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Date: 9<sup>th</sup> September 2015

Dear Sirs

**Submission of the NFU Regarding the A14 Cambridge to Huntingdon Improvement Scheme**  
**Hearing : 3<sup>rd</sup> September 2015**  
**Submission specifically regarding Soil Restoration and Field Drainage for Deadline 9.**

The submission in regard to soil restoration and field drainage for the NFU was given by our counsel Barry Denyer Green and the following points were covered at number 7 of our full submission:

**7. Soil Management and field drainage**

2. See Appendix 3, sections 3 and 4 (3.4 and 4.2 particularly) to the NFU Written Statement. The wording should be emphasised and incorporated into the adopted Codes of Construction Practice to provide peace of mind to farmers and landowners. HE have been unclear on these points and unwilling to provide an unambiguous commitment. HE may feel the points raised are dealt with already in the Code of Construction practice. The NFU does not agree and feels the Code of Construction Practice needs to go further. It is believed the wording by the NFU (who are the experts on this point) and which is included at Appendix 3 at 3.4 and 4.2 was adopted by HS1.
  
3. The HE Response Report 5 (July 2015) (HE/A14/EX/53) para 63.3.7 is totally inadequate in ensuring inclusion of a proper practice in the Code.

**Department Name/NFU Policy/September '11/draft.**

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## **Soil Management**

The above refers to information provided by the NFU in their Written Representation submitted on 15<sup>th</sup> June at Appendix 3. The wording in the representation is as follows on Soil Management section 3, 3.1 to 3.4.

### **3.0 Soil management: the issue**

- 3.1 Bringing soils back to agricultural use after the construction of a major infrastructure project is very difficult. Therefore the way the soil is stripped and stored during construction is very important. Farmers will stress how the soil is never the same after reinstatement and that it takes a very long time before soils can grow arable crops to the same yield and quality after it has been disturbed. The NFU would therefore like to see Highways England undertake particular management during a 10 year after care period.
- 3.2 The NFU thinks that it is essential that HE carry out the additional survey work in the Soils Management Strategy before any soils are stripped by the contractor as stated in response to Natural England on page 18 in the HE Response.
- 3.3 For example soils that were affected by the construction of HS1 and reinstated to agricultural use are still not able to grow combinable crops to the same yield and quality as the rest of the field. The soils that have been reinstated after this major infrastructure scheme have lost structure and in areas water is lying in the fields in wet conditions and run off is occurring. During this scheme no soil samples or after care was carried out.
- 3.4 The NFU would like to see that Highways England as the nominated undertaker or their contractors should be required to:
- fund an aftercare period of ten years to ensure full soil restoration, structure and fertility
  - take soil samples when carrying out soil surveys, so as to record the baseline of agricultural soils disturbed by the authorised works
  - survey and sample soils after construction and reinstatement and continue to do so annually until the soil is back in a condition that is capable of providing a similar yield to that provided before construction
  - improve the condition of the soil structure through the application of organic content and muck and through mole ploughing and field drainage as appropriate

It is the wording under paragraph 3.4 that is really important and the NFU would like to see this wording adopted by HE in their Code of Construction Practice and Soil Management Strategy.

After our submission at the hearing HE did respond on the day and highlighted that the latest draft of the Code of Construction Practice refers to Soil Management Strategy at paragraph 9.1.4. Further that soils management is highlighted at 8.2.2 through to 8.2.5 which comes under the heading 'Mitigation of potential impacts on agricultural resources'.

After reading this wording and checking what is actually covered the NFU is pleased to see that at 8.2.2 that contractors will have to implement appropriate procedures for stripping, handling,

storage and replacement of agricultural soils and then states the main contractors will undertake reinstatement of land used temporarily for construction in accordance with the requirements of the DCO. **Therefore specific wording will need to be included in regard to reinstatement which the NFU is looking for.**

At 8.2.3 it is stated that prior to works commencing on agricultural land that the main contractors will undertake surveys to record the existing quality of land. The NFU is very pleased that this has been included and this would meet bullet point 2 in our written representation as long as the surveys are referring to the taking of soil samples.

Paragraph 8.2.4 is then covering the implementation of appropriate measures in relation to storage of agricultural soils which as detailed is what we would expect to see identified.

Paragraph 9.1.4 then states that contractors will be obliged to comply with the soil management strategy Appendix 12.2 and the Technical Annex(TA). After reading through the TA it has been stated that a soil resources survey would be carried out prior to any earthwork operations. So again this is covering our request of soil sampling of agricultural land before any works take place to assess the quality of the soil and the assessment of the Agricultural Land Classification (ALC). HE have stated that ALC information will provide further data on the presence of Best and Most Versatile (BMV) land to facilitate its protection.

The NFU is very pleased to see that at 2.2.17 of the TA that the physiochemical soil resources survey will analyse the following:

pH, salinity, particle size, nutrients including phosphate, potassium and magnesium, and organic matter.

It states at 2.2.18 that Natural England is consulted on the proposed survey extents and associated soil analyses. **The NFU would like to see it stated that landowners will receive a copy of the analysis results of soil relevant to their land where topsoil and subsoil has been excavated for construction sites.**

At 2.2.19 'Reporting of the Soil Resources Survey' that results will be in one interpretive report and this will include recommendations on what donor subsoils and topsoils are to be used for restoration of agricultural land. **It does not cover existing subsoil and topsoil for agricultural use?**

At 2.2.20 it covers how the interpretive report will highlight how subsoil and topsoil will be stored and managed that is to be used for agricultural re-use. This is essential and very important.

At 2.2.21 it is stated that through the combination of the 2009 ALC survey work and the proposed soil resources survey BMV land would be identified and that it would provide analytical information which would inform storage and restoration methods for all all disturbed topsoils and subsoils.

**The NFU as highlighted in their written representation is very concerned about how soils are restored and monitored as it very difficult to reinstate soils back to their original condition once they have been moved and stored. As highlighted in the written representation the NFU would like to see wording included in the TA after 2.2.22 that wording would be include to cover that soil sampling will take place after reinstatement and continued to be carried out annually until the soil is back in the condition that is capable of providing a similar yield to that provided before construction of the scheme.**

To achieve this it has been suggested that this could be achieved by improving the condition of the soil structure through the application of organic content and muck, through mole ploughing and field drainage as appropriate.

This could be achieved by HE funding an aftercare period of ten years to ensure full soil restoration, structure and fertility.

This needs to be stated and included in the CoCP and the TA.

## **Field Drainage**

The following wording was included in the written representation by the NFU on the 15<sup>th</sup> June 2015.

### **4.0 Field Drainage**

4.1 Field drainage will be affected along the whole route of the proposed A14 Improvement Scheme as the construction works will cut through any existing field drains.

4.2 The nominated undertaker should be required to repair, reinstate or reconnect field drainage as appropriate or if necessary install a new system. The NFU would like to see the following wording included in the, The Code of Construction Practice by Highways England. There should be a section on the procedures to be followed for field drainage and the wording should be as follows:

- The methods to be employed in repairing damage to field drainage systems and or any additional drainage work that may be deemed necessary shall be agreed with the owner and or occupier as appropriate and, failing agreement, will be referred to an expert acceptable to both parties. Where possible plans of any existing drainage schemes should be made available.
- If HE think it is necessary header drains (cut off drains) will be installed before construction begins.
- Highways England should ensure that suitably competent drainage sub -contractors are employed.
- The position of all land drains cut by or disturbed during excavation shall immediately following their location be prominently marked.
- In cases where land is let on any agricultural tenancy, agreements on repairs and reinstatement will involve the owner except where the drainage scheme is owned by the tenant.
- After the construction of the road scheme HE will undertake to carry out all remedial and new drainage works as agreed between themselves as the nominated undertaker and the occupier or owner as appropriate. The timing of these works to be discussed and agreed between HE and the occupier.

Further to the response received from HE on the day of the hearing last Thursday 3<sup>rd</sup> September HE highlighted that field drainage was covered in the CoCP at 14.1. and 14.2, under 8.2.3 and 5.5.

The NFU is pleased to see that field drainage is mentioned at 8.2.6 in the CoCP which just sites that appropriate measure will be taken to identify, protect and maintain existing land drainage. **But there is no detail as to how this would be achieved.**

We have checked chapter 14 of the CoCP and this is actually covering 'Road drainage and the water environment' there is no mention of how field drainage would be dealt.

An email was sent to HE on Monday 7<sup>th</sup> September requesting confirmation of where field drainage is covered in the CoCP but no information has been received.

**The NFU is therefore looking for the wording that has been provided in the bullet points above under 4.0 Field Drainage as included in our written representation to be included in the CoCP under chapter 8: Community and Private Assets.**

**This wording needs to be included in the CoCP so that it is approved through the DCO and not left to the detailed design stage.**

**The information that NFU would still like to see on soil management and field drainage will be highlighted in the next draft of the Statement of Common Ground further to the latest draft received from HE on 2<sup>nd</sup> September 2015. HE have stated that they are considering the wording that may go into the CoCP to take account of landowners during detailed design, to ensure that full account is taken of existing land drainage.**

**As stated above the detailed design stage will be too late and the NFU from experience with other major infrastructure schemes knows that the wording of how drainage will be dealt with has to be agreed so that landowners have some assurance and understanding of how HE and their contractors will deal with land drainage issues which is one of the biggest problems faced by landowners and farmers when schemes are undertaken.**

**The NFU looks forward to receiving further information from Highways England on the above matters and agreement to the wording provided to be included in the CoCP.**

Yours faithfully

**Louise Staples**

**Rural Surveyor**