the Consent which was achieved in 2006 and then successfully discharged in 2012. At the Same time the Local Authorities ambition for the West of Town was emerging and the Tower Development has evolved into somewhat of a Beacon to these wider ideas and is acts as a focal point to these ideals. I am contacted by BBC radio every other year to learn on the update and progress with the tower and clearly it is going to mean something.

You appreciate our site and development is in abeyance till/ if the A14 is completed. The car parking use is temporary and the current Site Entrance is not necessarily an established longterm solution. It may not have escaped your notice the Station will loose a considerable amount of parking through your scheme. You are probably aware therefore they retain permission/ rights to construct decked parking in the car park west of the tracks and their existing Access, which is opposite ours, is not fit for purpose. It may be therefore through a combination of issues we end up altering or realigning our access. A more salient point is that part of the broader urban design ideal with the tower was that upon exiting the Station and Traveling down Brampton Road, the building would be clearly seen and that open vistas would be created and maintained through site with the Tower Framed by this setting. We have provisionally consulted with various leading landscape architect to rehearse these ideas. A comprehensive plan will be put in place and the front of site will central to these theme.

Your proposals are in essence trashing all our work and plans to date. I would concede that if you were putting in new infrastructure; such as a new road for instance, you might therefore need to incorporate new planting and landscaping mitigation works to merge the new in to the landscape. Here however you are undertaking no such works and in essence you are not making strategic alterations to the road in this very particular part of Brampton Road. In fact your proposed heritage works to our site is essentially a sweeping up exercise. A sort of dusting off the shelves so to speak and under these circumstances you really have no right to propose such an intrusively disruptive and I might add ill conceived arrangement. What is the aesthetic reasoning to create this Corridor of Trees. I see your planting starts along Brampton Road and I see over all the existing Multiple Utility Services running through The Open Green Spaces. Why are you proposing to cover all this up? This part of the road needs to maintain some depth, there is already a mature tree belt in from of the Fire Service HQ why narrow the Public Green in front of this. What is it your Landscaper is trying to achieve. Is this the same philosophy as applied to the Tower? Your alterations to the Footpath to the Front of site recklessly returns the footpath to the existing dangerous arrangement prior to the Areas given over under The Permissive Path Agreement. Once you account for the Access and Footpath therefore where do these trees to go? You see there is an abrupt change in level on the boundary of almost a meter between the footpath and site. What are you going to do about restricting sight lines for Cyclist and Pedestrians approaching the site junction. How do we overcome our ambition to grade the site in to the footpath and create Avenues into site. How is this achieved with such a retrograde planting obstacle?

Whilst these and my earlier comments relay and substantiate justifiable frustration with the lack of consultation and mediation offered, it is not acceptable to claim these issues will be resolved in latter detail design stages. What use is that to me now at this Pre Order Stage. What recourse will I have if these matters are not resolved after the Inspector Determines. We are entitled to a full and considered appraisal of accurate and detailed plans of proposal that affect all aspects of these lands. This has not been forthcoming and we will be making further representation to the Inspector in this regard in due course. You might in the meantime remove your landscaping plans to the front of site and around the tower; advice the inspector of this and deal with our further issues in a timely and genuine manner.

Finally I ought not to be responsible for sending you all our Submission Information again and you need to visit the Inspectors Web site. However I attach; our Original Objection Statement, Water Tower Site Plan and Visual, Permissive Path Agreement, Old Tower Boundary Plan, Freeman Conveyance. I will need to send these in several separate emails. It is further regrettable the Amendments due under Deadline 7 were published the day Notice was due to the Inspector advising of those who wished to speak and make further representation ad the Compulsory Acquisition Hearings. As we have given our written comments to the Inspector we were mindful of not incurring further Enquiry time repeating these points. However your updates has somewhat changed matters and following further Advice from Nick Coombes we are seeking to make representation during the Wednesday (02/09/15) Hearing.

If you want to discuss any of this I am happy to chat over the phone or through email

Regards

Guy Gredley 28th August 2015

Huntingdon Viaduct Responses Collated (HE/A14/EX/93)

Question 2.5.8; In detailed terms, how is it envisaged that the existing A14 Huntingdon Viaduct would be demolished.

Our objection to date with regard to the removal of the viaduct relates to the lack of information provided and concerns over the amount of land the applicant was seeking under temporary possessions in order to complete these works expeditiously and on time. That we were concerned the methodology would we assume be very similar to that employed under the previous scheme and that therefore a considerably larger working area would be required.

The Inspector will appreciate that whilst we have identified a potential flaw that could very well leave the contractor and applicant in an Open Market Ransom situation we believe such an eventuality will ill serve not only the tax payer and residents of Huntingdon but also us the land owner and long term promoter of this development. It will serve no parties interest if these works are delayed and frustrated due to inadequate and logistically perverse arrangements.

The Applicant has maintained that all works associated with removing the viaduct to areas north of the Brampton Road would be accessed and serviced via and through the Corridor of the existing A14 leading north. Therefore that no access would be gained or used directly off the Brampton Road. Indeed the junction with the road and possession land is insufficient to form such as access.

Our concern therefore relates to question of access once Phase 3B & 3C are complete and access to the north section of the existing A14 has been removed. How exactly will latter phases particularly phase 5 onwards be undertaken with no access into and out of site without overcoming the change in level from existing road at The North Abutment, down to site level. How will the Northern Cantilever be broken up on site and debris removed if the final phase of these works is the removal of the Northern Abutment.

Guy Gredley
Landro and Hinchingsbrooke Water Tower Limited
June 2015

