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**Subject:** NFU submissions - Hearings 4th and 11th June 2019  
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**Attachments:** [REDACTED]

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Dear Sirs

Please find attached two submissions from the NFU following the hearings held in regard to the draft DCO on the 4<sup>th</sup> June 2019 and the Specific Issue Hearing 4 on Flood Risk, Groundwater and Waste Materials Management.

Yours faithfully

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**PLANNING ACT 2008**

**INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

**WRITTEN SUBMISSIONS OF NFU REGARDING THE A303 AMESBURY TO BERWICK DOWN  
SCHEME DEVELOPMENT CONSENT ORDER 201 [...]**

**PLANNING INSPECTORATE REFERENCE NO TR010025**

**SUBMISSIONS OF NATIONAL FARMERS UNION ON THE DRAFT DEVELOPMENT CONSENT  
ORDER ON 4<sup>TH</sup> JUNE 2019**

**DATE 21<sup>ST</sup> JUNE 2019**

## 1.0 Introduction

1.1 Submissions on behalf of the National Farmers Union (“NFU”) in respect of the application for a Development Consent Order (DCO) by Highways England for the A303 Amesbury to Berwick Down scheme. The NFU is making a case on behalf of its members who are affected by the proposed DCO.

## 2.0 Draft Development Consent Order (dDCO) Hearing:

2.1 **Article 2: Interpretation:** Construction Compounds were discussed and the NFU raised the issue that landowners were concerned about the size and location of compound sites and the works that will be undertaken in each compound. Under Schedule 7 of the draft DCO areas to be taken for compound sites, the purpose set out states ‘to provide temporary storage, lay down areas and working space’. This is too vague and the works which are to take place in each compound should be set out under this schedule. It is known that the waste soil arisings will be treated in one of the compounds. This needs to be stated clearly in the schedule within the draft DCO. Reference is made to the location of slurry treatment plant and batching plant in the OEMP on page 50 ref: MW-CH4. It is this detail that the NFU would like to see detailed in the schedule in the DCO for each compound.

2.2 **Article 3 and 13:** Wiltshire County Council raised an issue over dewatering and where was the water to be discharged. The NFU would like to state that no water should be discharged over agricultural land next to the order limits and any existing main drains that Highways England may discharge water into must be capable of taking the extra water so that flooding of agricultural land does not occur during the construction. The NFU also asked under Article 13 whether ‘drain’ included agricultural field drain? Highways England is asked to confirm.

2.3 **Article 7: Limits of Deviation:** the NFU would like further clarity and justification on why Highways England need to have a deviation in a westerly direction for Work No.1E and 1F of 200 metres. Especially when they have been able to say they only need a permitted deviation of 30 metres in an easterly direction. The NFU believes that the limit of deviation at 200 metres is excessive and not justified. The limit should be set at 30 metres the same as the easterly direction.

2.4 **Article 15: Authority to Survey and Investigate Land:** The NFU has asked that when notices are served that Highways England within the notice state the following:

- Who will be taking entry
- The date of entry and for how long
- The types of survey to be carried out
- The type of equipment if any will be used.

This would then follow details which have to be provided under the Housing and Planning Act 2016 section 174 when surveys are carried out.

2.5 **Article 29: Temporary Possession:** the NFU raised that it would like to see Highways England giving 3 months’ notice rather than just 14 days as stated at 29.(2) to Landowners and occupiers before entry is taken. This would then follow what has been set out in the Neighbourhood Planning Act 2017 Part 2 Section 20. This requires acquiring authorities to give at least three months notice and it also requires the acquiring authority to specify the period for which temporary possession is going to be taken.

- 2.5.1** The NFU believes strongly that all DCOs going forward should fall in line with these changes to compulsory purchase powers under the Neighbourhood Planning Act 2017. Taking land for temporary possession and only giving 14 days notice has become an issue on other infrastructure schemes especially HS2. HS2 already gives 28 days notice before temporary possession can be taken and this lead in time has caused farmers problems. Therefore the NFU has petitioned for three month notices to be included in the Hybrid Bill for Phase 2a. In response to this the Select Committee for Phase 2a in their Second Special Report instructed HS2 that where possession may be for longer than a week farmers should be given advance warning of the quarter year in which the temporary possession is likely to be taken and notice should be not less than three months prior to that quarter. HS2 following this offered an Assurance to NFU on 18<sup>th</sup> April 2019 and it states **“the Nominated Undertaker will provide at least 3 months’ written notice in advance of the date of entry to the landowner and any occupier in respect of the relevant land to be occupied under temporary possession powers (“the Notice”)”**.
- 2.5.2** Further HS2 have also stated that they will give a timeline of how long temporary possession is going to be taken for.
- 2.5.3** The NFU therefore ask the Examining Authority to change the 14 days notice to three months notice at Article 29 para (2). The NFU believes very strongly that three months notice is essential for temporary land take on large infrastructure schemes like Amesbury to Berwick Down.
- 3.0 Schedule 2: Requirement 4:** Outline Environmental Management Plan (OEMP): The NFU has requested to Highways England that the OEMP must include details covering the following:
- The role of Agricultural Liaison Officer
  - How private water supplies will be secured
  - How agricultural field drainage will be dealt with during and after construction
  - How soils will be reinstated and aftercare implemented.
- 3.1.1 Agricultural Liaison Officer: Under ‘2 Project Team Roles and Responsibilities’** in the OEMP an Agricultural Liaison Officer (ALO) has now been included which sets out the responsibilities the ALO will undertake but it does not set out when the ALO will be appointed, how long for, the qualifications of the ALO, contact details. The wording the NFU would like to see setting this out is highlighted below:
- 1.1. The Agricultural Liaison Officer (ALO) will be will be appointed by the Applicant prior to the commencement of pre-construction activities and will be the prime contact for ongoing engagement about practical matters with landowners, occupiers and their agents before and during the construction process. There may be more than one ALO if required.*
- 1.2. The ALO will have relevant experience of working with landowners and agricultural businesses and will have knowledge of the compulsory acquisition process (if required) and working on a linear infrastructure project.*
- 1.3The ALO (or their company) will be contactable from 7am to 7pm during the construction phase to landowners, agents and occupiers and will provide 24-hour team or company contact details for use in the event of emergency.*
- 1.4 Post-construction the ALO will remain in place for up to one year in order to manage remediation issues.*
- 1.5After that year the Applicant will ensure that ongoing contact details are provided in order for landowners and occupiers to seek consent, if required, in respect of restrictive covenants for the lifetime of the project or to highlight any defects. Information in relation to the process of*

*management of restrictive covenants will be issued to landowners and occupiers upon any change in the person/s responsible for the process on behalf of the Applicant or the OFTO.*

- 3.1.2 In the OEMP ‘Liaison with Landowners’** has also been set out at Ref:MW-COM3 on page 77 and this should be included under the role responsibilities of the ALO with the main contractors.
- 3.2.1 Private Water Supplies:** Wording to cover how private water supplies should be dealt with has been taken from the Statement of Common Ground with the NFU. But the following words “at the contractor’s option” have been included in two places. It is stated that water has to be ‘provided or procured or to meet the reasonable cost’. This cannot be at the contractor’s option it should only be at the landowners option. The wording ‘at the contractors option’ must be deleted. This is at Ref:MW-COM6 in the OEMP page 77.
- 3.2.2** Due to the nature of the complicated private water supply systems to farms where water may be affected, the main farms being Manor Farm, Boreland Farm, Springbottom Farm and Druids Lodge. The NFU believes strongly that a farm pack needs to be set up for these farms pre construction and one of the main areas to be covered needs to be private water supplies. The details to be include needs to be as follows
- Details and location of each borehole
  - Details recorded of results from water monitoring carried out by HE
  - How an emergency will be reported if water is contaminated
  - The procedure for getting water to a farm and how it will be distributed to animals and residential properties if water is affected on a temporary basis
  - The procedure for getting a new supply of water whether from a borehole, mains supply or combination of both to a farm if the water from the boreholes is contaminated on a permanent basis.
  - A guarantee given that if a new supply of water is provided from the mains that it will be up to pressure to meet demands and how this would be met.
- 3.2.3** The above needs to be included in the OEMP so that it is binding on HE to carry this out at pre-construction stage.
- 3.3.1 Field Drainage:** HE has now inserted a section to cover agricultural field drainage in the OEMP at ref: MW- COM7 on page 78. The NFU is in agreement with the wording but it does not provide enough clarity on how field drainage will be reinstated during and after construction. The wording the NFU would like to see is at Appendix A.
- 3.4.1 Outline Soil Management Plan:** NFU would like to see an outline soil management plan being drafted which includes details of the general principles of how soil will be treated and aftercare carried out. The detail included in the OEMP at MW-COM4 and MW-COM 5 is very brief and does not give enough assurance to landowners and occupiers. We would like further detail to be agreed in an outline soil plan which is linked to the OEMP so that it is binding under the DCO.
- 3.4.2** The NFU would like to state how important it is that a pre- construction record of condition and soil survey is undertaken to form a soil report/soil statement. This soil report/statement can then be used to inform what aftercare requirements are needed to bring the soil back into agricultural use and to bring the soil back to its original condition. We would also expect annual monitoring of physical soil characteristics and soil nutrient levels to be carried out. The NFU would expect to see aftercare carried out over a five year term.

- 3.4.3 The NFU would like to see the wording at Appendix B in regard to the pre-construction survey of soils. The detail we have requested to be included in a record of condition has now been included in the OEMP at ref: MW- COM 8 but this will need to be linked to the soil survey and form part of the soil statement.

Under Appendix B wording has been highlighted that the NFU would like to see covered in some form for temporary soil compound sites and access and haul roads.

## Appendix A: Field Drainage

### Agricultural Land Drainage

- 1.1 Particular care will be taken to ensure that the existing land drainage system is not compromised as a result of construction. Land drainage systems will be maintained during construction and reinstated on completion.
- 1.2 The ALO will coordinate drainage surveys to establish the existing drainage position including any related farm drainage that may be affected by the scheme. The services of a suitably qualified drainage consultant will be employed by the Applicant to act as a drainage expert during the detailed design process and liaise with landowners or occupiers (through the ALO) to consult on the pre and post drainage schemes required. This will include the design of any land drainage works required during construction, and on the design and timing of any land drainage works required for the subsequent restoration of the land. This process will take due regard of any local and site-specific knowledge.
- 1.3 Subject to the consultation existing agricultural land drains, where encountered during the construction of each phase, will be appropriately marked. The location of drains cut or disturbed by the construction works will be photographed, given a unique number and logged using GPRS coordinates. The actual condition and characteristics (e.g. depth of installation, pipe type and diameter) of the existing drainage will also be recorded upon excavation.
- 1.4 During the construction works, temporary drainage will be installed either side of the working, within the corridor working width, to intercept existing field drains and ditches in order to maintain the integrity of the existing field-drainage system during construction. Such measures will also assist in reducing the potential for wet areas to form during the works, thereby reducing the impact on soil structure and fertility. Drainage systems however will not be installed into areas where they are not currently present.
- 1.5 Any field drainage intercepted during the construction works will either be reinstated following reinstatement after construction or diverted to a secondary channel. Landowners and occupiers will be informed of the design of drainage works required during construction and associated works, including: pipe layout, falls, dimensions and outfalls (if required). The drainage would be reinstated in a condition that is at least as effective as the previous condition and will follow best practice for field drainage installations taking into account site specific conditions.
- 1.6 Where it is reasonable for the reinstatement of drainage to involve works outside of the order limits it will be done subject to the agreement of the landowner.

- 1.7 Landowners and occupiers will be provided with the opportunity to inspect land drainage works as they progress, subject to health and safety considerations. Furthermore, records of existing and remedial drainage will be maintained by the Applicant with copies provided to the Landowner (and the Occupier, if applicable) following the completion of construction.
- 1.8 A dispute resolution process will be established including the appointment of a jointly agreed Independent Expert for drainage design and implementation, where required. Where agreement cannot be reached on the appointment of the expert the matter will be referred to the President of the Institution of Civil Engineers.

## Appendix B: Soil Survey and Record of Condition

- 1.1 Pre-construction detailed **soil survey** work will be undertaken by a competent person (e.g. a soil scientist) in order to produce specific soil resource topsoil and subsoil unit plans and restoration specifications for areas of agricultural land within individual land holdings that will be occupied by the main contractor. These surveys will form the basis of the pre-construction condition assessments of the land prior to soil stripping operations and will be used to monitor the progress of soil handling and restoration operations.
- 1.2 The survey work will include the identification of the physical characteristics of profiles at a standard density of 100 m intervals on areas of land to be returned to agricultural use. Soil pits will also be examined at appropriate locations to provide additional detail on soil structure. The survey will provide information on the following soil physical characteristics:
- Soil horizon depths for topsoil and subsoil horizons;
  - Soil textures of all horizons;
  - Soil colour;
  - Stone contents, estimated from augering, confirmed by soil pit excavation/ and or sample analysis;
  - Presence and characteristics of mottling, a soil wetness indicator;
  - Presence of manganese concretions, a soil wetness indicator;
  - Identification of gleyed horizons;
  - Identification of slowly permeable layers; and
  - Identification of impenetrable rock layers.
- 1.3 **Record of Condition** will be undertaken and will include the following:
- Existing crop regimes
  - The position and condition of existing field boundaries
  - The condition of existing access arrangements
  - The location and type of existing private water supplies
  - The yield of crops
  - The quality of grazing land
  - The existing weed burden

Photographs and section drawings should be included in the record of condition and it should be provided to the landowner and occupier prior to entry to the landholding.

## 1.4 Pre-construction survey work

Pre-construction detailed soil survey work will be undertaken by a competent person (e.g. a soil scientist) in order to produce specific soil resource topsoil and subsoil unit plans and restoration specifications for areas of agricultural land within individual land holdings that will be occupied by Highways England. These surveys will form the basis of the pre-construction condition assessments of the land prior to soil stripping operations and will be used to monitor the progress of soil handling and restoration operations. The surveys will provide a baseline schedule of soil condition against which the restoration of the soil post-construction will be assessed.

### 1.5 Aftercare – Cultivations

The restoration of soils will be assessed against the baseline schedule of soil condition taken preconstruction and recorded in the soil statement.

The reinstated soils will be cultivated to enable the initial aftercare crop to be established. The cultivations required will vary according to soil type, site and weather conditions at the time but could include the use of plough, power harrow and roll. In addition, stone picking may also be required where excessive stone volumes have become incorporated in reinstated topsoil areas.

The specified cultivations will be subject to discussion with the landowner prior to implementation.

During the aftercare period, there will be annual monitoring of physical soil characteristics and soil nutrient levels to set aftercare management requirements for the following year. The land will be handed back to the owner at the earliest opportunity once the restored land is in a suitable condition to be returned to its former use.

### 1.6 Temporary construction compounds and storage areas

For each of the construction compound and storage areas, the depths of different topsoil units will be identified within the area, based on the survey of soil resources as described in section 3. Where soil types and topographic conditions are suitable, compounds and storage areas may be established without soil stripping with geotextile and stone laid directly over the in-situ topsoils. In compound areas where topsoils need to be stripped the following methods are proposed. In areas designated for topsoil storage only, underlying in-situ topsoils will not need to be stripped from the footprint of the topsoil stores. In other locations, the topsoils will then be stripped applying the appropriate method from the MAFF Soil Handling Guide (MAFF, 2000). This will follow one of the following best practice methods: • Sheet 1 – Excavators and Dump Trucks; or • Sheet 13 – Bulldozers and Dump Trucks.

The initial strip of the construction compounds will be subject to monitoring to ensure that the Handling Method is implemented correctly. Routes that machinery can use to move to and from the stripping zones will be clearly identified to reduce excessive trafficking of subsoils, as far as possible.

#### Temporary access roads

For the lengths of temporary access roads, the depths of different topsoil units will be identified based on the survey of soil resources as described in section 3. The topsoils will then be stripped applying the appropriate method from the MAFF Soil Handling Guide 1, using excavators to remove topsoil from the footprint of the proposed access road to create bunds alongside the access road alignment. The initial strip of temporary access roads will be subject to monitoring to ensure that the Handling Method (MAFF, 2000) is implemented correctly. Once the soil has been stripped from these areas, geotextile matting and aggregate will be laid to create the temporary access roads.



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**WRITTEN SUBMISSIONS OF NFU REGARDING THE A303 AMESBURY TO BERWICK DOWN  
SCHEME DEVELOPMENT CONSENT ORDER 201 [...]**

**PLANNING INSPECTORATE REFERENCE NO TR010025**

**SUBMISSIONS OF NATIONAL FARMERS UNION ON THE SPECIFIC HEARING 4 FLOOD RISK,  
GROUNDWATER PROTECTION, GEOLOGY, LAND CONTAMINATION, WASTE AND MATERIALS  
MANAGEMENT ON 11<sup>TH</sup> JUNE 2019**

**DATE 21<sup>ST</sup> JUNE 2019**

## 1.0 Introduction

- 1.1 Submissions on behalf of the National Farmers Union (“NFU”) in respect of the application for a Development Consent Order (DCO) by Highways England for the A303 Amesbury to Berwick Down scheme. The NFU is making a case on behalf of its members who are affected by the proposed DCO.

## 2.0 Geology, Ground Conditions and Groundwater Flows:

- 2.1 The NFU has covered the detail it expects to see in regard to abstraction and private water supplies in a written submission following the hearing on the draft DCO on the 4<sup>th</sup> June 2019. It is essential that HE start monitoring all private boreholes that may be affected by the scheme (if they have not done so already) and provide the results on a regular basis to the relevant landowner. This needs to be stated in the OEMP.
- 2.2 Highways England when questioned on pumping tests stated that they had carried out three pumping test. This is not strictly true as HE have carried out pumping test on land at West Amesbury Farm at Stonehenge Bottom. Two pumping test from two different boreholes have been carried out which are in very close proximity to each other at Stonehenge Bottom and a further pump test was carried out at King Barrow field. The pumping tests were carried out on June/July2018. The NFU believe that further pumping tests are required but Highways England is failing to engage with the landowner and reach an agreement to pump the water over the land.

## 3.0 Flood Risk and Drainage:

- 3.1 The NFU is concerned that HE are not providing enough information on how de watering of the working strip and the compound sites will be carried out including discharge of surface water. If any discharge of water is going to be connected into any existing drainage /culverts details must be made clear and HE must be able to guarantee that no flooding of agricultural land will take place due to the discharge of water. Further details must be provided to landowners and details of how it will be dealt with must be included in the OEMP.

## 4.0 Waste and Materials Management:

- 4.1 The NFU raised at the hearing that it was not acceptable or justified as to why HE needed to dump the waste chalk excavated from the tunnel on the agricultural land owned by Stephen Moore which lies to the east of Parsonage Down National Nature Reserve. HE is intending to take 135 acres out of arable production. This will take a standalone unit of arable land out of production as well as being 21% of the total area farmed by Stephen Moore. Highways England are trying to make out that the impact on the farm business is only moderate adverse because the waste soil arisings will be re -profiled and have chalk grassland created on it. The soil and chalk grassland created will be of very poor quality.
- 4.2 The financial impact of losing 135 acres out of arable production has not been assessed at all by Highways England and is not stated in the Appendix.12.1 Tunnel Arisings Management Strategy. In the first table 3.3 Comparative Assessment of Primary Options under Land Use it is just stated that the tunnel arisings will have the ‘potential’ to impact the best and most versatile agricultural land. The impact will be very significant. HE has even stated that if the arisings are taken to landfill there would be no loss of agricultural land. Under ‘Operation Viability’ it has been stated that HE have identified viable receptor sites but that it is not capable to commit to using any specific site and the receptor site would need to be determined during the procurement and construction process. There has been nothing stopping HE carrying out further work at an earlier

stage and before submitting their application for an approved DCO. Even if HE do have to use multiple sites in order to ensure that all arisings can be accommodated this should be the option that HE have to take rather than taking 135 acres out of agricultural production. Highlighting the area of land east of Parsonage Green has been an easy option for HE to say is suitable for the arisings.

- 4.3 As stated at the hearing by the NFU it is not acceptable for HE to state that disposal off site of 500,000m<sup>3</sup> would have a significant adverse effect with regard to noise, air quality and traffic on the local communities when this impact would only be on a temporary basis. Whereas dumping the arisings on 135 acres of arable land has a permanent impact and a very significant impact on a farming business. As stated above the impact on the farming business has not been addressed at all in the report at Appendix 12.1. It is essential that this impact on the farming business is carried out before any decision is made to approve this DCO application. It is not possible to state that the effect on losing the agricultural land at East of Parsonage Down is only minor adverse.
- 4.4 The NFU at the hearing raised the point that HS2 under Phase 1 had highlighted in its final construction plans that an area of 140 acres on Shepherds Furze Farm, Calvert was to be taken for sustainable placement of waste spoil. The NFU petitioned that there was a landfill site near Calvert which could take the spoil. After petitioning HS2 accepted that it was possible for the spoil waste to be taken to the landfill site. The 140 acres will now remain in agricultural production.