

**From:** [Archie](#)  
**To:** [A303 Stonehenge](#)  
**Subject:** Ref. Group A 20019732 - Beacon Hill Land Limited  
**Date:** 03 May 2019 19:53:44  
**Attachments:** [BHLL - Appendix Two.pdf](#)

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Dear Sir/Madam

I refer to The Examining Authority's first Written Questions and requests for information (ExQ1) Issued on 11 April 2019. I represent Beacon Hill Land Limited, a Tier One Landowner. In accordance with your examination timetable, I am submitting responses to the relevant questions as follows:

Ag.1.23

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Attached is an ownership plan contained as Appendix One in our Written Representations. Further details are contained with our Written Representations. No land is severed by the Proposed Development.

Ag.1.24

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Beacon Hill Land Limited do not rely upon a private borehole.

CA1.45

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The relevant extracts from our Written Representation are copied below and Appendices attached.

## **1. Compulsory Acquisition**

- 1.1. The Applicant is seeking to compulsorily acquire the following from BHLL as illustrated in Appendix Two:
  - 1.1.1. The freehold of a section of the existing Byway Amesbury 1 (ref.11-08) in order to convert its status to a footpath.
  - 1.1.2. The freehold of an existing private track (ref.11-28) in order to create an adopted highway linking the Allington Track with Equinox Drive.
  - 1.1.3. Permanent rights for the planting and future maintenance of a hedgerow (ref. 11-10).
- 1.2. 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.
- 1.3. 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.

- 1.4. BHLL therefore asserts that the proposed compulsory acquisition is neither in accordance with statute nor guidance and objects accordingly. The stated objective of the Scheme is to upgrade the A303 past Stonehenge between Amesbury and Berwick Down to a dual two-lane carriageway. The proposed compulsory acquisition detailed above is located approximately 2.35 kilometres east of the new A303 flyover at Countess Roundabout the 'effective' eastern Scheme boundary. Consequently, the proposed compulsory acquisition is in no way necessary to achieve the Applicant's stated objective.
- 1.5. The Applicant's aspirations to downgrade the byway to footpath status and create a new adopted highway to divert the existing Allington Track can be achieved by reasonable alternatives as proposed by BHLL.
- 1.6. It is not felt that any compulsory powers are required to downgrade the existing byway to footpath status as this should be a matter solely between the Applicant and the Local Authority. This element is essentially a variation to established public rights of way and in no way warrants the compulsory acquisition of freehold.
- 1.7. The Applicant has made mention of existing Statutory Undertakers' apparatus beneath the existing byway. Despite repeated requests no specific details of such apparatus have been provided. If such apparatus do indeed exist it is extremely doubtful whether any additional grant of rights would be required, as statutory provisions exist. If however a grant of rights is required to Statutory Undertakers in respect of existing apparatus then BHLL would be willing to assist voluntarily without the imposition of compulsory acquisition.
- 1.8. A highway is a legal right over land, as such it does not require freehold ownership of that land. The majority of the freehold upon which there is highway, maintainable at public expense, is not owned by the highway authority.
- 1.9. In respect of the diversion of The Allington Track via a new adopted highway, BHLL proposes to grant the Applicant a licence to temporarily occupy such of its land as identified in the DCO for the purposes of constructing the diversion works. BHLL would then dedicate as highway, such of its land as is necessary upon which the diversion works have been carried out.
- 1.10. The Applicant has confirmed that such arrangements, including dedication and adoption, represent a viable, workable and procedurally appropriate approach and has discussed this mechanism with Wiltshire Council (WC) which will, once the works have been completed, be the Local Highway Authority for the Allington Track Diversion, during a meeting held on 5 April 2019. Following the meeting WC confirmed that, as the inheriting highway authority, they would not be opposed to the dedication of the relevant land.
- 1.11. 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 held, despite repeated requests from BHLL's representative. Indeed, it was only via a third party that details of WC's favourable response were obtained. 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 BHLL.

- 1.12. BHLL will continue to seek a legally binding agreement which may be submitted to the Examining Authority ensuring provision of the Applicant's highway diversion. 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.
- 1.13. In the event that 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.
- 1.14. Any suggestion by the Applicant that the compulsory purchase of permanent rights for the planting and future maintenance of a hedgerow is absurd. BHLL asserts that the Applicant's proposed hedgerow aspirations can be achieved by a reasonable alternative as proposed by BHLL, namely entering into a voluntary agreement. BHLL will continue to work towards such an agreement with the Applicant in respect of the proposed hedgerow.
- 1.15. 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 BHLL'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 BHLL.
- 1.16. BHLL will continue to seek a legally binding agreement which may be submitted to the Examining Authority ensuring provision of the hedgerow and its 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.
- 1.17. In the event that 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.

Yours faithfully

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