



A303 AMESBURY TO BERWICK DOWN DEVELOPMENT CONSENT ORDER

REPRESENTATIONS ON BEHALF OF APC AND CLASS MAXI (REFERENCES A303 – AFP035 and 20019749)

Highways England (HE) is promoting a scheme to construct a new section of dual carriageway on the A303 (Scheme) and has lodged an application for a Development Consent Order (DCO) in order to secure consent to construct it. Through the DCO HE is seeking powers of compulsory acquisition in respect of all plots of land required for the Scheme. This includes land previously owned by the Amesbury Property Company Limited (APC) whose interests have now been transferred Classmaxi Ltd (CM). The relevant plots (as shown on the land plans submitted with the draft DCO) are listed in the annex to these representations.

PFA Consulting has requested to appear at a Compulsory Acquisition Hearing (CAH) on behalf of CM. The following representations therefore set out the points that will be made to the Examining Authority (ExA) at the CAH.

Classmaxi Ltd is supportive of the overall objectives of HE major infrastructure work at Stonehenge.

The CM land affected by the DCO relates to that part of the Scheme that lies a significant distance to the east of the dualling works proposed to the A303 near Stonehenge. The part of the Scheme that concerns CM land relates to Allington Track and AMES1.

Legislation and government guidance is clear that a Development Consent Order may only authorise compulsory acquisition if the Secretary of State is satisfied that the land is required for the development to which the consent relates, or is required to facilitate or is incidental to the development; and that there is a compelling case in the public interest for the compulsory acquisition. Promoters must also be able to demonstrate that all reasonable alternatives to compulsory acquisition including modifications to the scheme have been explored, and that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and that it is necessary and proportionate.

Clearly the works proposed on CM's land, some 1 kilometre east of Countess Roundabout, are not directly necessary to achieve HE's principal objective of the dualling of the A303 past Stonehenge and the grade separation of Countess Roundabout (and indeed, the initial consultations by HE did not include the Allington Track and AMES1 proposals). CM will therefore resist the compulsory acquisition of its land on the basis that acquisition of its land is not necessary to achieve HE's principal objective and in any event as it believes HE's objectives can be realised equally satisfactorily by an alternative course of action (which is detailed further below), namely the acquisition of certain rights, from CM by HE, thus rendering the compulsory acquisition unnecessary.

We understand the scope of the HE project as it relates to CM land and its purpose as described by HE in all discussions direct with CM is as follows:

- A. The Allington Track Diversion, the purpose of which is to accommodate only the level and nature of traffic flow permitted by the physical constraints of the present Allington Track route.
- B. The AMES 1 Diversion, the purpose of which is to accommodate only the existing level and nature of traffic flow permitted by the physical constraints of the present byway AMES1 and notably the constriction by its ex-railway bridge which has a clear width of 4.4m.

The acquisition of the freehold ownership by a Highway Authority of the extent of the land identified in the Order would have the consequence that a Highway Authority (whether HE or the Local Highway Authority) would, at a later date, be able to carry out additional future upgrading works (*for purposes unrelated to this DCO*) to widen Allington Track and to change the status of AMES1 to a “full” highway and thus allow an increased level, and different nature, of traffic to use these routes.

At present, given that CM owns the surface and sub-soil of the existing routes such future upgrading works could only be undertaken with the express permission of CM, and in the event that such works were required to enable development to occur on land in the south and east of Solstice Park, an appropriate financial consideration would be payable. In this respect, a future access into Boscombe Down Airfield (*by way of an extension of Equinox Drive southwards*) in order to facilitate development on the airfield has long been envisaged. Planning permission (*obtained by APC*) exists for this extension which is described as the Boscombe Down Link Road (*BDLR*) and which has been partially constructed and therefore has planning consent in perpetuity. Discussions have taken place with Wiltshire Council (*which has been appointed by a consortium, including QuinetiQ (lessee of the airfield), Defence Infrastructure Organisation (freehold owner of the airfield for the crown), Boeing, and Wiltshire Council, with interests in developing the airfield complex*) regarding the use of the BDLR to facilitate access to the airfield for such development, whilst such relevant negotiations have not yet been concluded.

The compulsory acquisition of the land by way of the DCO would reduce or remove the ability of CM to obtain a fair financial consideration as part of such negotiations, and should development occur this would result in additional traffic using the Solstice Park Road Network, which although public roads, were privately funded by APC, as was the upgrading of the Solstice Park Junction on the A303 to an all directions junction.

The compulsory acquisition of land would also prevent CM from undertaking any future realignment of Equinox Drive (*subject to any statutory processes being adhered to*) to enable any future redevelopment of Solstice Park to take place as the Highway Authority would be the freehold owner of the land on which Equinox Drive lies.

CM has therefore put forward the following proposals to HE which it believes will adequately secure HE’s current objectives in relation to the presently proposed A303 upgrade, and therefore render the CPO unnecessary.

Allington Track Diversion

It is proposed that the diversion shall comprise

- (a) a 5.5m metalled carriageway width with passing places as presently shown on the scheme plans;
- (b) 1m verges, restricted to verge use only on either side;
- (c) this overall width (7.5m) to be dedicated to HE or Wiltshire Council (WC) as public highway;

- (d) standard highways post and rail wooden fences to the rear edge of verges on both sides of the land to be dedicated as public highway;
- (e) any slopes to cuttings or embankments to approx. 1:4 gradient will not be included in CM's dedication but to remain wildflower meadow/ public open space.

AMES1 Diversion

It is proposed that the diversion shall comprise

- (a) a maximum total width of (4.6 m) comprising a single track gravel surfaced carriageway inclusive of its verges;
- (b) this width to be dedicated to HE or (WC) as a public byway and for no other purpose;
- (c) standard highways post and rail wooden fences to define the overall width to be dedicated as a public byway;
- (d) any slopes to cuttings or embankments necessary at approx. 1:4 gradient not included by CM in any dedication as a public byway but to remain wildflower meadow/ public open space.

All of these works may generally be within the overall extent of the areas of land identified in the Order and shall include any ancillary rights required for public utility apparatus.

CM proposes to grant HE a licence to temporarily occupy any, or all, of its land identified in the DCO for the purposes of constructing the diversion works and shall also grant any rights to Statutory Undertakers across Plots 10.18, 11.04 and 11.05 that HE consider necessary.

CM will then dedicate such of its land on which the diversion works have been carried out as is necessary as highway in accordance with the proposed specifications set out above. HE shall also undertake the necessary procedure to adopt the currently built section of Equinox Drive and this at no cost to CM.

HE shall undertake to arrange direct with Wiltshire Council (WC) a release of APC's and CM's obligations under the S106 Agreement regarding the maintenance of public open space and wildflower meadows where this is specifically affected by the HE proposed project.

HE has acknowledged that such arrangements, including dedication and adoption, represent a viable, workable and procedurally appropriate approach and has therefore discussed this mechanism with WC which will, once the works have been completed, be the Local Highway Authority for both the Allington Track Diversion and the AMES 1 Diversion, during a meeting on 5th April. Following the meeting WC confirmed that, as the inheriting highway authority, they would not be opposed to the dedication of the relevant land. HE therefore intend to pursue this approach subject to continuing to be comfortable that it will deliver what it needs to enable the Scheme.

CM therefore proposes to continue to work towards an agreement with HE, to ensure HE's objectives in respect of Allington Track and AMES1 can be achieved, and will, as soon as possible before the CAH, but in any event before the end of the Examination, submit to the Examining Authority a legal agreement or other binding arrangement which will secure HE's objectives without the need for compulsory acquisition, thus rendering the compulsory acquisition process unnecessary.

CM has indicated that it would be content to receive a nominal sum plus reimbursement of its reasonable professional fees for these negotiations and such agreement as set out above.

In the event that HE has not accepted CM's proposal by the time of the CAH, CM will wish the CAH to take place and to examine HE's reasons for not accepting the proposals.

CONCLUSION

CM requests that the ExA does NOT confirm the Compulsory Purchase Order in respect of those plots identified in the annex to these representations as there is clearly an alternative mechanism available capable on being secured by a legal agreement (which CM will provide to the ExA as soon as possible before the CAH, such agreement to be agreed and finalised by the parties before the end of the Examination) which will ensure that HE's entire objectives in respect of that element of the DCO which affects CM land and which therefore renders the Compulsory Purchase of either the freehold or rights over CM land UNNECESSARY .

CM reserves its position and right to supplement these representations further for the purposes of the Examination and in particular the CAH.