

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

**WRITTEN SUBMISSIONS OF NFU REGARDING THE A303 AMESBURY TO BERWICK DOWN
DEVELOPMENT CONSENT ORDER APPLICATION BY HIGHWAYS ENGLAND
PLANNING INSPECTORATE REFERENCE NO TR010025**

**SUBMISSIONS OF NATIONAL FARMERS UNION ON THE – EXAMINERS SECOND WRITTEN
QUESTIONS**

DATE 26TH 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. The NFU is making a case on behalf of its members who are affected by the DCO.

2.0 Second Written Questions - Agriculture

- 2.1 **Agriculture Ag.2.2: Private Water Supplies:** The NFU had a meeting with HE on 5th July 2019 and the issue over including the wording “at the contractors option” was discussed. The NFU have asked for this wording to be deleted. The practical implication is that it gives the contractor far greater flexibility in how they deal with sorting the problem if a private water supply is contaminated or affected in anyway. If the wording “at the contractors option” is included it means the contractor can either provide, procure or meet the reasonable cost of the provision of an alternative supply. This means a contractor could just pay for the cost of providing what it thinks would be the cost of providing an alternative supply but not actually carry out the works. As the NFU and landowners have raised there are concerns over how difficult it is going to be to actually provide a new private supply.
- 2.2 **Agriculture Ag.2.4: Deposition of tunnel arisings:** Please see the response submitted by Howard Smith the agent acting for Stephen Moore.
- 2.3 **Agriculture 2.6: Agricultural Liaison Officer:** As stated in the submission following the DCO hearing, an Agricultural liaison officer has now been included in the table 2.1 in the OEMP but it still does not set out when the ALO will be appointed, how long for, the qualifications of the ALO. The NFU has discussed the wording that it would like to see included at a meeting with HE on 5th July 2019 and is still waiting to see if this has been accepted by HE. The wording required was set out at 3.1.1 in the last submission and for ease has been set out again at Appendix A. The details requested are necessary and have been agreed recently with HE on the A30 Chiverton to Carland Cross DCO application.
- 2.4 **Ag.2.8 Field Drainage:** The NFU has highlighted the wording that it believes to be essential to state how field drainage should be dealt with during and after construction. A lot of time has been spent on drafting this wording not only for this DCO application but others as well to make sure that all aspects are covered. This wording has been agreed recently with HE on the A30 Chiverton to Carland Cross scheme and therefore the NFU can see no reason why the full wording cannot be agreed with HE for this scheme. The wording as presently drafted in the OEMP is not satisfactory and far to open with no detail describing how the field drainage will be dealt with during construction or how it will be reinstated on completion.

The NFU discussed field drainage at the meeting with HE on 5th July 2019 and it is very disappointing to see that HE have not agreed to this wording or any further amendments to the OEMP on field drainage. This has been stated in the latest SoCG as received on 24th July 2019. The NFU cannot state how important it is for field drainage systems to be reinstated correctly after big infrastructure schemes are constructed through agricultural land. The NFU is expecting HE to agree to this wording otherwise the OEMP will not meet the requirements expected of an OEMP for a scheme like this.

- 2.5 Ag.2.9: Outline Soils 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.

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. It is very important that this is set out clearly in the OEMP so that the contractors know exactly what they have got to do before construction starts and what is required for soil aftercare.

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. The NFU has just agreed the wording being requested with HE on the A30 Chiverton Cross to Carland Scheme.

- 2.6 CA .2.38: Allington Track acquisition of this land:** The NFU stated in its Written Representation that HE did not need acquire the land at Allington Track to achieve its objectives. This has been made clear in the submission to the Examining Authority from Countryside Solutions on behalf of Beacon Hill Land Ltd to deadline 5. In the submission at 2.6.3 it states that Plots 11-22/ 11 -23 and 11 -25 relate to the proposed stopping up of Allington Track and the retention of the existing service media. It states that the landowner is willing to enter into appropriate agreements (easements, licence to occupy undertake works etc) to achieve the Applicants/HE objectives. Countryside Solutions stated that compulsory powers are not required as this can be achieved by way of agreement.

- 2.7 DCO.2.10: Article 3 – Disapplication of legislative provisions:** HE in their response and post hearing note at Rep 4 – 029 in regard to Temporary Possession have stated that if they have to give a longer notice period or state duration that they then may need to take a precautionary approach and temporarily possess more land at an earlier stage than it may necessarily require at that point in time. Further may specify conservative durations of temporary possession. The areas of land to be used and taken on a permanent basis are very similar to land holdings which are being affected by HS2. The NFU believes strongly that HE should be able to give a longer notice period than 14 days to landowners before taking any land on a temporary basis. Further work that has been on going on HS2 it is very apparent that a 3 month notice is required. If the DCO only states 14 days then HE will only serve a 14 day notice. HE have stated that they will be in discussions with landowners about temporary land take in advance of the 14 day notice and if this is the case then it should be possible to serve a longer notice period. Even with a longer notice period it should be stated that HE have to take a proportionate approach and cannot increase the burden on landowners. Further just because to date DCOs have been granted with a 14 day

notice period does not mean that it is the correct notice period going forward. HE on the A30 Chiverton to Carland Cross have agreed to increase the notice period length to 28 days.

- 2.8 DCO.2.21: Article 13 – Discharge of water:** HE has now confirmed that under the Water Industry Act 1991 a drain will include an agricultural field drain. It is understood that a connection to a drain would only be authorised within the Order limits, that the connection is subject to the consent of the owner (which must not unreasonably be withheld) and that the owner may impose reasonable conditions on that consent. The NFU queried this as some field drains will not be large enough to take the discharge of water.

The NFU would like to know how a landowner will be contacted in regard to a connection before any water is discharged. This process needs to be clarified and would suggest that perhaps this is defined and set out as a further role for the ALO to undertake. The NFU would like to see this clarified in the OEMP.

- 2.9 DCO.2.24: Article 15 – Authority to survey and investigate the land:** The NFU thanks HE for including the wording as drafted in the **draft DCO at 15(3) *The notice required under paragraph (2) must indicate the nature of the survey or investigation that the undertaker intends to carry out.*** The NFU would as requested would like the notice to state

- Who will be taking entry
- The date of entry and for how long
- The type of equipment if any will be used.

- 2.10 DCO.2.53 Requirement 4 – Outline Environmental Management Plan: Field Drainage:** As stated above at Ag.2.8. the NFU is not satisfied with the wording that has been included in the OEMP at MW –COM 7 to cover field drainage. The NFU would like to see the wording that was submitted in the submission following the Draft DCO hearing on the 4th June 2019. The wording required is as set out at Appendix A.

Soil Reinstatement and aftercare: The NFU does still have outstanding concerns in regard to soil reinstatement and aftercare. No further wording has been included to cover soil reinstatement or aftercare by HE in the OEMP. The wording as set out at MW- COM4 does not go far enough. As stated and requested before the NFU would like to see an outline soil plan set out as an appendix to the OEMP. It is really important that a soil survey is undertaken and that this is linked to the record of condition as now set out at MW- COM8. This information then forms a soil statement/ report and can be used to progress soil restoration and aftercare. Specific wording that needs to be included is as follows:

- *The schedule of aftercare maintenance is to include soil testing, appropriate to the target specification for a period of up to five years following completion of the relevant construction works.*

The NFU would like to highlight that an agreement has been reached over wording covering soil reinstatement and after care with HE on the A30 Chiverton to Carland Cross DCO application.

- 2.11 Fig.2.3: Flood risk and drainage:** The NFU as stated above at DCO 2.21 ‘Discharge of Water’ would like how the water from the construction phase and particularly how dewatering of the tunnel arisings slurry will be controlled to prevent flood risk and contamination. The NFU would definitely like to see this explicitly set out in the OEMP.

Appendix A: Agricultural Liaison Officer

1.1 Agricultural Liaison Officer

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.*
- 1.3 *The 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.*
- 1.5 *After 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.*

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.