

Planning Act 2008 – Infrastructure Planning (Examination Procedure) Rules 2010

Carter Jonas LLP
9-10 Jewry Street
Winchester
Hampshire
SO23 8RZ

Written summaries of oral submissions put at Compulsory Acquisition Hearing
on 9 and 10 July 2019

On behalf of M&R Hosier, Westfield & Boreland Farms, Upper Woodford, Salisbury

Whether development consent should be granted on areas required for or incidental to the proposed development such as areas required for landscaping/environmental management/mitigation;

- Save for the land required for the road carriageway and 'hard' infrastructure M&R Hosier are of the view there is no justification for the excessive use of CPO powers to acquire for the purposes of setting out land for ecological mitigation;

- M&R Hosier is a competent and willing farmer with a track record of managing similar areas of conservation and ecological importance across their farm. Land is within Entry Level Scheme, Higher Level Scheme and a large area (Normanton Down) used by the RSPB as a breeding ground for stone curlews;
- M&R Hosier would enter into an agreement with the Applicant to manage these areas on an ongoing basis. This is a normal and recognised practice in the construction of major infrastructure schemes. It helps acquiring authorities reduce their land take and avoids them owning land they are not equipped to manage and it can help landowners integrate with the scheme.
- To date the applicant has refused to engage on this issue and has not provided their surveyor any instructions to negotiate on these terms
- The Outline Landscape and Ecology Management Plan mentions an independent landscape steering group to provide independent advice on the development of the landscape and ecology management plan and how representatives of affected landowners are likely to be involved. We think the landowners should be the main party calling upon other stakeholders where necessary. In the case of M&R Hosier they are capable and able farmers who manage a unique landscape within a WHS.

Whether there is a compelling case in the public interest to justify the compulsory acquisition of land and rights;

- The acquiring authority have taken no steps at all to engage with the landowner and their advisors to take reasonable steps to acquire the land and rights by agreement. No heads of terms have been produced or provided to date. Given we have been

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in regular contact for over 3 years with the acquiring authority
this is a failure on their part;

- Compulsory Purchase should be the last resort. For this scheme it is the only resort;

The inadequacy of the Promoting Authority to engage in any form of meaningful negotiations and whether they have met their obligations in accordance with Government Circular 06/04;

- Para 1.4.3 of the SoR states the applicant has attempted to acquire all interests in the land by agreement – can they confirm what those steps were?

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- Again para 4.11.3 of the SoR states the applicant has written to landowners informing them of the Applicant's willingness to negotiate and invite dialogue on this point. No such letter has been received by M&R Hosier and it is incumbent on the acquiring authority to manage this process
- The table at 9.2 of the SoR sets out the current status of negotiations with each landowner. Page 9-60 is the page for M&R Hosier. Under the column "Status of Negotiations with land interest" it states:
 - "Negotiations have begun" – they haven't
 - "Looking to have an agreement in place during examination" – no such agreement has been released by the acquiring authority.

Justification for the acquisition of land required for the Green Bridge 4

- M&R Hosier considers the current placement and size of the proposed Green Bridge 4 is completely inappropriate within the landscape
- It is unrealistic to expect enhanced connectivity between the proposed Green Bridge and Normanton Down Barrows as they are

over a mile away across arable land and within private ownership with no connecting public rights of way.

- In addition the entire Normanton Down Reserve is in private ownership and so is not available for exploring. This point appears to have been forgotten by the Promoting Authority who have an obsession in selling the connectivity between the existing WHS north and south of the existing A303. The majority of the south side is in private ownership save for the existing Byways which allow some public access.
- One of the principle selling points of the scheme is to provide a link between the two sides of the WHS which have previously been severed by the A303. However it is being overlooked that the land on the south side of the A303 is in private ownership (M&R Hosier) and the connectivity of the WHS will lead to a significant increase in footfall, trespass, anti-social behaviour and straying dogs affecting livestock.
- The Green Bridge structure is understood to be 150 metres in width with the Byway it is carrying will only be 3 metres in width. What is the justification for the additional 147 metres of width which in turn requires a much larger area of land from M&R Hosier and leaves existing field shapes awkward and difficult to farm.

Impact on the Farming Business

- M&R Hosier have serious concerns regarding the availability and quality of their groundwater supplies during construction and operation of the scheme. They are not satisfied the enough appropriate survey work has taken place to fully assess the impact on the groundwater supplies

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- The Applicant has not considered how existing water supplies may be compromised during construction such as a pollution incident or a severing of groundwater on a temporary basis. There should be detailed investigations of connecting M&R Hosier (and other farmers) to a water mains which can be used in the event groundwater is compromised. There is no mitigation plan and the applicant seems to be convinced there will not be any issues and/or will be relying on their contractor to come up with such a plan.
- Due to the risks of there being a compromised water supply together with the likely increase in pedestrians and dog walkers in proximity of livestock areas it is unlikely the existing pig enterprise can be maintained on the farm. In order to maintain pigs a reliable and consistent source of water is required at all times in order to ensure animal welfare and to meet compliance with supply contracts.
- The pig enterprise improves soil fertility leading to enhanced yields, better grain quality and less requirements for fertilisers. The loss of the pig enterprise will lead to a reduction of income and soil productivity and crop yields
- Although it is recognised that M&R Hosier will be compensated for the land required for the scheme there is no land available in the vicinity of their holding as the vast majority of the adjoining land is in the ownership of the National Trust or MOD. There will be no opportunity to claim for rollover relief to offset CGT liability so this is another financial burden for the business to bear.

Access Issues

- We have recently been made aware of loading and excavation limits above the tunnel portals. There is a concern that the restrictions do not cater for modern agricultural machinery such as combine harvesters and cultivations such as subsoiling which can till the soil over 0.5 metres in depth.

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- What are the weight restrictions to be imposed on the Green Bridge 4 and the declassified A303?
- M&R Hosier currently have direct access from the A303 for servicing the top extent of their farm. This is currently used by visiting vets, livestock husbandry and ecological monitoring for the Normanton Down RSPB Reserve. Current access is both for agricultural vehicles and standard motor vehicles.
- It is not clear from the draft DCO how access will be maintained for M&R Hosier from the existing A303 which is understood will become a restricted byway and private means of access. There are plans identifying Kent Gates in various locations along the existing A303 but it is not clear how these will work in practice and how they will be maintained/controlled

Consultation Issues

- Although there have been several meetings between the Applicant and M&R Hosier the quality of these meetings

together with the inability of the Applicant to issue timely and accurate meeting notes is concerning.

- Meeting minutes are published months after the meeting was held and we have to spend time in correcting and adding to these minutes
- Consultation documents refer to document which have informed the design of the scheme. We have requested copies of these but this are often not provided or slow in being provided
- The Promoting Authority has decided not to issue a Statement of Common Ground with landowners instead focussing its attention on statutory bodies some of whom do not have any interest in the land. M&R Hosier believes there has been poor stakeholder engagement despite being part of the scheme as owners of the land. Statutory stakeholders such as Natural England (NE), National Trust (NT), English Heritage (EH), Wiltshire Council, within this scheme, have dual roles of both consultees and overseeing and feeding into scheme. As such it has become apparent that farm landowners and other non-statutory stakeholders are at a disadvantage. There are no legacy benefits within the scheme for farmers, only for these organisations. As such this scheme has not been impartial.
- All of the consultation documents relating to Normanton Down and the land on the south side of the WHS (south of the existing A303) has been promoted for roaming and exploring, but there is no mention that this will only be via byways. The inference is that the area will be open access as the northern part. There is no mention that the majority of the land on the southern part of the WHI is privately owned and not available for roaming

Inappropriate use of S172 powers for survey purposes

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- The timings of intrusive and non-intrusive surveys have not taken into account farming calendar and farming practices despite these being discussed on numerous occasions with the applicant and their consultants. M&R Hosier and their tenants were forced to move pigs early only for the applicant failing to carry out work on the area due to pig dung. In addition there was an inappropriate intention for using byway to provide access for surveys during winter months when the byways were severely pot-holed and not suitable for vehicular traffic without causing significant damage.
- A lack of preparation by consultants for first archaeological surveys in 2016 led to damage to scheduled monument SM10317 due to repeated tracked excavator refuelling, a pig death, animal welfare issues and unreported damage to farm property
- M&R Hosier experienced various issues with bags of archaeological finds left on site. Poor reinstatement works after surveys with numerous metal pins left on site, some having caused damage to their machinery
- Twice the Promoting Authority has sought to force access to M&R Hosier's land under S172 of the Housing & Planning Act 2016, once using these powers and a recent attempt which fell away due to a late agreement being reached.
- There are two major concerns with this approach:
 - In the event the landowner is not willing to engage (which has never been the case here) S172 is the wrong power to use. S53 of the Planning Act 2008 was specifically created for this purpose. Why has the Authority chosen not to use this specific powers?
 - The onus is on the Promoting Authority to demonstrate it has made all reasonable attempts to secure access by agreement and the use of CPO powers is a last resort. They have categorically failed and have resorted to use S172 to preserve their programme. This is plainly wrong and an abuse of CPO powers.

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