

From: [Louise Staples](#)
To: A30ChivertontoCarlandCross@pins.gsi.gov.uk
Subject: FW: NFU Submission Hearing 6th February 2019
Date: 20 February 2019 11:23:30
Attachments: [A30 prelim hearing and draft DCO Wednesday 6th February 2019 final 19.2.2019.pdf](#)
Importance: High

Dear James

I do apologise that the NFU submission was not attached to the second email last night. I was trying to send this to you from our National Conference and was having trouble in getting connected.

I do hope our submission will be acceptable as the Examiner will see that we did try submit before the submission deadline.

I would be grateful if you could let me know if it is not accepted.

Many thanks for your help.

Regards

Louise

From: Louise Staples
Sent: 19 February 2019 17:05
To: 'A30ChivertontoCarlandCross@pins.gsi.gov.u'
Subject: NFU Submission Hearing 6th February 2019

Dear Sirs

Please find attached the submission of the NFU following the pre hearing and the draft DCO held on Wednesday 6th February 2019 for the A30 Chiverton to Carland Cross.

Yours faithfully

Louise Staples

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**WRITTEN SUBMISSIONS OF NFU REGARDING THE A30 CHIVERTON TO CARLAND CROSS
SCHEME DEVELOPMENT CONSENT ORDER 201 [...]**

PLANNING INSPECTORATE REFERENCE NO EN010079

**SUBMISSIONS OF NATIONAL FARMERS UNION ON THE – PRELIMINARY MEETING AND
DRAFT DEVELOPMENT CONSENT ORDER ON 6 FEBRUARY 2019**

DATE 19th FEBRUARY 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 A30 Chiverton to Carland Cross scheme. The NFU is making a case on behalf of its members who are affected by the DCO.

2.0 Preliminary Hearing:

2.1 **Statements of Common Ground:** NFU requested that a Statement of Common Ground is set up between the NFU and Highways England to cover specific agricultural issues which will affect all landowners and occupiers affected by the proposed scheme.

2.2 **Issue Specific Hearing:** The NFU requested that an Issue Specific Hearing is held to cover all access issues including the issue over no east facing slip roads at Chybucca Junction. Further to cover agricultural issues including use of green bridges, field drainage, treatment of soils where land is to be returned to agricultural use, use of site compounds, water and electric supplies and the role of an Agricultural Liaison officer (ALO).

3.0 Draft Development Consent Order (dDCO) Hearing:

3.1 **Article 5: Adjacent:** The definition of ‘Adjacent’ in the Oxford English Dictionary is defined as next to or adjoining something else. The NFU believes that ‘Adjacent’ should be included in Article 2 Interpretation with this definition. This then means from a landowners or occupiers interpretation that any works which Highways England wish to carry out will need to be next to the Order Limits

4.1 **Article 8: Limits of Deviation:** the NFU would like further clarity on earthworks associated with Work Nos 1 to 12 in regard to Highways England being able to deviate laterally by 1.75m. Works Nos 1 to 12 includes all the main construction works associated with this dualling development.

5.0 **Article 33: Temporary Possession:** the NFU raised that it would like to see Highways England giving 3 months notice rather than just 14 days as stated at 33.(2) to Landowners and occupiers before entry is taken. This would then follow what has been set out in the Neighbourhood Planning Act 2017 Part 2 Section 20. This requires acquiring authorities to give at least three months notice and it also requires the acquiring authority to specify the period for which temporary possession is going to be taken.

5.1 The NFU believes strongly that all DCOs going forward should fall in line with these changes to compulsory purchase powers under the Neighbourhood Planning Act 2017. Taking land for temporary possession and only giving 14 days notice has become an issue on other infrastructure schemes especially HS2. HS2 already gives 28 days notice before temporary possession can be taken and this lead in time has caused farmers problems. Therefore the NFU has petitioned for three month notices to be included in the Hybrid Bill for Phase 2a. In response to this the Select Committee for Phase 2a in their Second Special Report has instructed HS2 that where possession may be for longer than a week farmers should be given advance warning of the quarter year in which the temporary possession is likely to be taken and notice should be not less than three months prior to that quarter. Further HS2 have also stated that they will give a timeline of how long temporary possession is going to be taken for.

5.2 The NFU therefore ask the Examining Authority to change the 14 days notice to three months notice at Article 33 para (2).

- 6.0 **Private Water Supplies:** The Examiner raised a question as to how was private water to be dealt with within the scheme. The NFU would like Highways England to agree to the following wording in regard to private water supplies and for the wording to be included in the draft CEMP.
- Where an existing private water supply to a farm is adversely and directly, affected by the construction of the Proposed Works, the Developer will, if requested by the farmer or landowner to do so, provide or procure or meet the reasonable cost of the provision of an alternative supply of water
 - Where the supply is so affected temporarily by the construction of the Proposed Works, then the alternative supply need only be supplied for the period during which it is so affected.
 - Where a request is made by the farmer or landowner for a permanent supply due to permanent severance of the existing supply caused by the construction of the Proposed Works the Developer will where provision of an alternative means of supply can be demonstrated by the land owner/farmer to be reasonably required for his business, provide or procure or meet the reasonable cost of a permanent means of alternative supply of water.
- 7.0 **Hedgerows:** Highways England did confirm that negotiations have taken place with Landowners in regard to hedgerows which are to be removed. The NFU would like confirmation that the hedgerows to be removed have been clearly marked on a plan which forms part of the DCO. Too often hedges are pushed out by contractors which should not be.
- 8.0 **Compound Sites:** The NFU raised at the hearing a question on whether the details had been highlighted as to the uses which would take place within each compound site. It is stated under Schedule 7 the purpose for which temporary possession may be taken under column 3. It has been stated that were land is taken for a compound site this could include the treatment of site generated waste. What does this actually entail? It further states that the uses highlighted are not limited to. The NFU believes that all uses should be clearly stated. The use will then be binding under the DCO and this will prevent an activity taking place which is not authorised.
- 9.0 **Schedule 2: Requirements:** Outline CEMP
- 9.1 **Agricultural Soils:** The NFU believes that it is essential that general wording to cover how agricultural soils are treated during construction and how reinstatement and aftercare will take place is outlined in the outline CEMP. Presently soils is only mentioned briefly in Table 16.3 Record of environmental actions at PC4. 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.
- 9.2 **Field Drainage:** The NFU would like to see general terms being set out as to how field drainage will be treated during and post construction of the road development scheme. No mention of field drainage can be found in the Outline Cemp.
- 9.3 **Agricultural Liaison Officer (ALO):** The NFU has noted that the Outline Cemp has mentioned that a Community Liaison Officer is stated as a key site personnel at Table 16.1 but there is no mention of an ALO. The NFU believe that it is essential that Highways England appoint an ALO

to liaise between landowners and occupiers and contractors working on site. The ALOs role should be set out in the Outline Cemp.

- 9.4 The NFU will forward wording that it is expecting to see on soils, field drainage and the ALO to Highways England. This document will be submitted to PINS.
- 9.5 It is essential that wording on the treatment of soils and field drainage and the role of the ALO is included in the Outline Cemp so that the treatment is binding on Highways England and their contractors. At the present time there is no assurance for landowners or occupiers.