

A30 Chiverton to Carland Cross TR010026

7.4(B) STATEMENTS OF COMMON GROUND

Planning Act 2008

APFP Regulation 5(2)(q)
Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

Volume 7

March 2019

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1 Introduction

1.1 Purpose

- 1.1.1 This document has been prepared to provide a concise update on the position of Statements of Common Ground (SoCG) between Highways England and statutory consultees/interested parties in relation to the A30 Chiverton to Carland Cross (the scheme).
- 1.1.2 This document provides the Highways England understanding of the position with each party at Deadline 2.
- 1.1.3 Where necessary Highways England will continue to work with relevant parties and review any matters that are still subject to further discussion during the Examination Timetable.
- 1.1.4 This document will be updated further at relevant Examination deadlines where appropriate and where progress has been made.

1.2 Structure

- 1.2.1 This report is structured as follows:
 - **Section 2** details the structure of each SoCG document and provides an up to date list of SoCGs at the point of the relevant deadline in the Examination.
 - **Section 3** provides an update on the status of each SoCG.
 - **Section 4** sets out the commonality between SoCGs and provides a summary of the principal matters outstanding.

2 Position

2.1 Structure of SoCGs

- 2.1.1 Each SoCG has adopted a consistent and standard format to provide clarity to other parties and ultimately the Examining Authority (ExA).
- 2.1.2 Each SoCG is structured in the following way:
- **Section 1** introduces the SoCG and a description of its purpose.
 - **Section 2** states the role of each party (e.g. Natural England) in the process and details the consultation undertaken to date.
 - **Section 3** sets out matters agreed.
 - **Section 4** sets out matters which are subject to negotiation or not agreed.
 - **Appendix A** contains a sign off sheet.
- 2.1.3 Additional appendices have been added to SoCGs where relevant to provide further information and context for the matters described in the respective documents.

2.2 List of SoCGs

- 2.2.1 The SoCGs seek to identify matters on which parties agree and to track progress towards the resolution of any matters where agreement has not yet been reached.
- 2.2.2 Highways England has undertaken early preparation of SoCGs with various bodies as identified in **Table 1-1**. This provides a list of SoCGs that are currently in place, along with identifying other bodies where an SoCG is currently being prepared.
- 2.2.3 Since the submission of the application for development consent, additional SoCGs have been requested by the ExA to be submitted during the course of the Examination. These have been requested through the Rule 6 Letter issued on 9 January 2019, the Preliminary Meeting held on 6 February 2019 and the Rule 8 letter issued on 13 February 2019.
- 2.2.4 Highways England will be seeking to enter into an SoCG with four of the parties requested by the ExA:
- Nancarrow Farm
 - Truro Cycling Campaign
 - National Farmers Union (NFU)
 - St. Allen Parish Council
- 2.2.5 These are listed in **Table 1-1**.

Table 1-1 List of SoCGs

Interested Party	Position
Statutory Consultee	
Cornwall Council	SoCG in draft
Natural England	Final SoCG signed, all matters agreed
Historic England	SoCG in draft
Environment Agency	Final SoCG signed, all matters agreed
Nancarrow Farm	SoCG in draft
Truro Cycling Campaign	SoCG in draft
National Farmers Union (NFU)	SoCG in draft
St Allen Parish Council	SoCG in draft

2.3 SoCG requested by the Examining Authority and not provided

- 2.3.1 Highways England does not consider it is necessary or appropriate to develop and submit an SoCG with some of the parties as requested by the ExA. This is set out below for each party.

Health and Safety Executive (HSE)

- 2.3.2 As set out in the **Comments on Relevant Representations** (Document Reference 8.1) [REP1-004] document submitted at Deadline 1, Highways England considers that all matters raised by the HSE in their Relevant Representation have been resolved through engagement and therefore an SoCG is not required.
- 2.3.3 On 13 February 2019, the HSE submitted a Position Statement to the ExA confirming that it does not proposed to enter into an SoCG as they are satisfied that their concerns have been addressed. The Position Statement was also submitted as a Written Representation at Deadline 2 [REP1-012].

Western Power Distribution (WPD)

- 2.3.4 It is expected that the issues raised by WPD will be dealt with via a side agreement and therefore an SoCG is not considered necessary.

Arqiva

- 2.3.5 As set out in the **Comments on Relevant Representations** (Document Reference 8.1) [REP1-004] submitted at Deadline 1, Highways England considers that all matters raised by Arqiva in their Relevant Representation have been resolved through engagement and therefore an SoCG is not required.
- 2.3.6 Arqiva have confirmed this in a Position Statement emailed to the ExA on 15 February 2019, which states that their objections have now been addressed and that they request to withdraw their Relevant Representation. Furthermore, the Written Representation submitted by Arqiva at Deadline 2 [REP1-007] confirmed the formal withdrawal of previous representations.

Scottish Power Renewables (SPR)

- 2.3.7 Highways England is undertaking ongoing engagement with SPR and it is expected that matters with this party will be resolved through a legal agreement.

A Position Statement with SPR was submitted to the ExA on 5 February 2019 which sets out the current status of the discussions between both parties. For this reason, it is not considered that an SoCG is necessary at this time.

- 2.3.8 SPR submitted a Written Representation at Deadline 2 [REP1-026] which confirmed that discussions with Highways England regarding a separate legal agreement are ongoing.

3 Status

3.1 Summary of current position

3.1.1 This section provides an update on the status of each SoCG.

3.1.2 **Table 1-2** provides a high-level position and where necessary includes further detail to aid understanding of the ExA. In summary, the high-level positions used in **Table 1-2** are as follows:

- **SoCG in draft** – The SoCG has been drafted by Highways England and it has been shared with the other party for comment.
- **SoCG signed with matters outstanding** – The SoCG has been signed by both parties and work is ongoing to try and resolve remaining matters outstanding.
- **Final SoCG signed, all matters agreed** – The SoCG has been signed by both parties and all matters are agreed.
- **Final SoCG signed with matters outstanding** – The final version of the SoCG has been signed by both parties, and there remain matters outstanding that Highways England and the other party agree will not be resolved during Examination.

3.1.3 Where SoCGs have been submitted with matters subject to further discussion ('Signed SoCG with matters outstanding'), all parties will continue to review these matters in order that a final update can be provided during the Examination.

3.1.4 **Table 1-2** also provides a document reference which will be used for each SoCG once signed and submitted to the ExA. Any draft SoCGs updated at each deadline will be appended to this document.

Table 1-2 Status of SoCGs at Deadline 2

Document Reference (once signed)	Party	Position at submission	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4
<i>Statutory Consultees</i>						
7.4.1	Cornwall Council	SoCG drafted by Highways England and reviewed by Cornwall Council. SoCG submitted with the application in draft.	Draft SoCG updated by Highways England and reviewed by Cornwall Council. Updated SoCG submitted at Deadline 1.	No change in position from Deadline 1.		
7.4.2	Natural England	SoCG drafted by Highways England and reviewed by Natural England. SoCG submitted with the application in draft.	Updated draft SoCG in progress and expected to be submitted at Deadline 2.	Final SoCG signed, all matters agreed.		
7.4.3	Historic England	SoCG to be submitted during Examination.	SoCG in draft - it has been shared with Historic England for comment	SoCG in draft, this has been shared with Historic England for comment.		
7.4.4	Environment Agency	SoCG to be submitted during Examination.	SoCG in draft - it has been shared with the Environment Agency for comment	Final SoCG signed, all matters agreed.		
<i>Interested Parties</i>						
7.4.5	Nancarrow Farm	/	Draft SoCG being prepared by Highways England based on response to Relevant Representation.	SoCG in draft – this has been shared with Nancarrow Farm for comment.		
7.4.6	Truro Cycling Campaign	/	Draft SoCG being prepared by Highways England based on	SoCG in draft - this has been shared with Truro Cycling		

Document Reference (once signed)	Party	Position at submission	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4
			response to Relevant Representation.	Campaign for comment.		
7.4.7	National Farmers Union (NFU)	/	Draft SoCG being prepared by Highways England based on response to Relevant Representation.	SoCG in draft – this is submitted at Deadline 2.		
7.4.8	St Allen Parish Council	/	Draft SoCG being prepared by Highways England.	Draft SoCG being prepared by Highways England based on response to Written Representation.		

4 Commonality

4.1 Summary

- 4.1.1 This section of the report provides a summary of principal topics covered in the SoCGs and highlights where topics have been agreed, are subject to further discussion, or where a topic is not agreed.
- 4.1.2 The summary in **Table 1-3** is presented in such a way to show topics covered within the various SoCGs and any position for each topic. The topics are defined at a high-level to enable overview and comparison and may not reflect the structure of each individual SoCG.
- 4.1.3 A tick in the table indicates where a topic is relevant to a party. Where a tick is shown but the box is blank, no matters have yet been identified in relation to a relevant topic. Where a topic is not relevant to a party, it is shown as a blank in the table and not included within the SoCG.
- 4.1.4 The position for relevant topics are shown as follows:

	Topic agreed
	Topic subject to further discussion
	Topic not agreed

Table 1-3 Table of Commonality

Document Reference	Party	Topics																					
		Principle of Development	Project Description	Consultation	Consideration of Alternatives	Engineering Design	Approach to EIA	Air Quality	Cultural Heritage	Landscape and Visual	Ecology	Geology and Soils	Materials	Noise and Vibration	Road Drainage/Water Environment	People and Communities	Public Rights of Way	Consideration of Cumulative Effects	Environmental Management	Construction Effects	De-Trunking	Traffic and Transport	Development Consent Order
7.4.1	Cornwall Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
7.4.2	Natural England							✓		✓	✓	✓			✓								
7.4.3	Historic England																						
7.4.4	Environment Agency					✓					✓				✓								✓
7.4.5	Nancarrow Farm																						
7.4.6	Truro Cycling Campaign																						
7.4.7	National Farmers Union (NFU)					✓		✓			✓			✓				✓			✓	✓	
7.4.8	St Allen Parish Council																						

4.2 General overview and principal matters outstanding

- 4.2.1 The following section provides an overview of the position with each party and a summary of principal matters which are outstanding. The individual SoCGs should be referred to for the full detail on specific matters.

Cornwall Council

- 4.2.2 An updated SoCG with Cornwall Council was included at **Appendix A** of the **Statements of Common Ground** (Document Reference 7.4(A)) [REP1-003] submitted at Deadline 1, 19 February 2019.
- 4.2.3 Highways England will continue to review the matters detailed in the SoCG with Cornwall Council. It will be updated to reflect the **Comments on Local Impact Report** (Document Reference 8.5) submitted by Highways England at Deadline 2.
- 4.2.4 Since Deadline 1, Highways England has continued to engage with Cornwall Council Officers in order to progress matters in the SoCG. A Steering Group meeting was held on Monday 11 March to discuss Highways England's and Cornwall Council's responses to Deadline 2 and the next steps to update the SoCG.
- 4.2.5 The principal matters that are currently outstanding include:
- Points of detail regarding draft ES Chapters and Environmental Masterplans.
 - De-trunking of the existing A30 and measures to be funded by Highways England.
- 4.2.6 It is the intention of both parties that an updated, signed version of the SoCG will be provided at the appropriate deadline.

Natural England

- 4.2.7 The SoCG with Natural England was provided 'in draft' at submission. At Deadline 1, an updated SoCG had been shared with Natural England, with one matter outstanding relating to priority woodland.
- 4.2.8 Since Deadline 1, Highways England has continued to engage with Natural England and all matters have now been agreed.
- 4.2.9 The SoCG was signed by both Highways England and Natural England on 18 March 2019.
- 4.2.10 The signed SoCG is submitted at Deadline 2 (Document Reference 7.4.2) alongside this document.
- 4.2.11 By way of update since Deadline 1, in relation to protected species:
- Bats – European Protected Species Licence(s):*
- A draft Bat Licence Application was submitted to Natural England on the 20 December 2018.
- 4.2.12 Highways England received a 'letter of no impediment' from Natural England on 13 March 2019.

Badgers – Licence(s) to interfere with a sett:

- A draft Badger Licence Application was submitted to Natural England on the 17 December 2018, with further supporting information supplied in January 2019.

4.2.13 Highways England received a 'letter of no impediment' from Natural England on 13 March 2019.

4.2.14 Natural England's Letters of No Impediment (LONI) for the Bat and Badger draft Licence Applications are included in Appendix D of the SoCG (Document reference 7.4.2) submitted at Deadline 2.

Historic England

4.2.15 A draft SoCG was issued by Highways England to Historic England on 19 February 2019 for their review.

4.2.16 At Deadline 1, Highways England submitted a formal response to the Relevant Representation made by Historic England in **Annex B** of the **Comments on Relevant Representations** (Document Reference 8.1) [REP1-004].

4.2.17 At the same deadline, Historic England submitted a Written Representation to the ExA [REP1-013, REP1-014]. Highways England has submitted a response to the Historic England Written Representation at Deadline 2 in Appendix A of the **Comments on Written Representations** document (Document Reference 8.6).

4.2.18 The Written Representation submitted by Historic England raises some new matters which were not raised through previous engagement or their Relevant Representation. On this basis, the draft SoCG needs to be updated following Deadline 2 to reflect the detailed response to the Historic England Written Representation. A meeting has been scheduled to review matters with Historic England on 25 March 2019.

4.2.19 It is expected that a draft SoCG will be provided to the ExA at Deadline 3.

Environment Agency

4.2.20 At Deadline 1, Highways England submitted a detailed response to the Environment Agency Relevant Representation; see **Annex A** of the **Comments on Relevant Representations** (Document Reference 8.1) [REP1-004].

4.2.21 A draft SoCG was issued to the EA on 19 February 2019 for their review, in which all matters were agreed.

4.2.22 The SoCG was signed by the Environment Agency on 13 March 2019.

4.2.23 The final, signed SoCG is submitted at Deadline 2 (Document Reference 7.4.4) alongside this document.

Nancarrow Farm

- 4.2.24 At Deadline 1, Highways England submitted a detailed response to the Nancarrow Farm Relevant Representations in Annex E of the **Comments on Relevant Representations** (Document Reference 8.1) [REP1-004]. At the same deadline, Nancarrow Farm submitted a Written Representation to the ExA [REP1-028].
- 4.2.25 Highways England has submitted a response to the Nancarrow Farm Written Representation at Deadline 2 in the **Comments on Written Representations** document (Document Reference 8.6).
- 4.2.26 Highways England issued a draft SoCG to Nancarrow Farm on 6 March 2019 for their review.
- 4.2.27 There are a number of matters outstanding, including the principle of the development, the proposed route and route selection process, impacts on the farm and events business (including noise, landscape and heritage effects) and construction timing and impacts.
- 4.2.28 A meeting has been arranged between Highways England and Nancarrow Farm on 20 March 2019 to discuss the SoCG.
- 4.2.29 Highways England will continue to engage with Nancarrow Farm in order to discuss the detailed response provided to their Relevant Representation, the detailed response provided to their Written Representation and the matters set out in the draft SoCG.
- 4.2.30 It is expected that a draft SoCG will be provided to the ExA at Deadline 3.

Truro Cycling Campaign

- 4.2.31 At Deadline 1, Highways England submitted a detailed response to the Truro Cycling Campaign Relevant Representation in Annex G of the **Comments on Relevant Representations** (Document Reference 8.1) [REP1-004]. At the same deadline, Truro Cycling Campaign submitted a Written Representation to the ExA [REP1-032].
- 4.2.32 Highways England has submitted a detailed response to the Truro Cycling Campaign Written Representation at Deadline 2 in the **Comments on Written Representations** document (Document Reference 8.6).
- 4.2.33 Highways England issued a draft SoCG to Truro Cycling Campaign on 15 March 2019 for their review. A meeting is scheduled with the Truro Cycling Campaign on the 20 March 2019.
- 4.2.34 The matters outstanding primarily concern the aspiration for a cycle crossing at Chiverton junction.
- 4.2.35 Highways England will continue to engage with Truro Cycling Campaign in order to progress matters raised through the Relevant Representation, the Written Representation and as set out in the draft SoCG.
- 4.2.36 It is expected that a draft SoCG will be provided to the ExA at Deadline 3.

National Farmers Union (NFU)

- 4.2.37 An SoCG between Highways England and the NFU was requested by the ExA in the Preliminary Meeting held on 6 February 2019.
- 4.2.38 At Deadline 1, Highways England submitted a detailed response to the NFU Relevant Representation in Annex F of the **Comments on Relevant Representations** (Document Reference 8.1) [REP1-004].
- 4.2.39 Highways England met with the NFU on 5 March 2019 to discuss the response to the Relevant Representation; matters raised at the Preliminary Meeting and first Issue Specific Hearing on the draft DCO; and the preparation of the SoCG.
- 4.2.40 Highways England issued a draft SoCG to the NFU on 13 March 2019 for their review. A follow up call was held with the NFU on 18 March 2019 to discuss the draft SoCG.
- 4.2.41 The draft SoCG with the NFU is provided to the ExA at Deadline 2, and is included as **Appendix A** of this document.

St Allen Parish Council

- 4.2.42 An SoCG between Highways England and St. Allen Parish Council was requested by the ExA in the Preliminary Meeting held on 6 February 2019.
- 4.2.43 At Deadline 1, St. Allen Parish Council submitted a Written Representation [REP1-027]. Highways England has submitted a detailed response to the St. Allen Parish Council Written Representation at Deadline 2 in Appendix B of the **Comments on Written Representations** (Document Reference 8.6).
- 4.2.44 It is expected that a draft SoCG will be provided to the ExA at Deadline 3.

Appendix A Draft SoCG with National Farmers Union (NFU)



European Union

European Regional
Development Fund



A30 Chiverton to Carland Cross

Statement of Common Ground with National Farmers Union

Draft 2

Issue to National Farmers Union: 18/03/2019

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This document is a Statement of Common Ground (SoCG) between Highways England and the National Farmers Union (NFU) in relation to the A30 Chiverton to Carland Cross scheme. It has been prepared in accordance with DCLG (now Ministry of Housing, Communities and Local Government) Guidance on the pre-application process¹.
- 1.1.2 The document identifies the following between the two parties:
- Matters which have been agreed
 - Matters currently outstanding (subject to negotiation or not agreed)
- 1.1.3 The SoCG will continue to evolve as the application for development consent progresses through the Examination stage.

1.2 Structure of this SoCG

- 1.2.1 The SoCG is structured as follows:
- Section 2 states the role of NFU in the application and sets out the consultation undertaken from 2018.
 - Section 3 presents the topics covered in this SoCG.
 - Section 4 lists those matters which have been agreed, including the date that this matter was agreed.
 - Section 5 is a table of matters outstanding, incorporating a description of the matter, the position of NFU, the position of Highways England and any actions taken to address the matter, and the date of the latest position including any further meetings planned regarding the matter.
 - Appendix A includes the signing sheet.
 - Appendix B includes the NFU Written Representation on the Norfolk Vanguard Offshore Windfarm (provided as a reference).

1.3 Status of this SoCG

- 1.3.1 This draft of the SoCG was discussed with NFU on 5 March 2019. A draft of this document was issued to NFU on 13 March 2019. Comments have been received at meetings and in email form up to 18 March 2019. This SoCG is a correct reflection of the position of the parties as of 18 March 2019 (the date this document was re-issued to NFU for further review and consideration).
- 1.3.2 This SoCG is provided 'in draft' by Highways England. It has been updated by Highways England to reflect the comments received from NFU, as noted it has been re-issued to NFU for further review and comment. This draft is 'not signed' by NFU.
- 1.3.3 Both parties will continue to review the matters that are still subject to negotiation and clarification. An updated signed version of the SoCG will be provided during the Examination.

¹ Department for Communities and Local Government. Planning Act 2008: Guidance for the examination of applications for development consent. (2015)

2 Consultation

2.1 Role of the National Farmers Union

- 2.1.1 The NFU is an industry organisation for agriculture and horticulture in England and Wales. It represents its members and campaigns for the future of British farmers.

Status in relation to the application

- 2.1.2 As set out in the **Consultation Report** (Document Reference 5.1) [APP-029], the NFU was consulted during the statutory pre-application consultation under section 47 of the Planning Act 2008, which requires that the applicant consults people who live in the vicinity of the proposed development. This includes, as per MHCLG guidance², any consultees which may be able to make an important contribution in developing the application. Given that the scheme is located in an area with agricultural industry and which may affect agricultural landowners and tenant farmers, the NFU was considered an appropriate consultee for the scheme.
- 2.1.3 The NFU submitted a response to the statutory consultation and have subsequently registered with the Planning Inspectorate as an Interested Party in the scheme's Examination. The NFU attended the Preliminary Meeting and draft DCO Issue Specific Hearing held on 6 February 2019. At the Preliminary Meeting, Highways England agreed to enter into a Statement of Common Ground with the NFU.
- 2.1.4 The SoCG has been shared for comment with Louise Staples, Rural Surveyor, who is the NFU's appointed representative.

2.2 Summary of consultation

- 2.2.1 Highways England has been in consultation with NFU prior to the submission of the DCO application.

² Department for Communities and Local Government (DCLG). Planning Act 2008: Guidance on the Pre-application Process. London, 2015.

2.2.2 The consultation with the NFU is set out below within Table 2-1.

Table 2-1 Consultation

Date	Method	Topic	Consultation Details
29/01/2018	Letter	Notification of statutory consultation	The NFU was sent a letter and/or email by Highways England notifying them of statutory consultation and inviting them to comment on the proposals by the deadline of 23:59 on 12 March 2018.
09/03/2018	Letter	Response to statutory consultation	A representative of NFU submitted a response to the statutory consultation setting out a number of concerns relating to impacts of the scheme on agricultural businesses and landowners in the vicinity of the scheme,
04/10/2018	Teleconference Call	Discuss response to statutory consultation	Highways England spoke to the NFU to discuss their response to the statutory consultation.
09/11/2018	Letter	Submission of relevant representation	The NFU submitted a relevant representation detailing outstanding concerns relating to the scheme.
19/02/2019	Letter	Response to relevant representation	Highways England responded to the relevant representation via letter sent directly to the NFU and which was also submitted to PINS.
05/03/2019	Meeting	Discuss response to Relevant Representation and the draft SoCG	Highways England met with the NFU to discuss the Highways England response to the NFU Relevant Representation and the preparation of the draft SoCG.
18/03/2019	Teleconference Call	Discuss draft SoCG	Highways England spoke to the NFU to discuss the draft SoCG for issue at Deadline 2.

3 Topics covered in this SoCG

3.1.1 The following table (Table 3-1) is a summary of the topics which are considered within this SoCG. The topics covered in section 4 of this SoCG broadly align with Highways England's response to the NFU Relevant Representation.

Table 3-1 A summary of the topics which are considered within this SoCG

Overarching topic	Topic number	Topic
NFU topics in Relevant Representation and Written Representation	1.	DCO Article 8: Limits of Deviation
	2.	DCO Article 5: Adjacent land
	3.	Private Water Supplies
	4.	DCO Article 33: Temporary Possession
	5.	Hedgerows
	6.	Site Compounds
	7.	Soil Management
	8.	Field Drainage
	9.	Agricultural Liaison Officer
	10.	Landowner access
	11.	Green bridge
	12.	Utilities
	13.	Air Quality and dust
	14.	Flood Issues
	15.	Fencing
	16.	Transport and traffic

4 Matters agreed

4.1.1 The table below shows those matters which have been agreed by the parties, including that matters reference number, and the date and method by which it was agreed.

Table 4-1 Matters agreed between NFU and Highways England

Reference	Matter which has been agreed	Date and method of agreement
1. DCO Article 8: Limits of Deviation		
1.1.	<p>The NFU queried the inclusion of Limits of Deviation in Article 8 of the draft DCO (Document Reference 3.1(B)) [AS-031] and sought clarity on earthworks being able to deviate laterally by 1.75m.</p> <p>Highways England has given very careful consideration to the limits of deviation that it considers are required in this case. As the scheme is currently at a Preliminary Design stage, Highways England has sought to strike an appropriate balance between including an appropriate degree of flexibility in the DCO, reflecting that the scheme will not reach the subsequent Detailed Design stage until after consent is granted (if this is the case), and a sufficient degree of certainty and clarity about what the scheme will look like and where exactly it will be positioned.</p> <p>The inclusion of limits of deviation is normal and Highways England is not seeking to do anything novel by including them in this DCO. The A14 Cambridge to Huntingdon Improvement Scheme Order 2016 referenced by the NFU includes both lateral and vertical limits of deviation: see article 7 (limits of deviation).</p> <p>The NFU has accepted the limits of deviation proposed in the draft DCO on this basis.</p>	Meeting 18 March 2019 and e-mail 19 March 2019

5 Matters outstanding

5.1 Principal matters outstanding

5.1.1 The principal matters that are outstanding and require further review and confirmation by NFU are as follows:

- DCO Article 5: Adjacent land
- Private Water Supplies
- DCO Article 33 – Temporary Possession
- Hedgerows
- Site Compounds
- Soil Management
- Field Drainage
- Agricultural Liaison Officer (ALO)
- Landowner access and site access routes
- Green bridge
- Utilities
- Air quality and dust
- Flooding Issues
- Fencing
- Traffic and Transport - Landowner Access at the Chybucca Junction and the lack of east facing slips

5.1.2 Highways England will continue to review these matters with the NFU as detailed in the table below.

5.2 Specific matters outstanding

5.2.1 The table below sets out the matters which are outstanding between Highways England and the NFU.

5.2.2 The table describes the matter being discussed and NFU's position, Highways England's position, and any action which may be taken by NFU or Highways England in relation to the outstanding matter. The date the respective positions of the parties were reached is also presented.

Table 5-1 Matters outstanding between NFU and Highways England

Ref.	NFU position	Highways England position	Date of the position
2. DCO Article 5: Adjacent land			
2.1	The NFU queried whether the term 'Adjacent' in Article 5 of the draft DCO (Document Reference 3.1 (B)) [AS-031] should be included in Article 2 Interpretation with this definition.	<p>The key point is that Article 5(2) does not confer powers on Highways England to carry out any works on 'adjacent' land. It simply clarifies the relationship between the DCO (as a piece of legislation) and other legislation. It would be an arbitrary exercise to try and specify the limits of the term 'adjacent' in this article or in Article 2. This wording has been accepted in other orders and is well precedented.</p> <p>As drafted the DCO confers limited powers to undertake certain specified activities outside the DCO boundary. These are found in Article 22 (authority to survey and investigate the land), which gives Highways England authority to enter land within the Order limits, or which may be affected by the authorised development, for the purpose of carrying out surveys and investigations. For the purpose of Article 22 the term 'adjacent' would therefore mean the land that was required to be surveyed because it would or might be affected by the authorised development. Paragraph 2 of Article 22 requires Highways England to give owners and occupiers at least 14 days' notice before entering land for this purpose.</p>	<p>18 March 2019</p> <p>NFU to review Highways England position on Article 5 (2) and confirm if in agreement.</p>
3. Private Water Supplies			
3.1	Where an existing private water supply to a farm is adversely and directly affected by the construction of the scheme, Highways England 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 scheme, then the alternative supply would only be supplied for the period during which it is so affected.	Highways England will update the Outline CEMP to confirm this NFU requested detail on how private water supplies will be mitigated and managed.	<p>18 March 2019</p> <p>NFU to review updated Outline CEMP when available and confirm in agreement.</p>

Ref.	NFU position	Highways England position	Date of the position
	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 scheme, Highways England 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.		
4. DCO Article 33: Temporary Possession			
4.1	NFU would like to see Highways England giving 3 months notice rather than just 14 days as stated at Article 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. The NFU therefore ask the Examining Authority to change the 14 days notice to three months notice at Article 33 para (2).	<p>Highways England have confirmed that the primary reason for disapplying the provisions of the 2017 Act is that these provisions are not in force and so cannot be applied and a date has not yet been appointed to bring them into force. The provisions in the 2017 Act are new and untested, whereas the provisions that are included in the dDCO in articles 33 and 34 have their roots in the model provisions and a host of previously made orders, including the recent A19 Testos scheme. They are therefore well established and have been tested on numerous schemes which have already been carried out. In many respects they therefore offer a more consistent regime than the provisions in the 2017 Act.</p> <p>Highways England has given careful consideration to the NFU request that 3 months' notice be given instead of 14 days in relation to taking temporary possession of land under the dDCO and Highways England is prepared to accept an extended 28 day notice period for taking temporary possession of land and the dDCO submitted at Deadline 2 has been amended accordingly. This is considered to be a reasonable compromise considering that section 20 of the 2017 Act is not in force.</p>	<p>18 March 2019</p> <p>NFU to review Highways England position on the change of Article 33 and confirm if in agreement.</p>
5. Hedgerows			
5.1	The NFU would like confirmation that the hedgerows to be removed have been clearly marked on a plan which forms	Plans detailing the trees and hedgerows affected by development were submitted with the application – Trees and Hedgerows to be Removed or Managed Plans (Document	18 March 2019

Ref.	NFU position	Highways England position	Date of the position
	<p>part of the DCO. Too often hedges are pushed out by contractors which should not be.</p> <p>The NFU accepts that plans detailing the trees and hedgerows affected by development were submitted with the application – Trees and Hedgerows to be Removed or Managed Plans (Document Reference 2.13) [APP-027 to APP-028]. Figure 7.6 Environmental Masterplans of the Environmental Statement (Document Reference 6.3) [APP-180 to APP-200] also show the locations of proposed hedgerows and Cornish hedgerows.</p>	Reference 2.13) [APP-027 to APP-028]. Figure 7.6 Environmental Masterplans of the Environmental Statement (Document Reference 6.3) [APP-180 to APP-200] also show the locations of proposed hedgerows and Cornish hedgerows.	NFU to review plans with affected landowners and confirm if in agreement.
6. Site Compounds			
6.1	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.	<p>Where plots are identified in draft DCO Schedule 7 (Document Reference 3.1(B)) [AS-031] as being required for a site compound, the activity to “treat site generated waste” is only washout pits for concrete and sweepers and general wheel wash with an area for segregating this waste. The wastewater would either be recycled for construction processes or discharged to an adjacent foul sewer (with consent from the sewerage undertaker). Any waste material recovered during this process would be re-used onsite where possible or otherwise it would be removed from site by a licensed waste carrier for disposal to an appropriately licensed facility. The CEMP and/or dDCO will be updated to include this clarification on the treatment of waste within the compounds.</p> <p>As the scheme only at Preliminary Design stage, it is not possible to state exact detail of all uses of compounds, however can commit to the treatment of waste as above.</p>	<p>18 March 2019</p> <p>NFU to review Highways England position on site compounds and the treatment of waste along with the updates to the DCO when available and confirm if in agreement.</p>
7. Soil Management			
7.1	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	The Record of Environmental Actions and Commitments (REAC) in Table 16.3 on the Outline CEMP (Document Reference 16.1) [APP-375] provides actions and	18 March 2019

Ref.	NFU position	Highways England position	Date of the position
	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.	<p>commitments on soil management and storage and an Outline Materials Management Plan is included in Annex C of the Outline CEMP Annexes (Document Reference 16.1) [APP-376]. Para 2.2.1 of the Outline Materials Management Plan, provides a list of the documentation requirements to support the completion of an MMP for the scheme and in relation to soils includes: Invasive Species Management Plan; Earthworks Strategy; Land Contamination Management Strategy; Remediation Strategy including a verification plan; Earthworks Specification; Cut/Fill requirements and earthworks movements plan; and Soils Management Plan.</p> <p>Highways England have now committed to prepare the Soil Management Plan for inclusion in the Outline CEMP and this will include further detail on how agricultural soils are treated during construction and how reinstatement and aftercare will be undertaken. This will also confirm a requirement for a pre- construction record of condition and soil survey 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.</p>	NFU to review updated Outline CEMP when available and confirm in agreement.
8. Field Drainage			
8.1	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.	The Outline Ground and Surface Water Management Plan is included at Annex G of the Outline CEMP Annexes (Document Reference 16.1) [APP-376] and this is based on the information available at this preliminary design stage. As the detailed design progresses, the plan would be reviewed and updated accordingly. The final Ground and Surface Water Management Plan will consider all drainage required during the construction phase and will reference all industry and regulatory pollution prevention guidelines. It will also include the additional detail requested by NFU from their Written Representation on the Norfolk Vanguard Offshore Windfarm DCO (see Appendix B of this document). The reinstatement of any affected field drainage would be	<p>18 March 2019</p> <p>NFU to review updated Outline CEMP when available and confirm in agreement.</p>

Ref.	NFU position	Highways England position	Date of the position
		developed in detailed design and will be informed and agreed with the individual affected landowners.	
9. Agricultural Liaison Officer (ALO)			
9.1	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.	<p>The Outline CEMP (Document Reference 16.1) [APP-375] has mentioned that a Community Liaison Officer is stated as a key site personnel at Table 16.1 however there is no mention of an Agricultura Liaison Officer (ALO).</p> <p>Highways England will update the Outline CEMP to confirm the role of the ALO and include the additional detail requested by NFU from their Written submission on the Norfolk Vanguard Offshore Windfarm DCO (see Appendix B of this document).</p>	<p>18 March 2019</p> <p>NFU to review updated Outline CEMP when available and confirm in agreement.</p>
10. Landowner access and site access routes			
10.1	The NFU queried how access will be provided on a day to day basis for landowners to reach severed land. Further what access routes will Highways England use to access the land within the order limits.	<p>The Draft Traffic Management Plan submitted in Appendix 1.2 of the Environmental Statement (Document Reference 6.4) [APP-300 to APP-309], whilst identifying the key areas where the works impact on the existing A30 traffic flow and phasing of the construction works to minimise the disruption and impact on the travelling public, also confirms that access to all adjacent land and any associated farm buildings will be maintained during construction at all times or unless agreed in advance with the landowners.</p> <p>This is secured by Requirement 11 (Traffic Management) of the dDCO.</p> <p>The site will be accessed from the existing A30 or from associated public side roads as agreed with Cornwall Council as the local highway authority. The final access routes will be confirmed during detailed design and this will be informed by ongoing engagement with adjacent and affected landowners. During the continued planning and development of the scheme the overall objective will be ensuring the safety of the</p>	<p>18 March 2019</p> <p>NFU to review the Traffic Management Plan with affected landowners and confirm if in agreement.</p>

Ref.	NFU position	Highways England position	Date of the position
		<p>travelling public and the workforce whilst minimising disruption to the public.</p> <p>Article 17 of the draft DCO (Document Reference 3.1(C)) provides that accesses could be created within the Order limits – and it is anticipated that this power will be relied on to provide temporary accesses as required during the construction period, and this would be agreed in advance with the landowner. Article 16 regulates the stopping up of streets and private means of access and ensures that alternative access will be available.</p>	
11. Green bridge			
11.1	<p>The NFU queried the location, construction and specification (including a weight limit) of the green bridge needing greater clarification to ensure that the Landowner isn't exposed to greater animal health and bio-security risks through the movement of wildlife, people and livestock.</p> <p>NFU to review with Nancarrow Farm and adjacent landowners and confirm if in agreement</p>	<p>The green bridge is being provided as an ecological crossing for local wildlife and a route for walkers, cyclists and horse riders. In ongoing engagement with Nancarrow Farm, it has been discussed that given the proximity of the bridge to the farm, the farm will be permitted to use this crossing for tractor and trailer access to their fields to the north of the route, up to the maximum road legal weight. Any agricultural animal health and bio-security risks to the farm would need to be investigated and resolved by the farm.</p>	18 March 2019
12. Utilities			
12.1	<p>It is understood from other projects that 'Jointing Bays' should be all underground and will not interfere with agricultural operations.</p> <p>It is understood that some link boxes will be needed with the cables being HVDC cables and further clarification is sort on how many there are likely to be and the location of the link boxes. Link boxes do stand proud above ground level and so greatly interfere with agricultural operations and are a hazard to farm machinery. It is extremely important to have further design information on link boxes and the siting of them. The preference is that all link boxes are located within field boundaries.</p>	<p>It is agreed that Jointing Bays should be underground where possible and would be designed so as not to interfere with agricultural operations. Where existing jointing bays are above ground, these may need to be retained.</p> <p>The scheme does require the diversion of HV and LV cables and associated link boxes. The exact details of these diversions would be developed during detailed design and will be informed by ongoing engagement with any affected landowners. Link boxes would be underground and/or located within field boundaries where possible to minimise interference with agricultural operations.</p>	<p>18 March 2019</p> <p>NFU to review with proposals with affected landowners and confirm if in agreement.</p>

Ref.	NFU position	Highways England position	Date of the position
13. Air quality and dust			
13.1	Clarification is needed on how practical issues like dust will be controlled during construction and how can the effect on irrigation be minimised?	The Outline Air Quality Management Plan sets out the management of dust, air pollution, odour and exhaust emissions during the construction works. This is included within Annex L of the Outline CEMP Annexes (Document Reference 6.4) [APP-376].	18 March 2019 NFU to review Outline CEMP and confirm if in agreement.
14. Flooding Issues			
14.1	No details have been provided to landowners and occupiers on how any increase in surface run off of water from the haul road or the construction compounds will be dealt with during construction. Therefore there is concern that retained land may flood during the construction works.	<p>The Outline Ground and Surface Water Management Plan in Annex G of the Outline CEMP Annexes (Document Reference 6.4) [APP-376] provides details of the temporary surface water management systems that would be installed early in the construction sequencing and how they would be carefully managed to prevent localised flooding or pollution of surface and groundwater from silt and other contaminants.</p> <p>The Outline Ground and Surface Water Management Plan in Annex G of the Outline CEMP Annexes (Document Reference 6.4) [APP-376] contains Table 2-1 Main work activities and mitigation proposals. This provides an outline of the main work activities to be carried out throughout the scheme as well as relevant water management proposals currently being considered, including mitigation with respect to surface water run-off.</p>	18 March 2019 NFU to review Outline CEMP and confirm if in agreement.
15. Fencing			
15.1	Further details are required about the provision of temporary fencing during the construction period and how new permanent boundaries are to be constructed. In particular, Landowners require that for every metre of Cornish hedge removed on their land, one metre of new Cornish hedge is constructed.	Details of the permanent fencing are provided in Chapter 2 of the Environmental Statement (Document Reference 6.2) [APP-055] and Figure 7.6 Environmental Masterplans (Document Reference 6.3) [APP-180 to APP-200] show the locations of the following permanent boundaries: standard highway fence; standard stock proof fence; badger fence; otter and badger fence; hedgerows; and Cornish hedgerows. Plans detailing the trees and hedgerows affected by development were submitted with the application – Trees and	18 March 2019 NFU to review Environment Statement and the Environmental Masterplans with affected landowners

Ref.	NFU position	Highways England position	Date of the position
		<p>Hedgerows to be Removed or Managed Plans (Document Reference 2.13) [APP-027 to APP-028].</p> <p>4,488 m of Cornish hedgerow will be lost by the scheme; however, 12,605 m of replacement Cornish hedgerow are proposed (including 6,149 m of vegetated Cornish hedgerow). This is a net gain of 8,117 m.</p> <p>7,090 m of soft hedgerow will be lost by the scheme, however, 8,458 m of replacement soft hedgerow are proposed. This is a net gain of 1,367 m.</p> <p>If temporary fencing is required in advance of the permanent fencing or boundary hedgerows, the specification of this fencing would be agreed with the affected landowners prior to the start of construction. Regular inspections of the fencing would take place to ensure that all fencing remain in place and that the condition is suitable for its intended use.</p>	and confirm if in agreement.
16. Traffic and Transport			
16.1.	<p>Chybucca Junction</p> <p>Highways England at a meeting on the 4th October 2018 confirmed that the proposed scheme still does not include east facing slip roads off the roundabout junction on to the new proposed A30. The NFU believe that this will greatly impact the local farm businesses near to the new proposed road and in particular Messrs Parker of Callestick Farm as without them journey times, disruption and additional costs of operating the local farms will be affected.</p> <p>Highways England have stated that there is not enough demand and so the east facing slip roads cannot be justified this taking into regard traffic movements. But the NFU believes strongly that the impact on local farm businesses has been significantly underestimated.</p>	<p>Based on comments received through the public consultation events, considerable traffic modelling work has been undertaken to consider the inclusion of east facing slips at Chybucca junction as part of the scheme. Large developments in the proximity of the scheme that were considered likely to have a direct impact on future demand on the A30 were modelled. Cornwall Council is in agreement with the modelling undertaken as stated in the Statement of Common Ground with Cornwall Council (Appendix A, Document Reference 7.4(A)). Further information on the traffic modelling is provided in section 5 of the Transport Report (Document Reference 7.4) [APP-049].</p> <p>The Traffic Model, built in accordance with WebTAG guidance and meeting the requirements for model calibration and validation, has been used to undertake sensitivity tests</p>	18 March 2019

Ref.	NFU position	Highways England position	Date of the position
	<p>The project objective states “contribute to regeneration and sustainable economic development and improve network reliability and reduce journey times”. the NFU do not believe these aims are achievable without the east facing slip roads.</p>	<p>(further modelling) to forecast the role east facing slips would play if included as part of the scheme. This has included model scenarios with both west and east facing slips at Chybucca.</p> <p>With the inclusion of west and east facing slips at Chybucca, traffic flows on the westbound off slip and eastbound on slip combined are forecast to be approximately 190 cars in the 2038 AM peak period. The AM peak period represents the busiest modelled period at this junction under this model scenario, with lower flows forecast in the interpeak and PM peak periods.</p> <p>As a comparison, forecast traffic flows on eastbound off slip and westbound on slip combined under the west facing slips only scenario is larger than 800 cars in each of the modelled AM peak, interpeak and PM peak scenarios.</p> <p>In 2038 traffic flows on the A39 and A390 are forecast to reduce in the model assessment, including a scenario with the A30 scheme in place, compared to the scenario without the scheme included.</p> <p>The traffic model has also been used to assess the impact of the A30 Chiverton to Carland Cross scheme on the wider highway network. Analysis of the model outputs shows that journey times across the network are set to reduce with the provision of the scheme compared to the scenario without the scheme in place.</p> <p>The 2038 PM peak traffic model has also been used to assess forecast year journey times from the Callestick area to Carland Cross. Without the A30 scheme in place, the time taken to travel eastbound between these locations is forecast to take almost 16 minutes 52 seconds when travelling via Chybucca. With the A30 scheme in place, travelling eastbound between the same locations but via Chiverton (due to the absence of the east facing slips) the journey is forecast to take 11 minutes, 17 seconds. This demonstrates that although the east facing slips are not provided, journey</p>	

Ref.	NFU position	Highways England position	Date of the position
		<p>times to/from areas in close proximity to where the slips would be, are still improved with the scheme in place compared to the scenario where the scheme is not in place and trips are using the existing A30.</p> <p>Inclusion of the east facing slips would also require additional land take compared to the without slips scenario. Changes to the vertical alignment of the scheme would also be required to avoid introducing a departure from DMRB standards, which would require a significantly higher embankment adjacent to Tresawen with associated environmental adverse impacts (noise, air quality, landscape and visual). Such a change to include the higher embankment to include the east facing slip roads and amended A30 vertical alignment would significantly increase the construction costs.</p> <p>In summary, the Applicant does not consider that the increased land take and cost would be justified given the limited benefit that the addition of east facing slips would have.</p>	

Appendix A Signing Sheet

For signing	
Signed	
On Behalf of	National Farmers Union
Name	
Position	
Date	

For signing	
Signed	
On Behalf of	Highways England
Name	
Position	
Date	

Appendix B NFU Written Representation on the Norfolk Vanguard Offshore Windfarm, Appendix A and Appendix B (provided for reference)

Appendix A: Agricultural Liaison Officer

- 1.1.** The Agricultural Liaison Officer (ALO) 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.
- 1.6.** The ALO will have responsibility for liaising with landowners, agents and occupiers in respect of the following:
 - Coordinating drainage surveys and sharing pre and post-construction drainage schemes with landowners or occupiers in advance for their consideration;
 - Discussing the location, grouping and marking of link boxes, including why they are subject to overriding constraints (such as cable lengths and environmental constraints), with the landowner/occupier;
 - Coordinating the provision of a detailed pre-construction condition survey to include a soil survey, to be included in CoCP, as well as a record of condition of the following elements:
 - existing crop regimes;
 - the position and condition of field boundaries;
 - the condition of existing access arrangements;
 - the location of private water supplies (as far as reasonable investigations allow);
 - the type of agricultural use taking place;
 - the yield of crops;
 - the quality of grazing land; and
 - the existing weed burden.
 - Advising on risks relating to the translocation of soil diseases and ensuring appropriate protective provisions are implemented;

- Ensuring that landowners and occupiers are consulted in respect of requirements relating to field entrances and accesses across the construction strip and land-locked or severed land parcels;
- Arrange quarterly meetings with agent representatives of landowners;
- Undertake pre-construction and day-to-day discussions with affected parties to minimise disruption, where possible, to existing farming regimes and timings of activities;
- Undertake site inspections during construction to monitor working practices and ensure landowners' and occupiers' reasonable requirements are fulfilled;
- Discussing and agreeing reinstatement measures following completion of the works

Appendix B: Field Drainage

Irrigation

- 1.0 Details of the irrigation system on each land holding will be gathered during the detailed design stage and irrigation plans will be developed to inform the management of agricultural land drainage during construction. The Agricultural Liaison Officer will be responsible for consulting with each individual landowner to obtain the relevant information and to be a point of contact to report concerns regarding irrigation systems during construction. The plans will include the following information:
- Location of boreholes and water supplies used by each farmer;
 - Irrigation or impoundment licence granted by the EA; and
 - System of irrigation applied and the location of irrigation network for each field.

Agricultural Land Drainage

- 2.0 Particular care will be taken to ensure that the existing land drainage system is not compromised as a result of construction. Land drainage systems will be maintained during construction and reinstated on completion.
- 2.1 The ALO will coordinate drainage surveys to establish the existing drainage position including any related farm drainage that may be affected by the scheme. The services of a suitably qualified drainage consultant will be employed by the Applicant to act as a drainage expert during the detailed design process and liaise with landowners or occupiers (through the ALO) to consult on the pre and post drainage schemes required. This will include the design of any land drainage works required during construction, and on the design and timing of any land drainage works required for the subsequent restoration of the land. This process will take due regard of any local and site-specific knowledge.
- 2.2 Subject to the consultation existing agricultural land drains, where encountered during the construction of each phase, will be appropriately marked. The location of drains cut or disturbed by the construction works will be photographed, given a unique number and logged using GPRS coordinates. The actual condition and characteristics (e.g. depth of installation, pipe type and diameter) of the existing drainage will also be recorded upon excavation.
- 2.3 During the construction works, temporary drainage will be installed either side of the cable trenches, within the onshore cable corridor working width, to intercept existing field drains and ditches in order to maintain the integrity of the existing field-drainage system during construction and ensure existing flow is not channelled by the onshore cable corridor. Such measures will also assist in reducing the potential for wet areas to form during the works, thereby reducing the impact on soil structure and fertility. Drainage systems however will not be installed into areas where they are not currently present, e.g. environmental wetlands.
- 2.4 Any field drainage intercepted during the cable installation will either be reinstated following the installation of the cable or diverted to a secondary channel. Landowners and occupiers will be informed of the design of drainage works required during construction and following installation of the cables and associated works, including: pipe layout, falls, dimensions and outfalls (if required). The drainage would be reinstated in a condition that is at least as effective as the previous condition and will follow best practice for field drainage installations taking into account site specific conditions.
- 2.5 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.

- 2.6 Landowners and occupiers will be provided with the opportunity to inspect land drainage works as they progress, subject to health and safety considerations. Furthermore, records of existing and remedial drainage will be maintained by the Applicant with copies provided to the Landowner (and the Occupier, if applicable) following the completion of construction works in each phase.
- 2.7 A dispute resolution process will be established including the appointment of a jointly agreed Independent Expert for drainage design and implementation, where required. Where agreement cannot be reached on the appointment of the expert the matter will be referred to the President of the Institution of Civil Engineers.

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.

