

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 OUTSTANDING ISSUES FOLLOWING THE
HEARING ON THE DRAFT DCO ON 30TH August 2019 AND THE PUBLICATION OF THE
EXAMINING AUTHORITY'S DRAFT DCO ON 3RD SEPTEMBER 2019.**

DATE 6TH SEPTEMBER 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 the draft DCO following the hearing on 30th August 2019 and the publication of the Examining Authority’s draft DCO on 3rd September 2019.

2.0 DCO: Article 15 – Authority to survey and investigate the land.

2.1 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 believes that Article 15 at 15(3) should also state that the notice must indicate the following:

- 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.

2.2 Further to the publication of the Examining Authority’s draft DCO on the 3rd September 2019 and the NFU checking the wording in detail of Article 15, the NFU is very concerned that the following is included under Article 15:

- At 15 (1) (b) it is stated that *‘the undertaker where reasonable necessary may enter any land which is adjacent to, but outside the Order limits’*.

The NFU after checking the wording of other DCOs believes that this is not normally requested and the DCO will only allow the undertaker to enter land within the Order limits which is affected by the authorised scheme to carry out any surveys or investigation.

Further under Article 2: Interpretation, there is no meaning of the word “adjacent”.

The NFU sees no reason as to why HE for this scheme should be allowed to undertake surveys and investigation work on land which is adjacent to, but outside of the Order limits. The NFU would like this wording to be deleted.

2.3 Further at 15 (1) (b) (iii) it is stated that without limitation on the scope of sub-paragraph (i) that the undertaker may investigate the nature of the surface layer, subsoil and groundwater and remove soil and water samples and **discharge water from sampling operations on to the land.**

This wording highlighted in bold above is not normally included in the article covering surveys and investigation in a DCO and as Article 15 is drafted for the A303, the discharge of water from sampling operations on to land could take place within and outside the Order limits.

As above under 2.2 the NFU sees no reason as to why HE for this scheme should be allowed to discharge water from sampling operations on to land within and outside of the Order limits. The NFU would like this wording to be deleted.

3.0. DCO: Article 29: Temporary Use of Land for Constructing the Authorised Development

As requested by the NFU in submission dated 23rd August 2019 the NFU would like the notice which is served by HE to take temporary possession to state how long the temporary occupation will be for and for details on the programme of works to be provided by the contractor.

4.0 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. Under **Schedule 7 in the draft DCO** for the land areas to be taken for compounds it just states 'provide temporary storage, laydown areas and working space'.