

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 COMPULSORY ACQUISITION
HEARING1 ON 9TH JULY 2019**

DATE 19 JULY 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 Compulsory Acquisition Hearing 9th July 2019:

2.1 **4.2: Whether all reasonable Alternatives to Compulsory Acquisition have been explored including modifications to the scheme.** HE at the hearing stated that they have considered alternatives and that this includes all the different route options which have been considered in consultation before the preferred route was announced. That their main aim has been to minimise land take and that once the preferred route was chosen it is the route alignment and route design which dictates what land will be required. It has not been looked at on a parcel by parcel basis. Further confirmed by HE that the land highlighted is due to its proximity to the route that is mainly what has determined the land take. It was further highlighted that alternatives have been looked at in greater detail in regard to the land take for land East of Parsonage Green for the tunnel arisings. **The NFU at the specific issue hearing on 11th June made a strong case that the alternatives had not been considered in enough detail especially to take the waste arising off site to land fill. The impact of taking 135 acres out of agricultural production and the impact on the farm business has not been considered at all and is not stated in the Appendix.12.1 Tunnel Arisings Management Strategy. The NFU raised this again at the CA hearing. The NFU at the CA hearing confirmed that it was only lately that HE were confirming why they needed some of the land and actually still justification had not been given for some areas of land. An example was highlighted how Mr. Turner from Manor Farm had had to ask on numerous occasions why where some of the balance ponds needed and why did they need to be the size that has been shown. It is still felt that HE could do more to align these balance ponds with field boundaries so that they cause less interference to the land holding**

2.2 Simon Mole from Carter Jonas on behalf of two landowners also stated that he would have expected land justification to be on a plot by plot basis and for each area to be analysed to assess why required, is the area required correct and is there any alternative on that land holding. **The NFU believes that HE still need to carry out a further assessment of land to be taken on a plot by plot basis to make sure that each plot can be justified. The NFU strongly disagrees with HE stating that they have justified each plot.**

2.3 Mr. Eaves also raised the issue that he thought HE had not considered taking land by alternatives to compulsory acquisition by acquiring land through lesser rights than compulsory acquisition. **The NFU is aware that Mr. Eaves and Mr Read have been asking HE to look at acquiring the rights they need without compulsory acquisition and as yet HE have not entered into negotiations on this.**

3.0 **4.3 Whether the Secretary of State could be satisfied that the land proposed to be acquired is no more than is reasonably necessary for the purposes of the proposed development.** HE stated that they believe they have only highlighted the land that is required to be able to deliver the scheme and that once final design has been completed if it is shown that not all land is required then less land will be taken. The other re assurance given was that a step down in the rights needed could be considered. **The NFU would like an assurance on this to be given by HE and for this somehow to be secured in the DCO.**

4.0 **The NFU raised the fact that no meaningful negotiations have taken place with the landowners to acquire the land and that HE are relying and waiting to receive compulsory acquisition rights through the DCO being approved.** HE stated that the NFU was simply wrong and that extensive negotiations have taken place, landowners have received quantified offers and agreements have been reached. The NFU can confirm that it agrees that HE have carried out consultation with landowners, as in they have been discussing and agreeing position statements, the latest drawings highlighting land to be taken and why land is needed. But as at 9th July 2019 HE have categorially not carried out extensive meaningful negotiations, quantified any offers or reached voluntary agreements with the following landowners:

- Stephen Moore – Howard Smith – received an email from the DV on 26th June 2019 but this still provided no valuation figures for the land in question. On the 2nd July a table was received from the DV highlighting valuation figures.
- West Amesbury Farms and Mrs P M Sandell – Howard Smith – no meaningful negotiations in regard to offers to reach a voluntary agreement.
- M & R Hosier – Simon Mole (Carter Jonas) - no meaningful negotiations in regard to offers to reach a voluntary agreement. Mr Mole actually stated this at the hearing.
- Druids Lodge – Ben Myerscough(Carter Jonas) - no meaningful negotiations in regard to offers to reach a voluntary agreement
- Turner Family – Fowler Fortescue - no meaningful negotiations in regard to offers to reach a voluntary agreement.
- Morrison and King Ltd and Beacon Hill Land – Archie Read (Countryside Solutions) - no meaningful negotiations in regard to offers to reach a voluntary agreement.

4.1 HE have not been negotiating heads of terms or sending out any substantive paperwork to landowners for their consideration to reach a voluntary agreement.

4.2 The NFU would like to see a further compulsory acquisition hearing and for HE to be able to show to the Examiners that negotiation with landowners have started and serious offers have been made.

5.0 Representation from parties who may be affected by the Compulsory Acquisition.

5.1 In the representation made by Fowler Fortescue on behalf of the Turner Family an issue was raised over the size, shape and location of the balance ponds. Mr Bullock on behalf of HE replied that balance ponds had been located as near to the highway as possible and that they will be gravity fed. He confirmed that the draft DCO shows the temporary position of the balance ponds and size required and that as detail design of the route progresses it will be possible to refine the design of the balance ponds. This will then enable HE to only take land that is necessary for the scheme at the final design stage.

5.2 **The NFU in response to this requested that there needs to be a guarantee that negotiations will take place with landowners over final design especially in regard to compound sites and balance ponds. The NFU requested that this is stated in the OEMP so that it is binding on HE.**