

A303 Stonehenge: Amesbury to Berwick Down

Written Representations

On behalf of

Morrison and King Limited - A Tier 1 Landowner and Agricultural Tenant

May 2019

1. Introduction

- 1.1. This submission is made on behalf of Morrison and King Limited (MKL), a local farming company impacted by the proposed Scheme, as both freeholder and agricultural tenant within the proposed Order limits.
- 1.2. A plan showing the extent of MKL's freehold ownership and agricultural tenure within and immediately adjoining the proposed Order limits has been provided within the response to the Examining Authority's first Written Questions and requests for information (ExQ1) issued on 11 April 2019 specifically AG1.23 - copy attached as Appendix One.
- 1.3. MKL is a local farming business that operates a commercial livestock enterprise, breeding and rearing both sheep and cattle. In addition, MKL cultivates arable crops, such as wheat, barley, oilseed rape and beans. Furthermore, the Company is a riparian owner with fishing rights on the River Avon and operates commercial horse livery. In total farming approximately 1,520 acres.

2. Compulsory Acquisition

- 2.1. The extent of the Applicant's proposed compulsory acquisition is shown on the plan attached as Appendix Two. The Applicant is seeking to compulsorily acquire the freehold of one area for tree planting purposes (Ref. 09-22). MKL has repeatedly offered to enter into a legally binding management agreement to provide for such tree planting and future maintenance as the Applicant might require. It is understood that the provisions of S.253 The Highways Act 1980 provides for such circumstances.
- 2.2. 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.
- 2.3. Applicants 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.

- 2.4. MKL therefore asserts that the proposed compulsory acquisition of area Ref.09-22 is neither in accordance with statute nor guidance and objects accordingly. The Applicant's proposed tree planting can be achieved by a reasonable alternative as proposed by MKL, namely entering into a binding legal agreement under s.253 The Highways Act 1980. MKL will continue to work towards such an agreement with the Applicant in respect of the proposed tree planting.
- 2.5. The lack of meaningful progress in respect of this matter lies squarely at the Applicant's door. No draft papers have been produced nor substantive discussions despite repeated requests from MKL's representative. This lack of meaningful engagement has necessitated continued representations on this matter within the Examination process and thereby continues to result in higher costs to be borne by MKL.
- 2.6. MKL will continue to seek a legally binding agreement which may be submitted to the Examining Authority ensuring provision of the Applicant's proposed tree planting and future maintenance. Ideally this will be achieved before the Compulsory Acquisition Hearing thereby mitigating further costs or failing that by the end of the Examination thereby rendering compulsory acquisition unnecessary.
- 2.7. If no such Agreement is submitted, it is respectfully suggested that the Examining Authority seek clarification regarding any lack of progress and consider the cost implications of the same.

3. Proposed Site Compound

- 3.1. The level of detail provided by the Applicant relating to the proposed site compound on MKL's freehold has been woefully inadequate. Virtually the full extent of this is contained within the illustrative layout attached within Appendix Three. The self-same document raises more questions than it answers:
 - 3.1.1. If there are to be extensive offices as shown where is the parking provision or are all workers expected to arrive by public transport?
 - 3.1.2. This illustrative layout has been prepared to the same scale as the main compound within the same Appendix and this merely serves to underscore the vast scale of the stockpiles shown within the proposed site compound, estimated to cover in excess of nine acres. No explanation as to what these stockpiles will consist of has been forthcoming despite repeated enquiries of the Applicant. It seems almost inconceivable that an engineering project is proposing nine acres to be compulsory acquired for stockpiling and yet the detail of what is to be stockpiled is not available.
 - 3.1.3. The hours of operation also remain a mystery as despite having been referenced to the working hours undertakings provided within the Outline Environmental Management Plan without knowing which aspects of the Scheme the compound/stockpiles are associated with it is not possible to ascertain the likely hours of operation. See 4.2.2 below.

- 3.1.4. The illustrative layout referred to above shows a new water main being installed across the site; a site that is known to have archaeological interest. When questioned over this water main the Applicant explained that this was to be a water supply to the tunnel/main compound and it was therefore suggested that a better route might be found; one that did not require a crossing of the River Avon nor an area of known archaeological interest. It was subsequently revealed that this supply was for the proposed site compound on MKL's freehold and not the tunnel/main compound whatsoever, contrary to the detail within the illustrative layout. Surely as simpler and less disruptive supply could be taken from the main within Countess Road for that purpose?
- 3.2. Whilst it is understood that the NFU will be submitting further representations on soils it is considered necessary to make reference to this matter in respect of the proposed site compound.
- 3.3. In common with all farming businesses, MKL's existing soils are an immensely valuable resource. The appropriate, diligent and timely management of this resource is key to its business endeavours. Significant concerns exist generally regarding the areas to be occupied during the construction phase of the Scheme and specifically in respect of the temporary compound to be located within its freehold. MKL seeks binding assurances in respect of the following:
- 3.3.1. Pre-commencement soil survey; to include topsoil type, site variance and subsoil structure.
- 3.3.2. Adherence to an agreed and detailed Soil Management Plan devised in accordance with best industry practice; to include methods of working, extent of topsoil removal, site specific topsoil storage methods, weed control, reinstatement methods, aftercare and post-scheme monitoring.
- 3.3.3. No soil to be exported from nor imported to the temporary storage compound site.
- 3.3.4. Protection measures for subsoil structure; to include the laying of a geotextile membrane with stone above across all trafficked areas.
- 3.4. It has hopefully been made clear that the current level of detail regarding the proposed site compound is woefully inadequate to enable reasoned judgements and representations to be made. The most worrying of all being that when repeated enquires have been made of the Applicant regarding further necessary detailed information the stock reply has been that such information '*will be determined by the appointed contractor*' and '*produced prior to works commencing*'.
- 3.5. There appears to be no impediment to any future contractors' tender process by the inclusion of agreed specifications for these important details. It is therefore respectfully suggested that the Examining Authority seek clarification from the Applicant regarding this lack of detail and consider the cost implications of the same.

4. Impact Upon Horse Livery Enterprise

- 4.1. MKL has diversified its agricultural business by operating a horse livery enterprise out of a stable yard identified on the plan attached as Appendix Four. The stable yard consists of stables for a maximum of eight horses and an associated manège. The livery business utilises the grassland identified on the same plan. MKL supplies home produced hay and straw to this enterprise.
- 4.2. MKL has significant concerns regarding the likely disturbance to this enterprise arising from the Scheme. These concerns are fourfold as detailed below and insufficient detail has been provided by the Applicant to allay such concerns.

4.2.1. Disturbance

The location of the site compound immediately adjacent to the stable yard will undoubtedly lead to significantly increased levels of noise, dust and light intrusion. The Applicant has referenced the relevant topic chapters of the Environmental Statement, including Chapter 5, Air Quality (APP-043), Chapter 7 (APP-045), Landscape and Visual, Chapter 9 APP-047), Noise and Vibration, and Chapter 13 (APP-051), People and Communities (document reference 6.1). These assessments have concluded that there would be a range of adverse impacts during construction, presumably the entire period that the site compound is located adjacent to the stable yard.

The most noteworthy omission in respect of these assessments is that they have been conducted from a human perspective and it is a widely accepted fact that horses are considerably more sensitive to noise, dust and artificial light than humans.

4.2.2. Hours of Operation

Attached as Appendix Five is an extract from the Applicant's submission 6.3 Environmental Statement Appendices Appendix 2.2 Outline Environmental Management Plan detailing working hours.

To date MKL has been not been given any definitive explanation as to what the proposed site compound will be used for. It is reasonable to assume that the proposed compound will require earthworks and therefore could be subject to *Summer working hours of 07:00 - 22:00 Monday to Saturday with occasional working on Sundays and Bank Holidays.*

The Applicant has confirmed that some of the proposed compound area *'will be for use as topsoil or chalk stockpile only which will act as a shield for other construction site activity. Indicative plans show construction yard zoning are included in the Environmental Statement (6.2 Environmental Statement Figure 2.7 A-E - Illustrative construction layout including compounds and haul routes).'*

The mention of chalk stockpiles and haul routes has given rise to further concerns that the proposed site compound may be utilised for tunnelling spoil and this would further extend the working hours as detailed within Appendix Five *'Tunnelling and directly associated activities (such as removal of excavated material.....) may need to be carried out on a 24 hours 7 days/week basis'*

Whether the working hours are 0700 to 2200 (with an additional hour either side permissible) 6 days/week or 24 hours 7 days/week is probably academic because neither is in any way compatible with an equine leisure use immediately adjacent.

4.2.3. Grazing/Outriding

Area Ref.09-22 identified in Appendix Two is currently permanent pasture and utilised by the livery enterprise for grazing. The Scheme proposals for this area to be planted with trees will see this grazing lost permanently to the livery business and prior to planting access will be prevented as the area will be severed by the proposed site compound.

4.2.4. Security

Security at livery yards is extremely important, as they are frequently the target for low level rural crime. Potential clients looking for livery are highly sensitive to any perceived 'security threats' where they may be considering stabling their horse. It is hard to imagine that a large and active adjoining site compound would not have an adverse impact upon the perception of yard security whether any actual crime were to arise or not.

- 4.3. The keeping and riding of horses is a rural leisure activity into which MKL has diversified. The positioning of a substantial active site compound immediately adjacent to the centre of such an enterprise can only have a detrimental effect.

5. Impact upon Ground Water at Grain Drying Facility

- 5.1. The Scheme proposes extensive road drainage provisions upon MKL's freehold and its tenanted agricultural demise. Concerns remain regarding these proposals as detailed in 6.3 Environmental Statement Appendices Appendix 11.3 Road Drainage Strategy. Despite stating within paragraph 5.2.3 '*All ponds would outfall to the existing highway ditches*' Figure 5.2 illustrates a proposed new ditch in close proximity to MKL's grain handling facility at Countess Farm. MKL has considerable concerns that this will increase the water table in the immediate environs of any new ditch(es).
- 5.2. The current grain handling facility has a reception pit and elevator sump that are prone to water ingress and resultant flooding. This is managed by draining to an external sump from which a submersible pump is operated. That sump would be in very close proximity to the new proposed ditch(es) and any increase in water table could see the current pumping arrangement overrun and the grain handling facility rendered unserviceable.
- 5.3. If the grain handling facility does remain serviceable, provision for MKL to continue to pump to the existing ditch or replacement ponds/ditches must be safeguarded and the Examining Authority are respectfully requested to seek assurances from the Applicant in this regard.

6. Future Maintenance of New Boundary Fences Adjacent to the Highway

- 6.1. The proposed Scheme introduces a number of new boundary fences adjacent to the highway. As with all ownership boundaries these might be owned by either party or shared and the maintenance obligations can be equally arranged, often illustrated by

the inclusion of 'T-marks' on any ownership plan. To date, in all discussions the Applicant has sought to pass all future maintenance liabilities for new boundaries to the landowner from which the land has been compulsory acquired; in this case MKL.

- 6.2. One of the new boundaries is shown as being an otter fence. It is no doubt as a consequence of the Applicant's environmental impact assessment and resulting mitigation measures to enable the Scheme to be considered that such an otter fence is proposed. It is therefore inherently unjust that all future maintenance of this fence, or indeed any new boundary fences adjacent to the highway, arising as a result of compulsory powers should be foisted upon the landowner. It is respectfully suggested that the Examining Authority seek future maintenance obligations for boundary fences adjacent to the highway resulting from compulsory powers fall to the Applicant.

7. Park Farm Combine Access

- 7.1. It is understood that within the DCO process the imposition of a new combine access route to Park Farm across Countess Farm is proposed. Despite repeated enquiries, the Applicant has been unable to provide assurances in respect of this. Clearly such a right of way can raise concerns when the exact detail has not been made available. MKL would like further details and to see any such right restricted to a limited number of combine harvester and single escort vehicle movements during the summer months for the sole benefit of the current freeholder/leaseholders of Park Farm.

8. Decommissioned A303

- 8.1. MKL objects in the strongest possible terms to the proposed status of the existing A303 as a restricted byway. MKL does not believe that evidence exists recording levels of demand for non-motorised vehicular use along the proposed route thereby requiring the restricted byway status proposed. Indeed, it is respectfully suggested that the Examining Authority seek evidence of such demand from the Applicant before considering the restricted byway status sought under the DCO.
- 8.2. With the benefit of many years 'on the ground' local knowledge MKL foresees this proposed route and status attracting anti-social and inappropriate behaviour/activities within and adjacent to the UNESCO World Heritage Site. This proposed route should be designated as a bridleway with adequate security barriers/gates installed, excepting seasonal agricultural users.
- 8.3. In common with a number of local farmers, MKL wishes to stress that it will be essential to maintain unfettered agricultural access, subject to adequate security provision, along the length of the decommissioned A303 and the Stonehenge Road from Amesbury within the section running from Longbarrow Roundabout as far as the retained section of the Stonehenge Road.
- 8.4. MKL uses Stonehenge Road to move stock on foot between Countess Farm and Vineys Farm therefore it is essential that agricultural user access is maintained from King Barrow to Stonehenge Road.

9. Link between Byways 11 and 12

9.1. MKL supports the removal of the proposed byway open to all traffic link between byways 11 and 12. Indeed MKL wishes to draw the Examining Authority's attention to the widely acknowledged success of the recent temporary restrictions imposed effectively preventing any vehicular link between byways 11 and 12. In common with the vast majority of local stakeholders and farmers/landowners MKL urges the Examining Authority to consider removing entirely from the Scheme any vehicular link whatsoever between byways 11 and 12.

10. Additional Matters

10.1. These Written Representations are intended to bring to the attention of the Examining Authority the specific issues that are of concern to MKL, a Tier One landowner and agricultural tenant within the proposed Order limits.

10.2. MKL's representatives are registered to speak at the forthcoming hearings should the requirement arise. MKL wishes to reserve the right to include within the subsequent Examination process any further areas of concern that may have been omitted in error, that may arise when additional detail is provided by the Applicant or become apparent through the hearings.

APPENDICIES

Appendix One	Ownership Plan
Appendix Two	Compulsory Purchase Plan Including Tree Planting Area Ref. 09-22
Appendix Three	Indicative plans show construction yard zoning as included within the Environmental Statement (6.2 Environmental Statement Figure 2.7 A-E - Illustrative construction layout including compounds and haul routes)
Appendix Four	Location of the horse livery yard and associated grassland
Appendix Five	Extract from Outline Environmental Management Plan detailing working hours