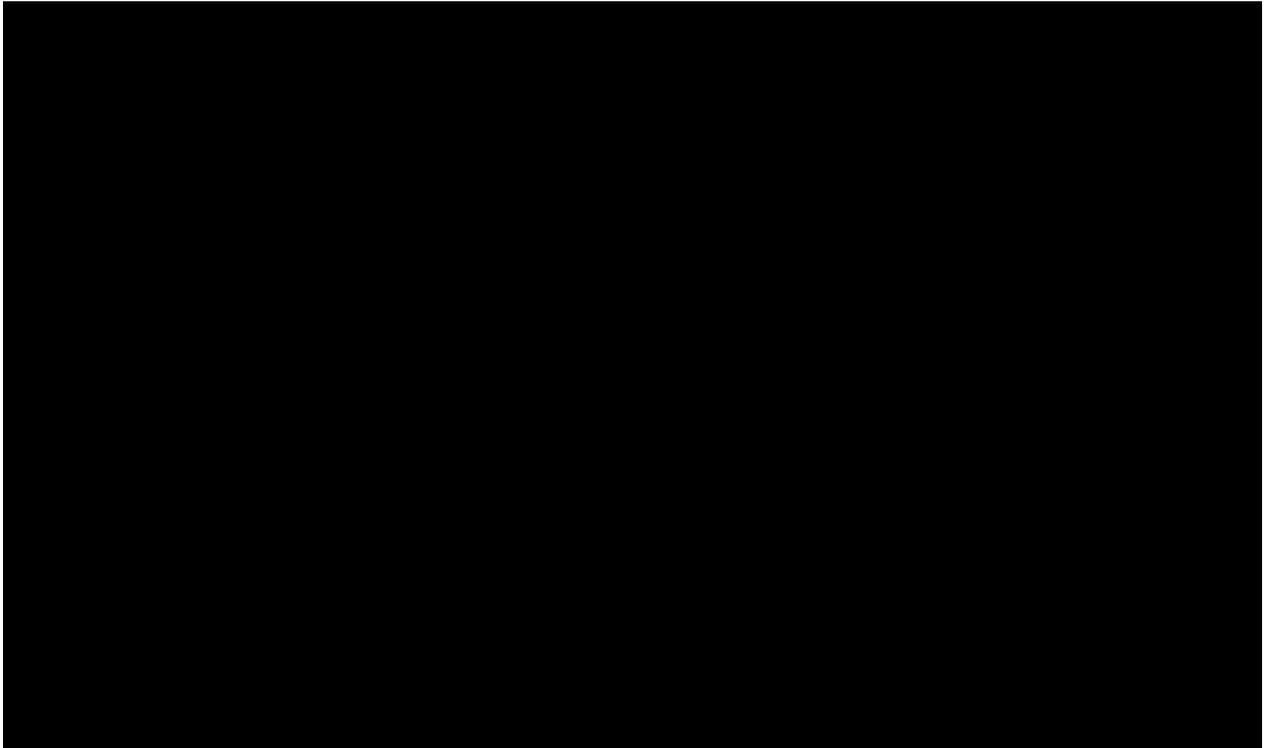


**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT
CONSENT FOR THE A47/A11 THICKTHORN JUNCTION**



MR AND MRS THOMPSON – [REDACTED]

FURTHER REPRESENTATIONS

PINS REFERENCE: TR010037



Birketts LLP: Offices in Cambridge | Chelmsford | Ipswich | Norwich
[REDACTED]

1. INTRODUCTION

- 1.1 This submission is on behalf of Mr Graham and Mrs Patricia Ann Thompson of [REDACTED] following our written representations dated 7th October 2021 (“Written Representation”), initial response to the Examining Authority’s First Written Questions (EXQ1) (“Initial Response”) dated 11th October 2021 and our holding objection dated 31st August 2022 (“Objection”).
- 1.2 The Written Representation stated in the Executive Summary that the Thompsons do not object to this Scheme in principle subject to the representations made therein and a holding objection regarding land acquisitions.
- 1.3 Following further discussions with the Applicant and a site visit on 29th September 2022 it has become clear that the detailed design of the Scheme will have severe impacts on the Thompsons and their property both during and after construction which were not clear at the outset and are still not set in stone.
- 1.4 The Thompsons have lived at their property for over 50 years and are in their later years. They currently enjoy a property in a peaceful location and the impact of this scheme and the further changes will be profound as will the impact of the construction works on their ability to remain in their property whilst works are carried out. Whilst various verbal assurances have been made by the Applicant in terms of on-site mitigation no legal agreement is in place to secure any of those measures and the Thompsons will be reliant on the good will of the Applicant. We have been in discussions with the Applicant for a number of years and attempted to agree heads of terms and obtain clear information on the impact of the scheme so as to enable a legal agreement to be secured but the Applicant has failed to engage in any meaningful way to enable this or instruct their lawyers to prepare an agreement. At this stage it will not be possible to secure an agreement prior to a decision being made to provide some protection for the Thompsons which is extremely disappointing.
- 1.5 Whilst it is therefore acknowledged that this submission is at a late stage of proceedings the Thompsons did not at the time of their Written Representation have the information now before them in terms of the design of the scheme and had hoped that a legal agreement would be in place but attempts to secure this have failed.
- 1.6 We are also concerned that this additional information in the form of revised designs which is only now being made available is not in the public domain and has not been consulted on and the real impacts of those designs both on the [REDACTED] and other properties in the vicinity of the Scheme is not known.

1.7 We therefore respectfully ask the Inspector to consider this Further Representation before making a decision.

2. OBJECTION TO THE SCHEME

The Thompsons wish to re-state their objection to this Scheme in its current form due to the lack of certainty or detail of the design of the link road at the junction with Cantley Lane South and adjoining [REDACTED], the lack of consultation on the detailed design which is only now being prepared, the lack of understanding of the impacts of the detailed design on the [REDACTED] and the wider area and the absence of any legal mechanism or agreement in place to secure the mitigation measures discussed with the Applicant.

If consent is granted in its current form without any certainty regarding the detailed design and with no legal mechanism in place to secure suitable mitigation measures we consider this would amount to a breach of the Thompsons human rights under Article 1 and Article 8 of the European Convention on Human Rights and disproportionate harm to the Thompsons and potentially to other landowners in the vicinity of the Scheme.

BASIS FOR OBJECTION

3. TRANSPORT AND HIGHWAY IMPACTS

3.1 We would restate our concerns that the DCO plans lack sufficient detail to understand the impact on the [REDACTED] and the surrounding area in terms of amenity. The information provided at the site visit on 29th September 2022 indicates that road levels will increase and the impact of the scheme and the scale of the construction works will be far more severe than originally envisaged.

3.2 As detailed in 3.2 of the Written Representation the proposed access to the [REDACTED] is unacceptable. Despite ongoing discussions with the Applicant no legal agreement is in place to secure a suitable access to the [REDACTED].

3.3 As detailed at 3.3 of the Written Representation the design lacks any certainty in terms of the actual detailed design and contains no detail regarding noise mitigation or screening. Despite ongoing discussions with the Applicant no detailed design has been finalised and no legal agreement is in place to secure suitable mitigation.

4. PERMANENT AND TEMPORARY ACQUISITION OF LAND

4.1 As detailed at 5.2 to 5.5 of the Written Representation the proposals would result in Mr and Mrs Thompson having insufficient access rights and areas of unmaintained land. The Thompsons have been in discussions with the Applicant and the Mackintosh Trust to secure the transfer of the land edged red on the attached plan to ensure suitable access and to require the area coloured green to be retained as highway to avoid areas of unmaintained land and secure the location of mitigation measures. The Trust is in agreement with these proposals

but due to the lack of engagement from the Applicant no legal agreement is in place to secure this.

5. DCO PROVISIONS – DETAILED DESIGN

5.1 As stated in the introduction the latest proposals in relation to the detailed design of this Scheme result in a severe impact on the [REDACTED]. We therefore strongly object to the Applicants statement that there will be a nil impact.

5.2 The current proposals for the detailed design of the Cantley Lane South Link Road, which our client was only made aware of at a site visit on 29th September 2022, would result in the carriageway adjoining our clients property being substantially above the current ground levels compared to that originally stated by the Applicant. The height of the adjoining carriageway will result in far higher levels of noise, light and pollution and will make screening difficult or impossible due to the proximity of the carriageway to the [REDACTED] and the current design proposals.

5.3 There is no legal mechanism in place to protect the Thompsons from ongoing changes in the design if the DCO is granted without the detail being finalised and included as part of the approved plans and nothing in place to secure the mitigation discussed to date.

5.4 The Thompsons have been in discussions with the Applicant to secure mitigation measures as a result of the impact however the detailed design is still not finalised and the full impact cannot be assessed albeit it is becoming clear that the impact will now be far in excess of that originally envisaged by both the Applicant and the Thompsons. It is therefore not possible to secure appropriate mitigation at this stage and despite our efforts no legal agreement is in place ensuring that the Thompsons will receive the mitigation measures discussed.

6. DCO PROVISIONS – ENVIRONMENTAL MANAGEMENT PLAN

6.1 Following the site visit on 29th September 2022 it is clear that the scope of the construction works now envisaged and required as a result of the detailed design will be extremely detrimental on the Thompsons and will make remaining at their property during construction potentially impossible. It is therefore our view that an Environmental Management Plan will not be sufficient to protect them from the extreme impacts of these

works during what will likely be a 6 to 12 month construction period using heavy machinery on a daily basis for extended periods of time.

6.2 Discussions are ongoing with the Applicant in relation to the provision of temporary accommodation during the construction period however no legal agreement is in place to secure this.

6.3 We consider that the works are of such a magnitude that they disproportionately impact on the Thompsons human rights under Protocol 1, Article 1 in relation to protection of property and Article 8 in relation to the right to respect for private and family life.

Birketts LLP on behalf of the Mr & Mrs Thompson

3rd October 2022

Extract from plan no. HE551492-GTY-LSI-000-DR-CH-33003, Rights of Way and Access Plans Regulation 5(2)(k) AND 5(2)(o) Sheet 3 of 7 – not to scale

