

From: [REDACTED]
To: [A303 Stonehenge](#)
Subject: NFU submission 23.8.2019
Date: 25 August 2019 12:37:15
Attachments: [A303 Outstanding Issues with HE final 23.8.2019.pdf](#)

Dear Sirs

Please find attached a submission from the NFU covering outstanding issues with Highways England in regard to the A303 Stonehenge scheme.

The NFU confirms that they will not be able to attend either of the hearings next week.

Yours faithfully

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**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 OUTSTANDING ISSUES

DATE 23RD AUGUST 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. The NFU is submitting this submission to highlight outstanding issues with Highways England (HE) and due to not being able to attend the proposed hearing on the draft DCO on 30th August 2019.

2.0 Outstanding Issues

2.1 **DCO: Article 29: Temporary Use of Land for Constructing the Authorised Development**

Under Article 29 it states that only 14 days’ notice has to be given to a landowner before entry can be taken by the undertaker. 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. The areas of land to be used and taken on a temporary basis are very similar to land holdings which are being affected by HS2. Work that has been on going on HS2 Phase 1 has shown that a 3 month notice is required before entry is taken. HS2 have now given an Assurance to the NFU that a 3 month notice will be served before land is taken on a temporary basis on Phase 2a.

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. A 28 day notice period should be the minimum. The NFU is expecting HE to acknowledge and accept that on a scheme this size where large blocks of land are being taken from individual landowners for temporary use that a 3 month notice is necessary.

The NFU would also like the notice to state how long the temporary occupation will be for and the contractor should have to provide a programme of works.

2.2 **DCO: 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 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.

The NFU believes strongly that it is only right that a landowner should know who is coming on to his land, how long they will be on the land for carrying out the survey and the vehicles and equipment that will be brought on to the land.

HE has agreed that the ALO will be able to provide pre –construction survey information. If this is possible then it must be possible for the information to be included with the notice.

2.3 Agricultural Liaison Officer: OEMP: Table 2.1, page 18: The role of an Agricultural liaison officer has now been included in the table 2.1 in the OEMP and the latest version dated August 2019 does now set out when the ALO will be appointed, how long for, the qualifications of the ALO. But what it still does not state is the following in regard to when the ALO will be contactable.

- *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.*

It is essential for landowners that the ALO is contactable at all times and that the contractors carrying out the construction will provide an emergency 24 hour helpline.

2.4 Field Drainage: OEMP: MW – COM7: 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.

Further to a meeting on the 1st August 2019 and a conference call on the 7th August 2019 HE have carried out further drafting to the wording in the OEMP to cover ‘Field Drainage’ but this is not acceptable to the NFU. The following comments are made:

- The wording does now include “so far as reasonably practicable to a condition that is as effective as the previous condition on completion”. The NFU is not in agreement “to so far as reasonably practicable”. It should state “The drainage would be reinstated in a condition that is at least as effective as the previous condition.
- The wording does now include “any field drainage affected by the Scheme shall be either reinstated or diverted to a secondary channel” This as requested by the NFU but the wording “if reasonably practicable” is not and should be deleted.
- The wording does now include that the ALO shall record the location, condition and characteristics of drains cut. This is as requested but for the ALO to be able to do this the NFU believes it is essential that HE will agree to take on the services of a suitable qualified drainage consultant who will act as a drainage expert during the design

process and liaise with landowners through the ALO to consult on the pre and post drainage schemes. This is essential and has not been included so far in the OEMP. The consultation needs to take place before the ALO will inform of the design, layout and timings.

- Wording needs to be included to cover
 - Existing drainage were encountered will be appropriately marked.
 - Temporary drainage will be installed where necessary within the working corridor to maintain the integrity of the existing field drainage system during construction.
 - 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.
 - Records of the existing and remedial drainage will be maintained by the Applicant with copies provided to the Landowner and occupier following completion of the construction.

The NFU would like clarification on how a dispute over field drainage will be dealt with.

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 Outline Soils Management Plan: OEMP: Annex A.3: The NFU is pleased that HE have now drafted an Outline Soils Management Plan and the wording that has been included at MW-COM4. The NFU would like it to be made clearer that during the aftercare period there would be annual monitoring of the physical soil characteristics and soil nutrient levels to set the aftercare management requirements for the following year. The landowners should be able to approve and agree the reinstatement works before and after soil replacement. A final report to determine the final handover condition of the agricultural soil should be produced.

2.6 Construction Compounds: At MW – CH4 in the OEMP it does state that the slurry treatment plant and the batching plant have to be located to the west of the existing tall hedgerow at Longbarrow. The NFU would like it made clear which plots of land this refers to and which construction compound this will be. This needs to be made clear in the DCO in the relevant schedules. HE have also referred to 'soil treatment works' and the NFU believes that where these types of works are to take place again should be made clear in the relevant schedules in the DCO.

2.7 **Access to Countess Road: P Sawkill:** There is still an issue as to how NFU member Mr Sawkill is going to gain access from West Amesbury Farm to Countess Road. HE has only been able to confirm that a route across National Trust land for a combine harvester to access Mrs Sandell's agricultural business has been offered. This is not sufficient and an access for all agricultural vehicles and machinery is required. It is not acceptable that HE is proposing that all other agricultural vehicles and machinery go through West Amesbury.

2.8 **Land to be taken for Tunnel Arisings: S Moore:** HE have still not provided any further evidence or reasoning as to why the tunnel arisings should be dumped on 135 acres of good quality agricultural land and not taken off site. The evidence given in Appendix 12.1 is not acceptable. This issue still needs to be addressed by HE.

If it can be proven that it is essential to take the 135 acres for the tunnel arisings then HE need to set out why the arisings need to be landscaped as set out on proposed design plans to date. Further, why it is necessary to have the balance pond. Confirmation is required that it will be possible to reinstate the area to chalk grassland, how long reinstatement is likely to take and when would the land be able to be returned to Mr. Moore.

3.0 Matters Agreed as at 23.8.2019

3.1 **DCO.2.21: Article 13 – Discharge of water:** The NFU raised a concern as to how would a landowner be contacted in regard to a connection in to a private field drain before any water is discharged. This process has now been clarified and included as part of the role of the ALO. This is highlighted in the latest draft of the OEMP under the role of the ALO and states:

- Liaise with landowners prior to any proposed discharges to existing drains.

3.2 **OEMP: Private Water Supplies: MW – COM6:** The NFU had a meeting with HE on 1st August 2019 and the issue over including the wording "at the contractors option" has now been clarified with further wording agreed as follows: *the form and type of which shall be at the contractor's option.*

HE has now agreed to the main works contractor producing a Water Supply Statement and the wording requested has been included in the OEMP at MW-COM6.