

# A47 DUALLING – NORTH TUDDENHAM TO EASTON

Scheme no. TR010038

STATEMENT OF

[REDACTED]

IP reference 2002/8353



ACM 03

1 September 2021

Planning Act 2008

The Infrastructure Planning  
(Examination Procedure) Rules 2010

Regulation 10

The A47 North Tuddenham to Easton  
Development Consent Order

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STATEMENT OF [REDACTED]

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Application reference: TR 010038

Interested Party reference: 2002/8353

Document reference: ACM 03

Date: 1 September 2021

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## **I Introduction**

1. I am the owner of the [REDACTED] Lane, Honingham, Norwich, [REDACTED] where I live. I am an Affected Party to the application by Highways England (now National Highways) for the A47 North Tuddenham to Easton Development Consent Order.
2. This Statement explains factual matters relating to the Estate within my knowledge, the ways in which it will be adversely affected if the DCO is granted in the form it has been applied for and the reasons for my Written Representations in relation to it.
3. I use the same common references and abbreviations as are used by the Examining Authority and applicant .

## **II The Estate**

### **A Overview**

4. [REDACTED] lies immediately to the south of the A47 between East Tuddenham and Honingham in central Norfolk. It is a small, beautiful, unspoiled traditional country estate running to 125 acres (50.5 ha) approximately, set on both sides of the river Tud and running up the two valley sides.
5. The Estate contains woodland, flood marsh, meadow, parkland, and arable land with field margins, set in a compact and self-contained landscape around the gardens of the Hall. An ancient trackway runs through it. The field sizes and the layout generally have remained virtually unchanged for 150 years. The most noticeable recent change has been the establishment of a belt of timber-producing woodland along the northern edge of the

Estate, which my Father began planting in the 1990s and which I completed in 2008. This acts as a frame for the Estate and as protection from the traffic on the A47, as well as from the north-easterly winds.

6. Plans of the Estate are included at **Appendix 1 (ACM 03.1)** showing at **Plan 1** its composition, at **Plan 2** the woodland types, at **Plan 3** the buildings and structures and at **Plan 4** the access drives. I shall describe the different parts of the Estate in more detail later in this Statement.

## B Designation as a Heritage Asset under Inheritance Tax Act 1984

7. In 2003 the Estate was first designated as a national Heritage Asset<sup>1</sup> on the basis of the its outstanding scenic and historic interest.
8. Before applying for designation (which we recognised would only be made if the Estate was of sufficient national outstanding historic and / or scenic interest to warrant it being so designated in private hands) we sought an initial report from a landscape consultant, Mr John Popham, in 2000 to see whether he considered the estate to be of a sufficient quality to merit an application for Heritage designation being made.
9. Mr Popham gave us his report in December 2000 which concluded that the Estate was of sufficient quality and recommended that we should proceed with an application. I append a copy of his report with my statement at **Appendix 2 (ACM 03.2)**.
10. Following Mr Popham's recommendation we asked Mr Steven Thomas of Heritage Land Management Ltd to prepare a detailed Heritage Land Management Plan for us. This required much research and intensive preparation. At the end of it a Heritage Land

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<sup>1</sup> Pursuant to s31(1) Inheritance Tax Act 1984

Management Plan was produced which included detailed instructions as to what we should do both to obtain and to maintain the status if it was granted to us. I have included a copy of Volume 1 of the Heritage Land Management Plan with my Statement at **Appendix 3 (ACM 03.3)** and of Volume 2 at **Appendix 4 (ACM 03.4)**.

11. Mr Popham's report and the two volumes of Mr Steven Thomas' Plan should be read in their entirety in order to understand fully the reasons why they both considered the Estate to be of such outstanding interest and also the degree of future responsibility both to the national interest and to the public that we would be taking on if the designation was to be given, but I refer to one important passage below.
12. In Mr Popham's report issued on 12 December 2000 (ACM 03.2) he gave his assessment of the Estate as follows<sup>2</sup>:

*"It is clear ... that Berry Hall epitomises the landscape of the area [Mid Norfolk Countryside Character Area – "CA/EN"]. Its significance stems from the following factors:*

- *It possesses all the features of the CA/EN character area*
- *It is not a normal agricultural estate but has been formed out of an area of land associated with the former vicarage. Thus it is of a smaller, almost miniature, scale which gives its landscape an added attractiveness.*
- *It is remarkably complete in landscape terms being effectively unchanged over the last century.*
- *The principal landscape features it possesses are those of the traditional landscape – small scale fields, hedges, pasture, pollard trees and woodlands. There are no enlarged fields resulting from post WWII farming practice."*

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<sup>2</sup> at para 5.2 (ACM 03.2/6)



13. We submitted all the documents to the Inland Revenue. They spent some time considering Mr Popham's report and the Heritage Land Management Plan and carried out their own internal investigations through Natural England and Historic England to which we were not privy. Finally they notified our solicitors, Wilsons, that they had made a decision that the Estate was of sufficiently outstanding interest and had directed that it be designated a Heritage Asset. They notified us of their direction by a letter dated 25 September 2003, a copy of which I have included with this Statement at **Appendix 5 (ACM 03.5)**<sup>3</sup>.
  
14. Before making their designation the Inland Revenue required us to enter into formal undertakings with them to preserve and maintain the Estate and to make it available to public access, which I did. The principal undertakings are publicly available today from the Estate's listing on the Government's website [www.visitukheritage.gov.uk](http://www.visitukheritage.gov.uk). At the same time we set up by a deed of settlement a Maintenance Fund to be devoted to maintaining the Heritage Asset. This settlement has been endowed with cash and a property on the Estate (Merrywood House) which is let and income-producing.

## C Confirmation of designation in 2011

15. Following my father's death in 2010, Natural England, which has responsibility for monitoring the nation's Heritage Assets (as designated under the Inheritance Tax Act 1984) with landscape designations, were required by HM Revenue & Customs to reassess the Heritage designation. As a result, they wrote a Formal Assessment Report to HM Revenue & Customs dated 30 June 2011. Natural England gave me a copy of their report and I include it at **Appendix 6 (ACM 03.6)**. In their report Natural England recommended that the Estate's designation should be continued and that this should be done both for its outstanding scenic and its historic interest. Their report, made eleven years after Mr Popham's report in 2000, described the Estate as follows<sup>4</sup>:

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<sup>3</sup> The Inland Revenue's letter is at ACM 03.5/1 and the following letter from our solicitors, Wilsons (at ACM 03/2), explains its importance to us.

<sup>4</sup> Appendix 6 at ACM 03.6/4

*“3.3.2 The landscape of the [Estate] comprises elements typical of the Mid Norfolk Countryside Character Area, including small scale fields bounded by hedgerows, woods, parkland and brick and flint vernacular buildings. Its history as an area of land associated with a former vicarage means that it is on a smaller, almost miniature scale giving it an added attractiveness.*

*“3.3.3 The estate is largely complete in that it has been unchanged for the last century, with much of the field pattern and other landscape elements documented as in place in the mid nineteenth century.*

*“3.3.4 The landscape is incapable of substitutability (the replacement of features lost with an acceptable and appropriate substitute that provides the same benefits.” (underlining supplied).*

16. At the same time, Natural England noted<sup>5</sup>:

*“3.3.8 The designation of Berry Hall and the Ice House as listed buildings for their architectural and historic importance affirms their national importance.”*

17. The report continued<sup>6</sup>:

*“3.3.9 The landscape is of high scenic value. Berry Hall itself forms the focus of the Estate, with its ornamental landscape of gardens and ponds connecting the hall to the river below and to the meadows and wet woodland pockets extending along and across the River Tud. Views of the gentle valley landform are enclosed by the varied mixed species plantation woodlands on higher ground. The estate contains many of*

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<sup>5</sup> Ibid, at ACM 03.6/5

<sup>6</sup> Ibid, at ACM 03.6/5

*the features of the Mid Norfolk Countryside Character Area in a harmonious, intimate landscape.”*

18. Natural England finally wrote<sup>7</sup>:

***“Conclusion of Assessment of Quality***

***3.3.12 The claim land [the Estate] is considered to be of outstanding scenic and historic interest.”***

**D Designation under the Planning (Listed Buildings and Conservation Areas) Act 1990**

19. [REDACTED] and the buildings within its curtilage on the Estate had previously been listed by English Heritage (as it then was) as Grade II on 5 November 1984 (listing reference 1306730)<sup>8</sup>. By a separate listing on the same date an ice house within the Estate’s woodland to the south of the river was also listed Grade II (listing reference 1077350).

**E Relationship between the [REDACTED] – Reasons to preserve the whole**

20. The importance of the Hall to the Estate lies in two factors:

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<sup>7</sup> Ibid, at ACM 03.6/5

<sup>8</sup> The Grade 2 Listing details of Berry Hall are inaccurate. The main Georgian block of the house was actually completed in the mid- eighteenth century, I have always understood in 1743 (Pevsner thought 1754). (see a comparison of the listing and Pevsner at ACM 03.3/63). Mr Popham believed that parts of the house predate the mid eighteenth-century block but no-one has been able to tell by how much. In addition the main garden wall to the S.W of the Hall is believed to be one side wall of an old tithe barn dating back to the 1600s. The alterations by my grandparents in 1949 which are mentioned in the listing as being “substantial” only involved, externally, the lengthening of the tall sash windows on the east elevation, insertion of two new windows, one on the west elevation on the ground floor and a second on the north elevation in the inner hall above the main staircase, (following the removal of a Victorian second floor service corridor), plus the placing of shutters either side of the south elevation windows which we have since removed.

- the historic fact of the Hall being the reason for the Estate’s existence, and
- the Hall’s presence as the focal point in the landscape which envelopes it.

Without the Hall the landscape around it would have less interest although each of the land’s parts has an intrinsic value of its own. The Hall makes the whole of the Estate more than the sum of its parts.

21. However, the Hall is but one of the parts and it is the whole which each of the reports I have referred to in this section has commended for its outstanding scenic and historic interest. As Natural England wrote in 2011<sup>9</sup>: “***The landscape is incapable of substitutability***”. It is not the grade II listed status of the Hall which is of primary importance here, but the desirability of maintaining and preserving the Estate as a whole as a national Heritage Asset.
22. Being the third generation of my family to own the Estate and having spent most of my life running and maintaining it for the benefit of future generations and the wider public, I feel a strong duty to defend its land from what I believe are the unnecessary incursions into it of HE’s proposals in the DCO, which have been determined without any regard to the Estate’s significance and which I have been advised could be more suitably designed and arranged at the Wood Lane Junction both to leave the Estate intact and to benefit other parties.

## F Public access and organised visits

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<sup>9</sup> See 3.3.4 quoted at para 15 above

23. Since its designation in 2003 the Estate has been opened to the public on four days a year<sup>10</sup> each year as well as being publicly accessible over a number of public and permissible access footpaths all year round. Each year I have prepared a report for Natural England and each five years (or thereabouts), Natural England have undertaken a quinquennial inspection, and prepared a report to Inland Revenue, and later, HM Revenue and Customs. Copies of my annual reports for the last seven years, from July 2014 to June 2021 are included at **Appendix 7 (ACM 03.7)**. It will be seen from these annual reports that the Estate has been maintained and preserved as it should have been, and also improved, for the public benefit both now and well into the future.
24. Following a visit to the Estate by some 65 members of the Eastern Region of the Royal Forestry Society on the 19 August 2021, which included both the national Chairman and the Chief Executive of the Society, many of those who visited have written to thank me and at the same time have asked me to bring their letters to the attention of the Examining Authority to voice their concerns at the damage that will be done to the Estate, and in particular to the northern woodland belts established by my Father and myself, if the Applicant's Scheme is permitted to be constructed on the line the Applicant has chosen. All of them who have expressed this view have also expressed the hope that an alternative can now be considered to avoid the damage by relocating the Scheme to the north enough to maintain the integrity of the Estate. While I am not able to make individual representations on their behalf I hope that by exhibiting them to this Statement and thereby bringing them to the attention of the Ex A, he will give the views of the letter writers the weight of attention which the writers have expressed the wish that he should do. Copies of the letters are included with my statement at **Appendix 9 (ACM 03.9)** where they are indexed and paginated in the same way as the other appendices

### III My knowledge and experience of the Estate

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<sup>10</sup> Save 2020 and 2021, owing to the Covid 19 pandemic. Public access has however continued throughout that time on the permissive and public footpaths.

## A Upbringing on the Estate

25. My grandparents bought the [REDACTED] in 1948. In 1954 my parents moved to Easton, only 3 miles to the east, bringing me aged 2 with them. I have lived with the Estate (even when not living on it) ever since. In 1959 my parents built Merrywood House on a field just above the river on the east side of Berry's Lane and they moved in in the same year. In 1977 after my grandparents died they moved to [REDACTED]

## B Experience with cattle and forestry

26. A herd of Guernsey cattle was first established in 1950 for milking, initially using the old farm buildings. I learned about cattle and milking at an early age from being with the dairy herd.

27. Forestry I also learned while young from my father, who spent most of his free time in the woodland to the south of the river (which contains the ice house), planting, managing (by thinning and cropping) and felling. I was told early on that deciduous broadleaved woodland for a final oak timber crop should be managed on a 120-year rotational cycle and this has been the aim of the Estate since my grandparents acquired it.

28. Following school, after spending some years in London and abroad (including in Brazil and Africa in farming) I returned full time to Norfolk in 1978. My first task was managing the breeding and production of milk from the dairy herd on the Estate, but we were also developing a growing Christmas tree business, and at the same time I was assisting my father with the woodlands.

29. The dairy herd was very successful both for its milk production and the quality of its breeding and won a large number of prizes. I was invited to join the board of Quality Milk Producers, the marketing body for milk products produced from UK-based Channel Islands

cows. I later served as Chairman for 6 years. Due to the increasing costs of complying with regulations we were unable to maintain the herd on the small scale which the size of the Estate constrained us to doing, and as a result we sold the herd in 1995.

30. We then concentrated on the Christmas trees and forestry and two local farmers rented the farmland. In 2000 we were able to find a tenant to re-establish cattle husbandry (this time breeding for beef) on the meadows and to use the arable land for growing feed for them. I will describe this further later in the statement.
31. I served as Chairman of the East Anglian Division of the Royal Forestry Society from 2012 to 2015 and we have held Members' Field Days to view the woodlands on the Estate in 1996, 2005, 2008 and 2021, including both the woodlands to the south and the northern plantations. The 2005 visit was by the National RFS; we have also hosted Woodland Heritage another national forestry organisation and several smaller forestry groups.
32. My years of involvement with and living on the Estate have given me a close knowledge of all its parts and I have seen them develop for longer than anyone else now living.

## C The applicant's failure to understand

33. Notwithstanding the fact that I was there and available to explain the Estate and its importance to them had they wished to find out, the Applicant's personnel involved since the road project got under way in 2016/17, have never seemed to be very interested in the Estate or its landscape or what we are doing in it.
34. They have only been to meet me twice at [REDACTED] in the whole of their preparation for the present application. On each of the two occasions it was Mr James Powis<sup>11</sup>, their former project manager, who came. I will recount the meetings later in this Statement but it is

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<sup>11</sup> Accompanied by three colleagues on the first meeting and one on the second.

appropriate to mention at this point that to me he seemed to have no idea on the first occasion, which was on 27 January 2020, that the Estate was designated as a Heritage Asset or might have any special historic or scenic interest. I explained to him that it did, and why, and afterwards my agents, Savills, wrote to Highways England on 1 April 2020 during the public consultation afterwards, to tell them again<sup>12</sup>.

35. The second meeting was eleven months after the first, on 14 December 2020. In between, Highways England, or contractors of theirs, had carried out investigations on my land but no-one had come to see me to ask anything about the farming, the woodlands, the wildlife, or anything else which one might have thought they would be interested in, even perhaps to ask if there might be bats in the Hall roof (which there are). On the second meeting, despite the fact that I and Savills had by now told them twice, Mr Powis still did not seem to understand the importance of the historic or scenic interest of the Estate. At this second meeting I told Mr Powis again, and my agent Mr Joshua Spink of Savills and I took him all round the relevant parts of the estate to show him everything that he needed to know about. Afterwards Savills wrote a second time for me to Highways England, on 4 January 2021, to tell them once more. I have included a bundle of copies of Savills' notes of both meetings and of all their correspondence with Highways England, at **Appendix 8 (ACM 03.8)**<sup>13</sup>.

36. The Applicants' lack of understanding of the Estate's Heritage designation has been demonstrated to me again since the application for the DCO was made, by having been referred to the record of what the Applicant describes, in the Schedule of Representations and progress of negotiations included as part of the Statement of Reasons<sup>14</sup>, as the progress of negotiations with me, which is incorrect in a number of respects. Apart from the fact that there have been only two meetings, one at each end of 2020 (which the Applicant describes optimistically as "*meetings held throughout 2019 and 2020*") and none offered in

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<sup>12</sup> See Appendix 8, introduced later in this paragraph, at ACM 03.8/3

<sup>13</sup> Savills' meeting notes (which are brief and in manuscript but my own recollections are clear) are at ACM.03.8/1 and ACM 03.8/55 and their letters at ACM 03.8/3 and ACM 03.8/56.

<sup>14</sup> (APP-021), at para 9.2, Annex B on page 75 (pdf 80/120), Representation 4



January 2021, (as is claimed to have been done in order to “to discuss the scheme and the affected land parcels”), what struck me the most was what the Applicant says about the concerns that I raised with them.

37. The first concern is described by the Applicant as being “[redacted] has raised concerns over the shelterbelt of trees **advising that they should be protected as they are historic and of national importance.**” I did raise concerns about those carefully planted and nurtured trees referred to this month by the members of the Royal Forestry Society in Appendix 9 (ACM 03.9) and I shall describe the trees later<sup>15</sup>, but I certainly did not describe these trees of themselves as being of “historic and of national importance”. There are veteran trees elsewhere on the Estate which are of national importance. What I did describe to Mr Powis as being of historic and scenic national importance was the Estate as a whole, as so designated under the Inheritance Tax Act 1984 (“IHTA”). I can only think that Mr Powis’ misunderstanding of what I said to him arose from the fact that at this second meeting, on 14 December 2020, he had brought a laptop computer with him on which to make notes but the battery was run down and he was unable to use it and since he had brought no notebook or pen as back-up he did not take any contemporaneous notes of the meeting while he was with us. However, the fact that the Applicant was still unable to point to the importance of the Landscape as a whole as evidenced by its designation of the Estate as the source of my concern in the Statement of Reasons some 14 months after I had first mentioned it to him and after the Applicant had four explanations of it, does demonstrate a fundamental lack of understanding of the Estate on the part of the Applicant as a whole.
38. While Mr Powis himself cannot be expected necessarily to have had personal knowledge of the IHTA designation before it was first pointed out to him by us, someone in the Applicant’s team of consultants might have asked about it after he had been told the first time, and if they did not, whoever was deputed to read Savills’ Consultation first response letters could have made enquiries of Natural England.

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<sup>15</sup> In the section on Woodlands, below, and which are also described in the report of my arboricultural expert A C Coombs (ACM 05)

39. I find it particularly frustrating too, seeing where we are now, to have learned recently in the course of my team's reading of the Application papers, that the Planning Inspectorate had issued its Scoping Opinion to the Applicant in November 2019 appending to the Opinion a letter from Natural England written to the Planning Inspectorate on 18 October 2019 as part of its consultation exercise, in which Natural England had expressly requested the Applicant to consult the Government's website at [www.hmrc.gov.uk/heritage/lbsearch.htm](http://www.hmrc.gov.uk/heritage/lbsearch.htm) to check if there were any Heritage Landscapes in the vicinity of the Scheme<sup>16</sup>. Had the Applicant done so it would have found two, one being Hockering Wood and the other being the [REDACTED]. It was lucky for Hockering Wood<sup>17</sup> that it is also designated as an SSSI and so was highlighted on all the plans for the Scheme. The [REDACTED] was designated by H M Government as being of the same outstanding quality to earn its designation and yet was not marked as such on any plan for the Scheme. If the Applicant had followed Natural England's request when they became aware of the letter in October or November 2019 and had discovered it and had decided then that it should mark the Estate on their plans as being of outstanding scenic and historic interest, one might hope that it would marked it as a landscape of sufficient importance for its scenic and historic interest as to have so designed the Scheme from that point on as not to adversely impact upon its qualities
40. It is worth mentioning here as well that I have also recently seen, which I had not appreciated before, that at the time of the 2017 consultation on options the Application published a brochure advertising the consultation to the public in which there was included a plan showing sensitive receptors in the location of the intended route of the new road. On that plan<sup>18</sup> Hockering Wood is marked clearly as is the listed designation of the Ice House in

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<sup>16</sup> The Planning Inspectorate's Scoping Opinion, November 2019, on the Ex A's portal under the present application, Case ref TR010038, in "pre-examination documents", in the final sub-section of para 3 of Annex A to Natural England's letter dated 18 Oct 2019, under the heading "Heritage Landscapes" (page 165/184 of the pdf)

<sup>17</sup> Whose owner, the Rev'd Matthew Hutton, is one of those who visited the Estate with the Royal Forestry Society on the 19 August and whose letter is included in Appendix 9

<sup>18</sup> A copy of which is included as plan 5 to Annex A of Appendix 11 to this statement, which I shall introduce later but which I refer to now for ease of reference (see ACM 03.11A/5). The source of the Brochure in the Applicant's website is referenced also where the plan is referenced in the right-hand column of Appendix 11 (ACM 03.11)

Warren Plantation forming part of the Estate to the south of the River Tud which is a separate grade II listing, but the Hall and its curtilage, which is primary grade II listing on the Estate, was not mentioned as being listed and of course the designation of the historic and scenic landscape of the Estate is not identified.

41. I continue now to describe what the qualities of the Estate are.

## IV The Estate's history

### A Eighteenth and Nineteenth centuries – the Rectory

42. The history of the Estate is best learned from reading the Heritage Land Management Plan of 2002 (ACM 03.3) and the report (in less detail) of Mr John Popham (ACM 03.2). The plans at Appendix 1 (ACM 03.1) can also be referred to as the parts of the Estate are described.

43. As I know it, the former farm and some of the land around it was acquired by Rev du Quesne, who had become rector of Honingham and East Tuddenham, from the Townsend family of Honingham Hall, in the 1740s, to establish it as his rectory. The main Georgian block of the Hall was built at that time. As I have mentioned earlier, I believe some parts of the house to the north of the Georgian block are older than that, while others are evidently more recent, from the nineteenth century. None of the structure is newer than 1900 as far as I know.

44. The front drive in the eighteenth century was laid out from the south of the Tud to cross the river by its own bridge upstream of [REDACTED] but that route was abandoned later when the current front drive was constructed.

45. A twelve-foot-high crinkle-crankle wall around two sides of the kitchen garden to the north of the Hall, together with Wisteria Cottage (the gardener's cottage) attached to it and the

thatched dairy (which we now call the Buttery) were all built in the early years of the nineteenth century to serve the [REDACTED] the rectory. Originally there was another thatched cottage for the coachman, next to the Buttery, only part of which survives now. The stable block to the west of the Hall is similarly dated, I believe, as are some of the old farm buildings. Others of the old farm buildings were completed in 1872, as appears from a date on one.

46. There is a much older wall which now forms part of the garden wall to the west of the Hall, which was evidently formerly one side wall of a barn which we believe was erected in about 1600<sup>19</sup>. We suspect that it might have been a tithe barn from its north-south layout, which enabled the carts bearing grain to enter it from the east. Only the one wall remains of it.
47. From the research carried out by Heritage Landscape Management, the Estate appears to have become established with its present boundaries by the early to mid-nineteenth century and to have remained the same since then.
48. While I do not know it for certain, the small size of the farm, the fact of its forming part of a rectory and the overlapping of farm and parkland, suggests that while the Hall was a rectory it may never have been a truly commercial farm but more a part of the rectory's curtilage, run primarily for his own use to serve the needs of the rector, his family and visitors.
49. Rev du Quesne, who served as rector of East Tuddenham and Honingham in the latter part of the eighteenth century and was an early occupant of the Hall as a rectory, was a close friend of the noted diarist Parson Woodforde of Weston Longville (a village three miles to the north). Parson Woodforde's diaries, which run from 1758-1802, mention many visits to Berry Hall which he will have known well. This connection gives the Estate its historic interest which is strengthened by the fact that much of the land which Parson Woodforde will have known around Weston Longville itself and its former rectory was taken by the War

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<sup>19</sup> There is a photo at ACM 03.4/16

Office in 1943 to be lost in the construction of Attlebridge airfield. In the 1960s a film was made about Parson Woodforde, much of which was filmed in and around ██████████.

## B Twentieth century – decline and resurrection

50. ██████████ ceased to be a rectory in about 1904. It was sold in 1919 in the aftermath of the First World War. At the time of the sale the Estate contained about the same acreage as it contains now and the plan with the Particulars shows the fields as they still are today. The Estate sold then comprised active farmland as well as the Hall's gardens, both kitchen and ornamental. The outbuildings were much as they are now but included the thatched Coachman's Cottage which must have gone in the next 30 years as I have never known it.
51. My paternal grandparents bought the Estate in 1948, very shortly after the end of the Second World War when my grandfather retired from the Royal Navy. My grandfather wanted enough land to put his great interest in forestry into practice, and my grandmother wanted a small herd of dairy cows.
52. At that time the Hall needed repair and modernisation and the estate land around it was under-used with the woodland neglected.
53. My grandparents restored the Hall and had a new back drive, built westwards from Berry's Lane just to the north of the kitchen garden which I shall describe later.
54. After both my grandparents had died my parents moved to the Hall from Merrywood House in 1977.
55. Having lived first in one of the farm cottages, and then in the Hayloft which we restored (over the former stables) for several years, ██████████ ourselves in 2014.

## V The Estate's components

### Overview and areas

56. I shall now describe in more detail the components of the Estate and the uses to which they are put, taking in turn (A) the *farmland* (B) the *agricultural use*, (C) the *woodland*, (D) the *Christmas Tree business*, (E) *Access – driveway* , and the river Tud, and finally (F) *Buildings and Structures* - the Hall itself and its outbuildings, estate buildings, structures, and yards and the gardens to the south, north and west of the Hall, including Merrywood House and its garden. The different types of land, woodland and buildings and the access drives are shown on the plans at Appendix 1 (ACM 03.1)<sup>20</sup>
57. Of the 50.5 hectares (125 acres) of the Estate, the different component areas can be broken down in terms of size approximately as follows, by reference to Plan 1 at Appendix 1<sup>21</sup> and Table 1 below:

*Table 1 Estate areas*

<b>Description</b>	<b>Acres</b>	<b>Ha.</b>
<i>Farmed land</i>		
Grass	46.21	18.7
Arable	<u>22.49</u>	<u>9.1</u>
Total farmed land	68.69	27.8
<i>Woodland</i>	35.09	14.2
<i>Tracks, yards etc</i>	<u>0.99</u>	<u>0.4</u>
Total farmed land and woodland	104.77	42.40
<i>The Hall, its outbuildings and gardens, cottages, their respective gardens and Merrywood House and its garden</i>	<u>20.02</u>	<u>8.1</u>
Totals	<b>125</b>	<b>50.5</b>

<sup>20</sup> the land types on Plan 1, the woodland types on plan 2, the buildings on plan 3 and the access drives on plan 4. The first three of these plans are taken from Historic Landscape Management Ltd's Heritage Land Management Plan (in Appendices 3 and 4, (ACM 03.3 and 03.4) and I have updated them to reflect any changes which have occurred since then.

<sup>21</sup> ACM 03.1/1

## A The Farmed land

58. As shown in the table above the farmed land amounts in all to approx. 27.8 ha., just over half of the Estate's total area. Of this 27.8 ha, 18.7 ha is grassland meadow (in rough terms two thirds) and 9.1 ha (in rough terms one-third) is arable. I shall describe each in turn and then the way I am presently maintaining the agricultural use.

### (i) *Pasture*

59. The meadowland makes up much the greater part of the Estate's farmland and includes all the land closest to the river Tud. It comprises the meadows on each side of the front drive and the meadows opposite the Hall on the south side of the river Tud, which together might be considered in relation to the Hall's setting more as ornamental parkland than meadow, but they have been used for as long as I can remember for grazing cattle and this use very much sets the character of the Estate. The meadow to the south of the river is accessed via Berry's Lane over the bridge across the river. The grassland extends to four further meadows both close to the river and on the floodplain. Two of these lie to the east of Merrywood House and which are accessed from the new farm buildings across Berry's Lane and through the arable field to the north of Merrywood House. The other two run down to the river upstream from the Hall and are reached along an old medieval trackway which leads west from the old farm buildings beyond the Hall.

60. All these meadows are permanent grassland and have not been re-sown in the last 30 years. They are used on a rotational basis by the cattle and are topped when necessary. Their richness and texture was created by and is preserved by the regular grazing over them during the past century or more.

(ii) *Arable*

61. There are three arable fields on the farm<sup>22</sup>, leading up the higher sides of the valley on its north side to the A47. They are the same three fields as they were in 1919<sup>23</sup> and from Mr Popham's research, the same as they have been since the early nineteenth century or beyond, subject to their recent reduction in size to accommodate the woodland belts bordering the A47 and Dereham Road which my father and I have planted. The total area of the three fields together is 9.1 ha. Two of the fields lie north of the Hall to the west of Berry's Lane and the third lies to the north of Merrywood House, east of Berry's Lane.

a) *The western fields*

62. The first two fields referred to (to the north of the Hall and west of Berry's Lane) are the fields primarily proposed to be taken for the satellite compound and soil processing areas in plots 8/5a and 9/1a, the eastern of these two with 9/1a, also having the proposed south dumbbell taken out of it by plot 9/1b, together with the adjacent 9/1l and 9/1m temporarily but with permanent rights.

b) *The eastern field*

63. The third field, the Merrywood field and the woodland with it, is proposed to be taken in its entirety for one reason or another, part temporarily and part permanently: permanently as plot 9/1f for the local road link to the south dumbbell, 9/1g for the proposed cycle path from Berry's Lane to Dereham Road and 9/1i for rerouted utilities; and the rest temporarily

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<sup>22</sup> The eastern field is currently down to grass.

<sup>23</sup> As shown in some sales particulars for the Estate's sale in that year, an original copy of which I have with me at the Hall and could produce if any party is interested to see them.



with permanent rights, for the construction of the proposed re-tunnelled National Grid gas pipeline beneath the local link road, and other utilities. As I will note again later, when dealing with impacts upon the Estate, this essentially means that in practice all of the arable land will be lost for the duration of the construction period.

**c) A47 road widening and planting woodland in the fields by the road**

64. Before it was widened in 1968 the A47 ran immediately to the north of all three fields, at the west end of the Estate past the entrance to Hillcrest onwards to the Sandy Lane / Church Lane crossroads and, to the east of Berry's Lane, down to Honingham village taking what is now called the Dereham Road. At that time, before the 1968 widening, the Estate's three arable fields were separated from the road just by a hedge. In the 1968 widening, when the Honingham bypass was created, the loop past Hillcrest was cut off, the Highway authority took a part of the Estate's field immediately west of Berry's Lane to reroute Berry's Lane up to a newly created junction with the new road; they also took part of the field to the east of Berry's Lane for the same reason and the old A47 to the village was turned into the current local road called Dereham Road.
65. With the increasing traffic on the A47 we planted a shelter belt of woodland along the north side of the two fields to the west of Berry's Lane in 1998 running on down the east side of that field to the new back drive exit on to Berry's Lane. This reduced those two fields to their current size and is beginning to give them good protection from the northerly and easterly winds as well as the road. A few years later, in 2008, I planted a belt of woodland around the west and north sides of the Merrywood field, reducing that also to its present size and giving it similar protection. (I shall describe the woodlands themselves later in section B of this part).

**d) Drainage in the fields**

66. The two western fields are heavy land. In the 1980s I created a drainage system for them both. In the larger of them, the 20 acre field which lies to the west of the north drive leading to the A47 and extends over to Hillcrest, I laid a system of drainpipes approx. 15m apart running downhill, and also a latticework of mole drainage between 2 and 3 m apart over the

field between the pipes. (Mole drainage is formed by pulling a mole leg with an attached bullet and expander through the soil to create underground channels). In the eastern field of these two, closer to Berry Lane, I laid pipes. The drainage system has improved the land and the crops on both fields. We use smaller and less heavy farm machinery on them than one would use on larger fields, and this assists also in keeping the land in good condition.

67. I note that the Planning Inspectorate asked in its Scoping Opinion<sup>24</sup> that the ES should include an assessment to determine whether the development might significantly effect field drainage regimes, but no questions have been asked whether these fields contained drainage systems. I am not aware of any assessment of the significance of effects upon field drainage upon the Estate, and reserve the right to make additional comments if any is identified to me or subsequently produced.

#### e) Comparison with modern farmland

68. One can see how much smaller the Estate's three arable fields are than those on neighbouring farms by comparing the size of mine (hatched in red on the aerial photo at Illustration 1 below<sup>25</sup>) with those on the farms to the north of the A47. The largest single field immediately north of the A47 from the Estate<sup>26</sup> and which has been amalgamated over my lifetime from a number of smaller ones, is significantly larger than the aggregate area of the Estate's three arable fields together, which between them total 9.1 ha. That is not to say that the others are not important agricultural land, but that the Estate's are distinct by their small size which has not changed, and are important for that reason particularly in the context of the rest of the Estate's land for the reasons described by Mr Popham, Mr Thomas and Natural England<sup>27</sup>

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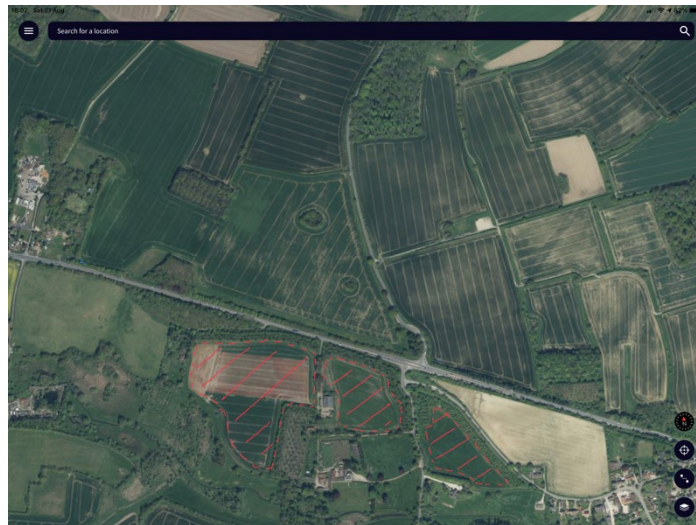
<sup>24</sup> See para 4.9.15 on page 34

<sup>25</sup> Taken from a screen shot of the Ordnance survey on-line maps

<sup>26</sup> 14.1 ha of this larger field are proposed to be taken in the Scheme. (Plots 8/1, 8/6, 9/4 and 10/2)

<sup>27</sup> As mentioned at paras 11 and 14 above and in Appendix 3 (ACM 03.3).

*Illustration 1, aerial photo of Estate and land to the north (the Estate's three arable fields hatched in red)*



#### f) Encouraging wildlife and the Countryside Stewardship Scheme

69. Each of the 2 western arable fields is surrounded on all sides by a 6 metre wide strip of grass field margin within the field which I manage under the Mid-Tier of Defra's Countryside Stewardship Scheme (CSS)<sup>28</sup>, primarily for the wildlife and wildflowers and they constitute a very important habitat, particularly for butterflies. I have maintained these strips now continuously for over 10 years and during this period the land has been untouched except for annual cutting of the outer 3m in July and biannual cutting of the brambles growing out of the woods. They are not permitted to be cut or run on the 3m nearest the fence.

70. Also, in the north west corner of the middle arable field (unfortunately to be take entirely within the soil processing compound in 9/1a) there is approximately 0.5 ha of CSS nectar mix to encourage bees to pollinate and which the bees find particularly attractive.

71. In addition to the wildlife areas I have just described, there is a further area at the west end of the western field of approximately 1 ha currently planted with CSS wild bird mix,

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<sup>28</sup> There is a description of the requirements at ACM 03.3/72 (under the heading Tier 4B – Grassland margins)

which I keep as a winter bird-feeding ground. Part of this might be taken within Plot 8/5a for the temporary compound. To the extent that it is not taken it is unlikely to be very conducive to wild birds in winter being next door to a floodlit compound with 140 people and a concrete batching machine, and the effective use of it to benefit wildlife will be lost for the duration of the works. I am not aware of this being assessed.

72. I was surprised to see no mention of the field margins on the Estate in the ecological reports supporting the proposed Scheme, despite their being shown on a photograph in the applicant's arboricultural report which was taken in July when they are at their best and the direction in the Planning Inspectorate's Scoping Opinion that any habitat lost should be described<sup>29</sup>. Or indeed of the nectar area. This despite the fact that the applicant was aware in 2016/7 before all its consultants began their reporting, that there was a particular concentration of Environmental Stewardship Agreements which they had identified around Honingham<sup>30</sup>. Again, I reserve the right to comment upon any such further information as may be identified to me or subsequently produced.

**g) New Water main across the fields**

73. I should mention here that in approx. 2011/2 Anglian Water constructed a new 6-inch potable water main west to east under the northern part of the Estate's two arable fields to the west of Berry's Lane, approximately 6m into the fields, just south of the field margin<sup>31</sup>. The pipe then crosses Berry's Lane just north of the turning into Dereham Road into the triangle between Dereham Road and the A47, and then runs down Dereham Road to Honingham Village. The Estate's mains connection for all dwellings and farm buildings comes off this main just to the west of the old back drive, within the area of Compound 2

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<sup>29</sup> Scoping Opinion ibid, Para 4.4.10 on page 23

<sup>30</sup> A47 North Tuddenham to Easton Scheme Assessment, version 1.0 (dated December 2017 but issued on 5 February 2020) at para 4.9.15 (available on Highways England A47 North Tuddenham to Easton website, Documents, Consultation 2017

<sup>31</sup> Plots 8/5a, 9/1a (compound and soil processing / storage) and 9/1b (the south dumbbell as proposed)

[REDACTED]

(within 9/1a). I do not know if the Applicant has made provision for this to be protected from damage by its heavy machinery passing in and out of the compound.

*(iii) New farm buildings and structures, and water supply*

**a) Dairy buildings and yards**

74. As I have mentioned earlier, in 1971 we built a new dairy building and cattle shed with concrete yards next to them on land just to the east of the old back drive<sup>32</sup>, about 150 yards (130m) south of the A47.

75. The dairy building and cattle shed sit together in the north part of the Estate on the upper part of the valley slopes. The ground on which they are built was cut into the hillside at the north side. The south end of the cattle shed is open and next to it on its west side are the milking parlour and the machinery rooms for the dairy. There is a concrete hardstanding round the north, west and south sides, with that on the west being accessible from the old back drive at both ends (north and south) so lorries and tractors and trailers can turn on it and they and cattle can go both ways along the drive. The drive is also used for the cattle. The cattle shed can reasonably accommodate a herd of up to 44 head of cattle, with generous room to move around. As I explain later, the cattle shed is used all year round for cattle to live in (see the photo on the frontispiece of my Statement). Its north wall is only **12.5 metres** from the boundary of the soil storage and processing plot at that point. So the cattle inside, if they were to be able to remain there, would be some 15 metres away from the soil processing plant operating in the soil processing area, as well as having the boundary of the Satellite Compound with its concrete batching machinery 30 metres to the north-west. The Applicant has not mentioned the proximity of the operating farm buildings (I describe the operations of the farm later) anywhere in its papers for the DCO as far as we can see. This is despite the fact that I showed them to Mr Powis.

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<sup>32</sup> The old back drive is shown on Plan 4 of Appendix 1 to this statement

**b) Silage clamp and the silage process**

76. At the north end of the concrete hardstanding on the west side, an earth walled silage clamp extending north from it is cut further into the hillside. The silage clamp and the old back drive as far south as the south end of the silage clamp fall within plot 9/1a and consequently are to be subject to temporary possession. A second silage pad or muck heap area lies to the south of the cattle shed. The second silage pad (without walls) is not suitable for the maize silage which Mr Curson relies on so he has to use only the northern silage clamp for his silage.
77. Silage is a type of fodder made from green foliage crops, which have been preserved by acidification, achieved through fermentation. It is generally made either from grass or maize which is cut green and stored in the open under impermeable sheeting in a compound known as a “clamp” until it has fermented and it is then fed to cattle in an adjacent cattle shed in substitute for the grass which they would have eaten grazing on the meadows if they were outside. It is an essential part of their diet in winter when grass is not available. Accordingly, with Mr Curson’s only usable silage clamp for his maize silage taken for the soil storage and processing area and the access to the cattle yard for the trucks bringing either their other feed, or extra silage if it needs to be brought in to replenish the clamp, taken as well, it will be in practical terms be impossible to keep cattle in the Estate’s cattle shed while the works are continuing. Indeed when they are finished, it will still be impossible due to the lack of access (which I shall explain later).
78. The impact of the loss of the silage clamp during the construction period is not acknowledged in the Applicant’s ES Chapter dealing with the impact of the proposals upon the agricultural holding (identified as Holding 10)<sup>33</sup>. In view of what I have just said about the essential role the silage clamp plays, I do not consider that the Applicant’s assessment of the impact of the construction period upon the Estate’s farming activity, which is described

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<sup>33</sup> Chapter 12, Population and Human Health.

as 'moderate', can be accurate, based on their own characterisation of such effects<sup>34</sup>. I return to this point further below.

### c) Reservoir and Estate water supply

79. The farm and [REDACTED] gardens (kitchen and ornamental) are supplied with water from a 10,000-gallon concrete reservoir, which is partly sunk into the ground, situated within the Estate's woodland belt beside the A47 approximately 30m east of the old back drive and about 15m south of the public highway. It is in this particular location because it is the highest spot on the Estate and thus gives the maximum head for the gravity feed supply from it. The only shut-off valve on the flow and return pipeline, necessary to close if repairs have to be carried out, is about 15m west of the reservoir, close to the old back drive. The reservoir and the shut off valves for the pipes fall within plot 9/1b for permanent acquisition.
80. The reservoir supplies the dairy buildings with drinking water for the cattle by an underground gravity feed pipe running south beside the old back drive between it and the dairy buildings. The pipes then continue to serve water troughs in the cattle grazing meadows and also the standpipes for watering [REDACTED] main and vegetable gardens.
81. The reservoir is filled from the Estate's borehole which is situated in the orchard-west of Wisteria Cottage. The pumped supply pipe runs underground up to the reservoir through the orchard and then all along the old back drive just to the west and beneath the drive itself a little to the south of the reservoir. The reservoir is proposed to be taken permanently as part of plot 9/1b and most of the pipeline temporarily for the satellite compound as part of 9/1a.
82. From what I understand from the Applicant's DCO papers the Applicant intends to widen the entrance including loss of vegetation, to create its intended left in left out entrance /

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<sup>34</sup> Ibid, page 12. Table 12.2.

exit for use for both the compound and soil storage area from and to the existing A 47 at this point and later to use it as the route from and to the works when the road has been closed.

83. The Applicant’s own Population and Human Health chapter notes the significance of the reservoir for the Estate’s agricultural enterprise, stating as follows:

*“There is also potential that the private reservoir, sited next to the existing A47 would be severed or that the pipeline would need to be diverted. This is fed by a borehole on the holding and is the only source of water for the holding’s agricultural livestock buildings. An uninterrupted water source is necessary for ongoing agricultural operations”<sup>35</sup>.*

84. In spite of this recognition, the reservoir remains in the proposed permanent land take without any proposals for mitigating the effect on the Estate, either through the Order or by private arrangement (none having been offered). It is unclear to me how the above recognition, and lack of mitigation proposed, can have been taken into account in the Applicant’s subsequent assessment (in the same chapter) that there is a ‘low’ magnitude of impact upon the agricultural operations at the estate during the operational phase.

## B The agricultural use

### *(i) Size and composition of the farm*

85. By comparison with the size of most farms in Norfolk the farmland on the Estate is extremely small. Recent Defra statistics<sup>36</sup>, supplied as **Appendix 10 (ACM 03.10)** show that the average size of a farm in Eastern England is 121 ha (larger than the English average of 87

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<sup>35</sup> Applicant’s ES Chapter 12 at para 12.10.44.

<sup>36</sup> Defra statistics: Agricultural facts – England Regional profiles, March 2021 - East of England and North West sections (both at June 2019) (assets.publishing.service.gov.uk).



ha). My total farmland, at 27.8 ha, is one fifth of the average size of a farm in Eastern England. Indeed, to put it even more in context, the whole of my farmland is about the same size as the single arable field<sup>37</sup> which forms part of the neighbouring farm immediately opposite us on the north side of the A47.

86. It is also relevant to note the proportion of the Estate's meadow to arable. The Defra statistics referred to in the previous paragraph state that arable farmland makes up 79% of all the farmland in Eastern England while only 11% of it is permanent pasture. This compares with English averages of 52% and 36% respectively. The Estate's farmland is 67% permanent pasture and 33% arable. Thus it is not only much smaller than others, but its composition is in inverse proportion to the land composition today of the average East of England farm. It is more comparable to those in the North-West of England where the permanent pasture is 63% of the total. The unusualness of this type of composition in the East of England is demonstrated by the fact that while 27% of England's wheat and a third of its vegetables and potatoes are grown in the East of England, the proportion of farming income from grazing livestock is so small that it does not even merit an individual entry in the Average farm business income statistics – the only region in England for which this is not done.

*(ii) The farming business*

87. I explain next the farming business on the Estate which, against that statistical background, it will be seen is rare and highly unusual for any farming enterprise in the East of England.

**a) The system for our original dairy herd**

88. With the small size of the farmland and its high proportion of excellent quality meadows, and as noted above, my family in 1950 began keeping a small herd of Guernsey cattle for milking. From the existence of the early 19<sup>th</sup> century dairy behind the Hall and the number

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<sup>37</sup> The field mentioned in footnote 11.

of feeding boxes in the old farm buildings, this had been traditionally one of the main uses for the farming enterprise on the Estate.

89. We resolved to make the quality of the herd and of the milk it produced the very best that we could to make up for the small acreage that we had in hand. In 1971 we built the new dairy and large cattle shed adjacent to it previously described to accommodate the then size of the herd at 78 head, which subsequently increased to over 100 head of milking cows, to the east of the old back drive. We made two entrances to the yard off the old back drive to assist entering and leaving, the northernmost being 140m south of the A47<sup>38</sup>. While it was a working dairy farm the milk lorries collected every day, using the old back drive down from the A47.
90. The quality of the breed and of the milk from the Estate continued to improve and this was reflected by the number of prizes that we won and the recognition that the herd achieved: The Ivor Bond Cup, The North American Cattle Trophy, The Royal Show Cattle Trophy and many others.
91. During this period 1971 to 1995 we were using the three arable fields to grow feed for the cattle and grass for silage in rotation. The silage was kept in two clamps, one to the north of the dairy buildings, cut into the hillside to the east of the old back drive and the other to the south of the dairy yard<sup>39</sup>. The silage clamps were used year-round, being filled with new silage and slowly emptied, and as I have explained earlier, were essential to the farming enterprise.

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<sup>38</sup> I describe the dairy buildings in more detail in subsection (iii) of this Section.

<sup>39</sup> In case this causes confusion with my earlier description of Mr Curson currently using only the clamp to the north of the yard (which is in Plot 9/1a), the reason for our using both was that we made vacuum grass silage for the dairy herd, as I have described, which can be kept either in a clamp (which has earth walls either side) or a pad, in which the silage is covered and kept on the flat surface. The maize silage used by Mr Curson, by contrast has to be kept in a clamp. Maize silage is more environmentally friendly than grass silage because it produces minimal effluent in the course of its fermentation. So it is good that Mr Curson is using maize now. (We do have a soakaway for any effluent that does occur so that it does not flow down to a watercourse and this soakaway can be pumped out with a slurry pump for removal if necessary)

- [REDACTED]
92. The cattle grazed in turn on each of the meadows and were brought back to the dairy buildings twice a day for milking. In winter they stayed in the shed. This was intensive work and was shared between two employees and me when I had returned to the farm in 1978.
93. As important as the milk was the breeding with the herd sustained and improved primarily by breeding from our own cattle using A.I.<sup>40</sup> with semen from the best bulls worldwide. This was again intensive work but rewarding and recognised by the awards we won.
94. Due to the increasing burden of regulatory provisions governing milk production coming into force in the 1990s, which was going to require us to invest a large amount in upgrading the dairy and slurry handling facilities, we decided to sell the herd and the Estate's milk quota, and we did so in 1995. We would have much preferred not to, but the amount of new investment that would have been required was simply uneconomic for such a small business as we were.

**b) After we ceased the dairy business**

95. There was then uncertainty as to how we would be able to continue the agricultural use on the farm, which required a grazing business to conserve the meadows in the way they had always been kept until now and to prevent their degradation from the very good state in which they then were. We felt too that it was important to the character of the Estate and its attractiveness (not at that point formally recognised) that it should continue to be seen to be in use as a successful small farm.
96. At this point I was working full time on the forestry and Christmas tree businesses (discussed in greater detail later in this statement), so we needed to find preferably a beef farmer willing to take on the arable land and dairy buildings and to use the meadows for grazing.

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<sup>40</sup> Artificial insemination

This would not be easy both because of the scarcity of beef farmers and the very small size of the farm.

97. For 5 years the land was let to 2 local farmers to grow crops and graze cattle and the low meadows to the east of Berry's Lane were let for horse grazing.

**c) Our current tenant and his beef cattle**

98. In 2000 we were very fortunate indeed to be able to find Trevor and Chris Curson of Curson T.J & Partners, who kept beef cattle at their own farm nearby and were willing to take on the extra acreage at Berry Hall and to use the Estate's small amount of land in the holistic way that I envisaged it being farmed for the best advantage of the Estate for the foreseeable future.

99. The Cursons have continued with us ever since, although sadly Trevor Curson died in 2018. We have an oral agreement that Chris has a tenancy from year to year of the dairy buildings and yards, including the silage clamp, and of the arable portions of the three arable fields, for which he pays an annual rent. In addition and at the same time he has a grazing licence, also running from year to year, to use the meadows as grazing land for which he pays a licence fee per acre.

**c) Hedgerows, field margins and operating the Stewardship Scheme land**

100. I look after the field margin (which will be taken where they run the length of plots 8/5a and 9/1a and 9/1b adjacent to the northern woodland) , the retained CSS parcel at the Hillcrest end of the western arable field (partly in plot 8/5a), retained for winter bird feeding under the Countryside Stewardship Scheme (CSS) and planted with a CSS winter bird feed mix as described previously, and the plot of CSS nectar mix in the north-west corner in the middle arable field (in plot 9/1a).

101. I collect the annual Basic Farm Payment<sup>41</sup> on all the farmland.
102. Chris maintains the hedges and hedgerows within the Estate for which we also have obligations under the Countryside Stewardship Scheme (see the plan at ACM 03.3/75 which lists the obligations set out at January 1993, which included having a number of them re-laid.) The Scheme has recently been renewed for a further five years.
103. The Stewardship hedges run the full length of the Estate's land holdings on the A47 and along the west side of Berry's Lane southwards down to Berry's Bridge, all to be taken permanently under Plots 8/5c and 9/1b. In addition the hedges to be taken include the about a third of the hedge on the east side of Berry's Lane (in Plot 9/1f) and the entire length of the hedge down the south side of Dereham Road from its junction with Berry's Lane to the point where the footpath which is proposed to be turned into a cycle path, emerges on to Dereham Road (Plots 9/1f and 9/1l). Further, the hedges to be taken include one side of the hedge on the south side of the field along which the cyclepath is proposed to run (Plot 9/1g). Finally, Plot 9/1a includes old hedges on either side of the old back drive within Plot 9/1a which the Applicant has recognised the need to protect, but to the best of my knowledge has given no clear indication of how it intends to do so. From my reading of the Applicant's Biodiversity reports, none of these hedges were considered important. In all however, they represent a considerable proportion of the Estate's Stewardship Scheme hedges.
104. To the extent that the land, including the hedges, the bird feeding area of field and the field margins falling within the plots to be taken is removed from us, we will lose the payments for managing them. More importantly, the CSS (and nature) will lose the benefit of our stewardship of them which the Estate has carried out with care for very many years. Unlike so many other farms in Norfolk, none of the hedges have been ripped out.

**d) Mr Curson's farming system – holistic farming**

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<sup>41</sup> Paid through the Rural Payments Agency (RPA)

105. I next describe Mr Curson’s farming system as it is important to understand it and how it fulfils my obligations under the Heritage Management Plan, as well as being the best holistic way of maintaining the biodiversity of the land.

106. Mr Curson’s farming system on the Estate is as follows:

- a. on the grazing land, comprising 12.5 ha (31 acres) of the grassland, he grazes two herds of single sucker beef cattle<sup>42</sup> in summer, one on each side of the River Tud. On the south side of the river he uses in turns the meadows opposite the Hall. On the north side, he uses in turns the meadows to the east of Merrywood House and either side of the front drive and the meadows by the river upstream of the Hall.
- b. the calves are fattened on for sale throughout the year in the dairy buildings (feeding on the feed from the silage clamps).
- c. on the cultivated parts of the three arable fields, comprising 8.7 ha. (21½ acres) he grows on a rotational system grass for hay/silage, maize for silage, or wheat/barley for feeding to the cattle or for onwards sale.
- d. He then spreads the muck from the dairy buildings back onto the arable fields.

107. This system is an environmentally sustainable, low impact farming system. It is the same as it has been for centuries and is eminently suited to the Estate’s land which like the system, has remained unchanged as has been described by others when recommending the Estate to be designated as a heritage asset and as they have confirmed since then. It is wholly unlike the systems for large scale intensive cultivation by which most of the land around it is farmed, much of it being on what is described now as ‘an industrial scale’.

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<sup>42</sup> In other words, each cow has one calf each year.

108. I shall explain at the end of the next section after describing the farming methods on the farmland, why the permanent loss on this land of what might seem a relatively small area, and the loss of what can be calculated as “only” a third of its farmland for the duration of the works, will effectively mean the loss of all the arable land as a continuing viable part of an agricultural unit and hence the cessation of farming on the Estate in such a way that it will be unlikely to recover from.

*(iii) Importance of the farming unit to the Estate – preserving and enhancing the Heritage Asset*

a) The overriding principle

109. The presence of a sustainable farming unit on the Estate is a fundamental part of the nature of the significance of the heritage asset and of the value that the heritage asset holds both for now and for the future.

110. In view of the increasing scarcity of this traditional type of farming, particularly in this part of England, having obtained the holistic small farming system on our land at the Estate which we have, it is critical to the Estate not to lose what we have.

b) Heritage objectives in the Management Plan

111. in 2000 Mr Popham wrote in his initial report recommending the Estate’s designation, at para 5.2 (final bullet) “The principal landscape features [the Estate] possesses are those of the traditional landscape – small scale fields, hedges, pasture...” (my underlining). (ACM 03.2/5)

112. Shortly afterwards, in 2002, when preparing the scheme for the application for designation, Mr Thomas in the Heritage Management Plan, as the very first aim of the Management Plan recognised that importance when he wrote in Chapter 3(at ACM 03.3/13):

**“AIMS AND OVERALL OBJECTIVES”:**

“3.1.1. **AIM 1.** To protect, conserve and where appropriate enhance, the heritage area of the Estate...

In furtherance of this aim to:

[first bullet] Manage the area as a traditional landed estate in accordance with the management objectives set out in Chapter 4...” (underlining added)

113. This involves two things (1) keeping up the traditional farming practices on the land, and (2) in the course of that, keeping up the traditional husbandry of the heritage features of the Estate forming the landscape, namely the traditional small fields, pasture, hedgerows and hedgerow trees.

114. Mr Thomas set out the objectives for how to do these two things in the two succeeding sections of the Management Plan.

115. In the first, Chapter 4 of the 2002 Management Plan, , under the heading “**4.4 AGRICULTURAL LANDSCAPE**” (at ACM 03.3/25) Mr Thomas set out the objectives for the farming business:

*“Overall Objectives*

**“4.4.5 To maintain the viability of the farming practices on the estate, while retaining, protecting and, where possible enhancing its scenic and historic qualities;**

**4.4.6 To further the aims of sustainability, the approach to farm management adopted by the estate should be environmentally sensitive and the policies and practices followed and work done should aim to conserve the wildlife and related environmental qualities of the estate.”**

116. Just after that, Mr Thomas set out the Plan’s overall objective for the future management of the Field Boundaries in the following terms in section 4.5 (at ACM 03.3/28):

*“Overall Objective*



**“4.5.7 To ensure the long term conservation of the existing ditches, hedgerows and hedgerow trees on the estate for the benefit of the landscape, wildlife and the historical integrity of the field pattern**

In addition to the above main objective the estate will also aim:

**4.5.8 To enhance, where appropriate the existing field pattern through the establishment of hedgerows along historically or visually important boundaries for the benefit of the landscape, wildlife and farm management.”**

c) **The continuing presence of the features**

117. Pursuing the objectives assumes of course that the fields and hedges and trees are all still there and still able to sustain the required viable farming practice and to receive the benefit of the husbandry. They are now.

118. In his Chapter 4.5 **“FIELD BOUNDARIES”**<sup>43</sup>, Mr Thomas describes the field pattern to have remained relatively constant since the mid nineteenth century and notes that with the exception of the two cultivated fields north of ██████████ [which had been affected by the 1968 A47 widening] “all field boundaries appear to have been in place by the time of the Tithe Award maps of 1839 and 1840”<sup>44</sup>. Mr Thomas went on to record that the estate “also has a number of significant hedgerow and field trees which add to the character of the landscape”<sup>45</sup>. He particularly noted that “to the north of the kitchen garden are a series of oaks and other trees lining the tracks to the east and north. These trees are important to the ornamental character of Berry Hall and also have a significant impact on the wider landscape.”

119. In his appraisal<sup>46</sup>, Mr Thomas found that “the existing field boundaries preserve a landscape pattern from the mid nineteenth century and therefore have some historical interest. The presence of hedgerows in visually significant places adds to the scenic qualities of the

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<sup>43</sup> ACM 03.3/27

<sup>44</sup> Ibid, para 4.5.1

<sup>45</sup> Ibid, para 4.5.4

<sup>46</sup> Ibid, para 4.5.5

estate. The moderate species rich nature of the hedgerows ... should be conserved". He went on say "The estate have made considerable efforts in recent years to maintain and improve the historic field pattern and this should continue".

#### d) Our husbandry

120. 9 years later in 2011, when Natural England submitted their report to HMRC following my Father's death (ACM 03/7) they wrote "There is evidence of a very positive land management approach..." before finding (as I have mentioned earlier) in their Conclusion of Assessment of Quality, that the Estate was still "considered to be of outstanding scenic and historic interest" .
121. We have continued to farm the Estate since then as the Undertakings require us to do, and more, to conserve and improve the fields and hedges with Mr Curson's assistance and his beef herd that we are so fortunate to have on the farmed land. At the same time I have continued myself – while looking after the woodlands , the Christmas trees and the cultivation of the gardens - to manage the wildlife rich field margins, the nectar area and the wintering birds' area of the western arable field.

#### e) The importance of being able to continue

122. HRH the Prince of Wales recently gave a broadcast, and in an article written for the Guardian,<sup>47</sup> said:

***"to me, it is essential [that] the contribution of the small-scale family farmer is properly recognised – they must be a key part in any fair, inclusive, equitable and just transition to a sustainable future. To do this, we must ensure that Britain's family farmers have the tools and confidence to meet the rapid transition to regenerative farming systems that our planet demands".***

The Prince of Wales continued:

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<sup>47</sup> The Guardian, 23 May 2021

***“These small farmers are some of the most hard-working and innovative small businesses and, in so many ways, we depend on them far more than most of us will ever know.”***

123. The same article in the Guardian reported that in the UK a quarter of livestock farms, amounting to 45,500 farms, were lost in the 12 years from 2005 to 2016.

124. By contrast to this, Defra reported in 2020<sup>48</sup> that the total income from farming (TIFF) in Eastern England (the largest contribution of any region in the UK) increased by 31% between 2015 and 2019 to £885 million. Defra stated in their Key Points for Eastern England:

*“This region has had the highest TIFF of any region in every year 2010-2019, contributing 22% of England TIFF in 2019. In 2019, the East of England made the biggest contribution to England output for ‘Combinables and Sugar Beet’ (26%) and ‘Pigs and Poultry’ (23%). Conversely there is very little in the way of Beef and Sheep and almost no Dairy with the dry climate, fertile soils and absence of uplands being much better suited to arable farming. The region is the primary sugar beet producing area of England.”*

125. It is therefore, I believe, not only important that an example can be shown now that small scale sustainable farming can be maintained generally in the UK, but all the more important for us to be able to demonstrate here in Eastern England, where a small-scale beef farming business can be sustained because of the nature of the particular soils and variety naturally occurring in a small area, and the presence of sufficient natural water, that a variety of farming is capable of being maintained and of succeeding in the long term on a sustainable basis.

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<sup>48</sup> Defra, Total income from Farming for the Regions of England, first estimates for 2019, published 18 June 2020 (assets. Publishing. Service.gov. uk) at page 24 “Key points for the East of England”



(iv) *The prospective loss of the farm*

- a. In the context of what I have explained in the previous paragraphs being the importance of being able to continue the business of this rare small beef farm on our heritage land, I shall set out next the disproportionate loss and damage which will flow from the permanent loss of what at first sight may seem a small corner of our farmland and the temporary taking of a third of it.

**# IMP 1 Impacts of the Applicant’s proposals on the farming system.**

126. **The impacts** of the Proposals on the farming business will arise in many ways, affecting both the business of the farm, the estate’s land, its finances, and the essence of the character of the estate which has been the reason for its designation. I deal here with the effect the Scheme will have on the system of farming as I have explained it. Changes in the system will be impacted in stages; first during construction period and then when the Scheme is operational.

127. In each stage I shall first describe the physical effects and afterwards the cumulative effect that those will have. In the construction period the aggregate of permanent and temporary acquisition will be lost to the Estate.

- a) Construction period - Temporary loss of plots 8/5a, 9/1a, 9/1c, 9/1d, 9/1j, 9/1l, /9/1m, access over stopped up old north drive plus permanent plots

Table 2 – Farming impacts, construction period

<b>Ref</b>	<b>Farming element / location</b>	<b>Physical effect</b>	<b>Consequence</b>
1	<u>Arable fields</u>	Half the west field will be taken; 2/3 of the middle field will be taken The whole of the Merrywood field will be taken	The portions of the two arable fields on which a part remains will be too small to make it worthwhile cropping even if (as is unclear) the tenant was able to bring his machinery to the fields despite the taking of the accesses. Further, the applicant’s works on the parts of the two fields only taken partially, will be likely to upset the drainage on the remaining parts.

2	<u>Dairy Buildings</u>	<p>Feed supplies and will be prevented by the access closures. Access between the buildings and the grazing meadows will also be prevented for the same reason. Inability to crop the arable land will prevent cropping for silage (and even if some were able to be attempted, there would be insufficient to feed the cattle in the shed.</p> <p>Loss of the earth walled silage clamp would mean even if there is a crop of silage there is no space to acidify one crop while using the other as feed. Proximity to the soil processing area and Compound will be likely to disturb the cattle even if they were there.</p>	The dairy buildings will be unable to be used for the keeping of cattle.
3	<u>Pasture</u>	<p>Plots taken and works being carried on will prevent any access from highway to pasture or from pasture to dairy buildings. Water supply interruption will exacerbate the problem. Even if access is possible, and the water supply remains, the beef farming process requires the use of the cattle shed for the fattening of the cattle for sale after that have been weaned. If the shed is not available, only half the process will be able to take place and then only in the periods of the year when cattle remain on the pasture</p>	The meadows will be unable to be used in practice for pasture.
4	<u>Water supply</u>	<p>With the permanent acquisition and potential destruction of the water reservoir there will be no water supply (or if there is it will be at risk of interruption). There will then be no supply to the cattle shed or the meadows</p>	Lack of supply or the risk of interruption will reduce any small residual chance that either the dairy building or pasture could sensibly be used.



5	<u>Cumulative effect of 1-4</u>	The tenant will be unable to continue a viable farming business	The farm buildings, fields and meadows will cease active agricultural use
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The above is not reflective of the “moderate” degree of construction phase impact upon the holding identified in the Applicant’s assessment in the Human Health and Population chapter of the ES.

b) Post-construction - Permanent loss of Plots 9/1b, pt 9/1f, 9/1g and closure of the old back drive

Table 3 – Farming impacts – post construction

<b>Ref</b>	<b>Farming element / location</b>	<b>Physical effect</b>	<b>Consequence</b>
1	Access	The north access will have been permanently stopped up. Access by articulated vehicles and heavy lorries to the dairy buildings will still be prevented	As a result of 1 and 2 the dairy buildings will remain effectively unusable.
2	Dairy buildings	Will be physically still there	Without HGV access for feed delivery and cattle collection or water the buildings could not be used to house cattle; the degraded two remaining arable fields would not of their own provide sufficient feed
3	Water	The reservoir will have been taken and removed	Cessation of supply to the dairy buildings. The pasture drinking water will also have been cut off until replaced.
3	Pasture	Will have been degraded by lack of use but able to be brought back	Without the use of the dairy buildings the rotational use of the pasture for the current business would not be viable; the pasture could be used for grazing by delivery and collection which might work for sheep but not cattle which is the most suitable use for this type of meadow.



4	Arable fields	<p>First, all three will be degraded and are likely to take several years before any viable cultivation can recommence</p> <p>Second, the middle field is likely to be lost as it will probably have to have an earth bund constructed across it to deflect noise from the south dumbbell and the remainder taken to be fully planted as a visual barrier to the new road to protect the hall and gardens</p>	<p>Without cattle to manure the two remaining fields or to eat the crops they will not be able to be used as they are now. A commercial farmer would find the fields too small for modern machinery such as that used north of the A47.</p> <p>In practice a new use would have to be found or they would be turned into wild flower / nectar meadows.</p>
	hedges	A large proportion of the estate hedges will be lost (say 40%?)	
		The existing farming business would be unlikely to return and no similar would be likely to be found	The Estate could no longer be run in the traditional way envisaged by the Management Plan and its character would change. Either it would become an empty shell of its former self or a new high value crop would need to be found for its remaining small fields in which case it could find a new character. But that was not the point of the Management Plan

The above is not reflective of the “low” degree of permanent impact upon the holding identified in the Applicant’s assessment in the Human Health and Population chapter of the ES.

## C Woodland

### (i) Overview

128. The forestry on the Estate (which extends to just over 14 ha. (35 acres))<sup>49</sup> is acknowledged both regionally and nationally to be of a high standard. It was nurtured initially by my grandfather and then, after he came to live on the Estate in the 1950s, by my father, who

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<sup>49</sup> This excludes the trees in the ornamental gardens around the Hall, the orchard, and the nurseries where I plant and grow young Norway spruce and other species for Christmas trees

spent the greater part of his spare time while he was working and most of his time after he retired, nurturing, managing, and planting its trees. I have done likewise and a major part of my time over the past twenty-five years has been spent with the trees on the Estate.

129. I have been for many years a member of the Royal Forestry Society (RFS) and have served as Chairman of its East Anglian division. I am also a Life Member of Woodland Heritage. Both organisations have held national Field Days on the Estate and the RFS East Anglian Division visits approximately every 12 years. In addition we have been visited by the Association of Professional Foresters and by other smaller forestry related organisations.
130. The RFS Eastern Region were intending to hold a members' visit in 2020 but it was delayed by Covid and eventually took place this year, on Thursday 19 August 2021, when I gave a tour to some 65 members and guests. Appended to this statement at **Appendix 9 (ACM 03.9)** are some notes of the visit and copies of letters of appreciation written to me by members afterwards.
131. I shall briefly describe the various stands of woodland and some of the more important individual specimen trees in order to place in context those on the Estate which are intended to be affected by the Proposed Scheme. Reference should also be made to the report of my arboricultural consultant, who has provided an assessment of the existing woodland, and who has concluded that the Applicant's own assessment is inaccurate and identified the reasons why the woodland is worthy of preservation, contrary to the Applicant's proposals.

(ii) *Warren Plantation*

132. The largest and most established area of woodland on the Estate is Warren Plantation, containing some 14 acres extending up the south side of the river valley on the far side of the river from the Hall. This has been planted since the eighteenth century or before and now comprises primarily deciduous timber trees including some important specimens of forest grown English Oak. Planting of mixed coniferous and deciduous woodland by my father and me within the wood over the past fifty years with a final crop of oak is now just



beginning to reach its final crop status. Next to Warren Plantation on the east side of Berry's Lane is a smaller area of mixed woodland planted between 1983 and 1989.

(iii) *Fen Plantation*

133. There is then, by the river Tud, across it from Merrywood House and again on the east side of Berry's Lane, a Fen Plantation, a stand of poplar and other mixed broadleaves which is designated as a County Wildlife Site due to its marshy location which is attractive for rare plant species including Herb Paris which proliferates within it.

(iv) *Specimen and ancient hedgerow trees*

134. On the north side of the river there are a number of fine individual specimen trees around the Hall and in the ornamental gardens by the river.

135. Among other individual trees, there are several veteran English oaks westwards of the Hall along a line of a medieval trackway leading towards Hockering, which are all thought to be over 700 years old. In addition there are a number of hedgerow oaks over 300 years, one at the entrance to the main drive on the north side (within the area to be acquired in plot 9/1b) and several more in the section of hedgerow on the old back drive which are planned to be included in the compound areas to be taken as part of plot 9/1a

(v) *North Woodland belts*

a) Generally

136. Finally, on the north border of the Estate, are the woodland belts which will be directly affected by the Proposed Scheme if it is not moved as my experts have advised me can and should be done.

137. These run along the whole of the northern boundary of the Estate, and on both sides of Berry's Lane to approximately the egress of the New Back Drive. The woodland is between

24m and 30m wide and is described in the accompanying report by my arboricultural consultant, AC Coombes.

**b) West of Berry's Lane**

138. My father planted the woodland on the western side of Berry's Lane in 1998 to provide a final crop which will include a particular cultivar of wild cherry developed at the NIAB Horticultural Research Station at East Malling in Kent, which is intended for high quality furniture production after a growing period to maturity of approximately 70 years. There is also a quantity of sweet chestnut which can either be grown to maturity or used for coppicing, as well as the other species mentioned by Mr Coombes.

**c) East of Berry's Lane**

139. The woodland on the east side of Berry's Lane I planted myself along the north and west sides of the field north of Merrywood, in 2008. This mixture will be a final crop primarily of English Oak and Hornbeam with the other species listed by Mr Coombes included.

**d) Management of the northern woodland**

140. Both areas of woodland are what is known as managed continuous cover woodland. I look at every individual tree each summer to carry out any pruning required and to mark thinnings in order to favour the most promising stems and during the winter months I then carry out the work I have set myself. All of it I do on my own. Every year thinnings, including firewood, fence posts or timber are removed by tractor and trailer, using the rides (access tracks) *between* the belts and the roads, in other words on the north side of the woodland along the A47 and Dereham Road frontages. The insides of the roadside hedges are also cut from these rides.
141. Tractors need to go in from one end of each belt and out the other (downhill when ground conditions are wet) as they are far too narrow to turn in. In other words, they have to be

able to travel the whole length of one belt without interruption and any impediment in the centre will prevent their use. At least 6 tractor trips are made each year around each of the belts.

142. Access to the belts from their south sides is not possible because they are barbed wire stock fenced on that side, and also bordered by the *Countryside Stewardship* (CSS) field margins which I have described earlier (see arable farmland above) and which must not be run on in the 3m nearest to the woodland.

143. The work in planting and growing these two woodland belts has taken place mostly in the period following the commencement of work in 2000 towards my application to have the Estate designated as a Heritage Asset and after the designation was made in 2003.

e) Importance of the northern woodland to the Estate

144. I have been fully cognisant throughout this period that what I have been seeking to do has been – if one can use these words – “to sustain and enhance the significance of the Estate as a Heritage asset”. Its purpose has been to improve the setting of the Heritage Asset in the landscape and the positive contribution that the Estate’s conservation can make to sustainable communities – including their economic vitality, for the trees will have a considerable economic value as sustainable timber producing woodland as well as the usefulness that their presence will bring in the meantime providing shelter for the Estate from wind, traffic sight, traffic noise and pollution. I also planted and guarded 7 Parkland Oaks and a Cooper Beech strategically placed in the meadows to the east and south of the Hall as recommended by HLM in the management plan.

(vi) *The Woodland business generally and its commercial value*

145. The business derived from the woodlands overall comprises firstly, the occasional felling and sale of mature timber trees – of which a few are generally taken each year or two- and

secondly, the sale of logs for firewood – of which there is much on an ongoing basis. There are also regular sales of “character” hardwood butts to wood turners, the best of whom exports his products to the USA. Posts for fencing and smaller lengths of timber other purposes are sold and used on the estate. I have a business also in growing and selling Christmas trees and will deal with this separately.

## # IMP 2 Impacts of the Applicant’s proposals on the woodlands

146. I note from the Land Plans, Book of Reference, and Statement of Reasons that in the western belt three quarters will be taken permanently and the remaining quarter temporarily. Of the eastern woodland, a quarter in the north, together with a strip down all the way for the remaining length on Dereham Road, is proposed to be taken permanently. The entire remainder is to be taken temporarily.
147. Through doing what they are proposing by taking the northern woodland belts into their ownership I can be pretty certain (from my observations as a forester of the lack of regular aftercare given to any trunk road and motorway woodland in the UK) that the Applicant will be ensuring that the same care will no longer be given to what they will have taken – either in the short term or the longer term - even to the extent that what they take is not destroyed. The Applicant will thereby not only waste a generation of careful and continuous work on the Estate’s trees but will destroy the opportunity for these trees to be managed in the future to grow to their full capability and thus the opportunity to provide the contributions to the community and to its economic vitality that were intended when they were planted.
148. In more simple language you could just say “What an environmental disaster to abandon these fine carefully nurtured 23 year old belts”.
149. Several senior members of the RFS have said the same thing in their own words in letters they have written to me in the past week (see Appendix 9 (ACM 03.9))

## D The Christmas tree business

150. On land to the west of Wisteria cottage by the orchard and in the kitchen garden to the north of the Hall I grow approximately 4 acres of Christmas trees which gives the Estate annual sales in the order of several hundred trees of different sizes each year in November and December.
151. I advertise the trees by road signs at the Berry's Lane junction, by word of mouth, in various newspapers and the website. The trees are set out in the few weeks that they are sold to individual customers on the drive-in front of the Hall and for those few weeks the drive is closed at night and all other traffic to the house and cottages has to go by the new back drive. Sales values are in the order of £20,000 to £25,000 each year. This makes a significant contribution to the Estate's running costs each year.

### # IMP 3 Impacts of the Applicant's proposals on the Christmas tree business

152. There is no acknowledgement whatsoever in the Applicant's application of the impact of their proposals upon the Christmas tree business. It cannot have been taken into account in the Applicant's decision making process. The effect would however be serious.
153. The closure of Berry's Lane at the A47 junction would result in a loss of passing sales, as BHE's biggest advertising signs are placed at that junction.
154. Existing customers will also find it more difficult to access Berry Hall due to the considerable changed local road network which is proposed. In the future, any customer wishing to access the Estate for the purpose of purchasing a Christmas tree would have to drive at least a mile further or more, depending where they are coming from.

## E The driveways, tracks and the River Tud

155. There are three driveways on the Estate serve 9 dwellings and 2 sets of farm buildings.

156. They are shown on Plan 4 included within Appendix 1 to this statement<sup>50</sup>, with a key immediately following it summarising the use of each. I explain the uses in more detail as follows:

*(i) Front Drive*

157. The front drive runs from Berry's Lane west to terminate at the front of the Hall, where there is space for parking. It then continues along the back of the Hall as a service driveway, passing close to the north side of the Hall and onwards past the former stables and the old farm buildings to a concreted yard and turning space beyond, where it meets the old back drive coming down from the north.

158. Where the continuation of the front drive passes by the north side of the Hall it is narrow and constrained on both sides, on the left by the wall of the listed Hall and on the right by an old brick and flint retaining wall about six feet high which holds back the hillside.

159. Because of the bends and the narrowness of the space between the house (and subsequent outbuildings) on the one side and the retaining wall on the other, only a car or a large van can negotiate a passage through. For this reason anything larger than that has to use (depending on its size and length) one or the other of the back drives.

160. Where the front drive abuts on to Berry's Lane, on the final part of the privately-owned north edge of the driveway turning into Berry's Lane northwards, there is a stretch of two tracks of old cobblestones which I believe must date back to when the drive was first built. They are the right width to take a carriage and are the first thing that a visitor the Hall will notice. I consider they should be considered as a structure within the curtilage of the Hall and thus part of the listed Building. I understand that they lie on the part of the front driveway which the Applicant proposes to acquire permanently within plot 9/1b but have

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<sup>50</sup> ACM 03.1/4

not been noted in any document issued by the Applicant as being either part of the listed curtilage or otherwise of historic interest as far as I am aware.

(ii) *“Old” Back drive*

161. The Old back drive runs from the A47 southwards in a straight line to the rear of the old farm buildings where it meets the front drive at right angles and both open out to the yard at the back of the buildings. At the corner of the two drives is the Wheelie bin collection point for all the dwellings on the Estate west of Berry’s Lane, except for the two Farm Cottages.
162. The Old back drive is shown on eighteenth century maps as being the access to the Hall before it was enlarged and converted into a Rectory. It is not a paved drive but an old trackway with, in its northern section, a grass centre which has probably not changed in the past hundred years or more. The first section northwards to its junction with the new back drive, can take cars but beyond that only lorries or tractors or a 4-wheel drive which has higher clearance, can straddle the grass centre. The centre is kept high deliberately to prevent cars trying to drive down it off the A47.
163. The Old back drive, because it has no bends, is the only drive that can be used by the weekly refuse truck, articulated lorries, Fire Engines or other large lorries with more than two axles, which deliver feed to the dairy buildings which lie halfway down it or collect the cattle for market, or timber lorries collecting timber from the yard at the bottom.

(iii) *“New” back drive*

164. About midway between the dairy buildings and Berry Hall yard at the bottom of the old back drive if you are coming down the hill, a drive forks to the left (east) and runs across to Berry’s Lane just to the north of the wall on the north side of the kitchen garden. This we know as the new back drive.

165. The new back drive was built by my grandparents in the 1950s, shortly after they bought the Estate, to provide a way for larger vehicles or service vehicles to reach the back of the house and the then farm buildings there, from Berry's Lane, without having to go round to the old back drive.

166. The new back drive now takes any vehicles for the Farm Cottages and is used for medium size deliveries and collections. A tractor and trailer can also get round the sharp bend into the old back drive at the T junction where it meets the old back drive. What cannot not turn the corner at the west end (probably at the east end as well but primarily the west end) are articulated lorries and rigid lorries with more than two axles. It is unclear as to whether a fire engine could.

*(iv) the River Tud*

167. I mention the River Tud because the Land Plans show a wide strip of the Estate's land being taken permanently all the way down the west side of Berry's Lane to the River Tud where it crosses over the river by Berry's Bridge, on the west (upstream) side of the Lane. The land to be acquired includes the river bed (which belongs to the Estate) across to its south bank <sup>51</sup>. This is required I believe to build a drainage channel from the new dualled a47 or its associated works in the vicinity of the Wood Lane junction down to the river to take excess run-off water. However, precise details of what the water will be or how much there will be, or what form the channel will take, are not given.

168. The main drainage of the valley here runs not in the river but in a ditch a few metres north of the river which used I believe to serve as the Mill Leet for Honingham Mill. It is shown on large scale maps. The ditch no longer takes water to the Mill, which is gone, but it does now take the main flow of water from this part of the valley, including from the Berry Hall Estate's drainage system, and the water in it runs at a level about a metre lower than the river's water does at that point.

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<sup>51</sup> Plots 9/1b and 9/1c



169. It is unclear, as I say, what water the Applicant's intended drainage channel is proposed to take or what it is intended to flow into. But if it flows down to the ditch and is wanted to flow instead into the river, it will need to be pumped from the ditch level up to the river level. If it remains in the ditch, then my land on the other side of the ditch and over to the far side of the river beyond, should not be needed.
170. When Mr Powis visited the Estate on 14 December 2020 I we did not have time to go down to Berry's Bridge so I could show him these different water flows and levels between the ditch and the river. However, while were standing on the corner of the front drive and Berry's Lane, and so not very far from it, I explained it all to Mr Powis and emphasised that where the ditch passes under Berry's Lane its water is carried through a fairly narrow pipe which barely copes with the current natural flows. The river beyond, by contrast, has a proper bridge over it.
171. I explained to Mr Powis that that on my experience of the water flows in the ditch and river, if the Applicant were to increase the water flowing down the ditch at the upstream side of Berry's Lane (where they are proposing to take the Estate's land) by adding water into it off the A47, this would risk causing floods because the pipe taking the ditch's water and the A47 run-ff added to it, under the Lane would be unable to cope with the extra load if the water flow though it was already swollen by rain.
172. I suggested to Mr Powis that if they do want to put additional water running off the new dual carriageway into this ditch on the west side of Berry's Lane they will need to mitigate the flooding risk by running an additional pipe under the road to take their run off water on its own from their channel under Berry's Lane to the downstream side, before channel joins the ditch. Alternatively, as far as I can see, they will have to construct a larger pipe to take the ditch's water under the Lane in order to allow for the additional water flow in it upstream of the bridge, coming from their channel.

173. I am the landowner of the land both sides of the Lane here and I do not wish to see the Applicant causing risk of flooding by run off from the dualled A47 either to my land or indeed to Berry's Lane when the Lane and the old back drive (under the Applicant's proposals) have both been closed at their north ends, and the Lane southwards across the river will then be the only access road to Berry Hall, all its dwellings and farm, and to Merrywood House

#### # IMP 4 Impacts of the Applicant's proposals on access and flood risk

*(i) On the Front drive*

- a. The Applicant proposes to acquire permanently the access/egress point into the Front drive<sup>52</sup>. There is no explanation as to why this is required. Absent the grant back of permanent rights of access over this for the benefit of the Estate, which I am advised are not provided for in the Order and which have not been offered on a voluntary basis, neither I nor the occupiers of any of the buildings on the Estate would have any legal right to access the Estate by the Front drive.
- b. The Applicant also proposes to acquire temporarily a short stretch of the drive immediately after the access/egress point. Again, it is not clear why this is required, or how access to the Estate using this access will be maintained consistent with this temporary possession. No provision is made for it in the Order or has been offered voluntarily.

*(ii) On the Old Back Drive (Runs South - North to existing A47)*

174. The Applicant proposes to acquire permanently the access/egress point into the Old Back Drive<sup>53</sup>. There is no explanation as to why this is required. Absent the grant back of permanent rights of access over this for the benefit of the Estate, which I am advised are not provided for in the Order and which have not been offered on a voluntary basis, neither I

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<sup>52</sup> See Applicant's Land Plans (Doc 2.3), Sheet 9 Plot 9/1b

<sup>53</sup> Land Plans, *Ibid*, Plots 9/1b, 9/2a

nor the occupiers of any of the buildings on the Estate would have any legal right to access the Estate by the Old Back drive.

175. The Applicant also proposes temporarily to acquire the majority of the length of the Old Back Drive for construction compounds<sup>54</sup>, and then to stop it up entirely for 134m south from its abutment on to the A47<sup>55</sup>. This is the only access to the Berry Hall Estate able to take HGVs for the reasons given in the description of it at (B) above. HGV access is *essential* for shipping timber out of that part of the Estate. Nowadays, almost all timber lorries are HGVs.
176. The old back drive is also used for cattle feed lorries delivering to the former dairy buildings on a regular basis, by silage contractors delivering silage to the clamp at these buildings, and by the Council Refuse lorry. The feed lorries are too big to turn the corner of the New Back Drive. If this drive is blocked off, the hedge-cutter will also be unable to cut the insides of the hedges on both sides.
177. If the Applicant is permitted to proceed with its plans for acquisition and stopping up of the Old Back Drive, the Estate will essentially be incapable of being served by HGVs.

*(iii) On the New Back Drive (Runs East – West to Berry’s Lane)*

178. The Applicant proposes to acquire permanently the access/egress point into the New Back Drive<sup>56</sup>. There is no explanation as to why this is required. Absent the grant back of permanent rights of access over this for the benefit of the Estate, which I am advised are not provided for in the Order and which have not been offered on a voluntary basis, neither I nor the occupiers of any of the buildings on the Estate would have any legal right to access the Estate by the New Back drive.

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<sup>54</sup> Land Plans, *Ibid*, Plot 9/1a.

<sup>55</sup> See Applicant’s Rights of Way and Access Plans (Doc 2.5), Sheet 9.

<sup>56</sup> Land Plans, *Ibid*, Plot 9/1b.

179. Quite apart from this, the Applicant also proposes to acquire temporary use of over half of its length for the proposed materials storage and processing compound. It is not stated how this will affect its use by residents of Berry Hall Farm Cottages, Farm traffic, Royal Mail and all the other delivery vehicles (incl. the fuel tankers which serve all dwellings on the Estate including the [REDACTED] as well as serving the farm and woodlands) which are too wide to fit down the Front Drive (which is very narrow where it passes Berry Hall).

180. If the **Emergency Services Fire Engines** are required to attend any of the dwellings and buildings to the west and the north of the Hall they would need to use one of the back drives. As noted above, it is unclear whether the New Back Drive could be used for this purpose following on from the stopping up of the Old Back Drive. In the event that it cannot, the Estate would by reason of the Proposed Scheme be left without emergency service access.

*(iv) Cumulative effects of the proposals upon access*

181. Unless varied, the DCO scheme as proposed would have a fundamentally detrimental impact on the access of residents to their homes and the operational requirements of the Berry Hall Estate by virtue of:

- a. Permanently preventing access to the Estate from the front drive;
- b. Permanently preventing access to the Estate from either back drive;
- c. Permanently preventing access to the Estate by refuse vehicles, (potentially) fire engines or ambulances;
- d. Permanently preventing access to the Estate by HGVs associated with the agricultural and forestry uses of the land.

182. The Estate and all its residents and businesses would be landlocked, unable to lawfully arrive (or leave) and unable to be accessed as described above.

(v) *Impact of the proposals on flood risk*

183. Unless the proposed water run off into the River Tud upstream of Berry's Bridge is so constructed as to avoid the risk of causing flooding (for the reasons explained in paragraphs 168-174) the Scheme is likely to cause:
- a. a risk of damage to my land from flooding and
  - b. a further adverse impact on access to the estate, beyond those already summarised at paragraph 182 above, through the additional flood risk to Berry's Lane.

F Buildings, Structures and gardens

(i) *Description and context*



184. I have given a brief introduction to the main historic buildings at paragraphs 43-46 (pp 18-19) in Section IV A, History.
185. There is a good detailed description of all the Estate's buildings and structures in the Heritage Management Plan for the Estate of January 2002 (Vol 2 – Buildings) at Appendix 4 to my statement (ACM 03.4). (For ease of reference in the coming paragraphs I shall refer to this document from here on as "App 4"). App 4 describes each of the Estate's buildings and structures, whether old or new. The same document sets out the repair and preservation work which I undertook upon the Estate's designation to carry out in compliance with the Management Plan, all of which we have since done.
186. Each building/ structure, or group of them in some cases, is numbered in App 4 and is located using the same numbers on Plan 3 in Appendix 1 to my Statement (ACM 03.1/3). The list on the following pages provides a cross reference to the relevant page of each entry in App4, where there are photographs of each structure also, taken in 2001 or 2002.

**Table 2 - [REDACTED] - Buildings and occupiers**

To be read in conjunction with Appendix 1, Plan 3 (ACM 03.1/3) for locations and Appendix 4 (ACM 03.4) for descriptions and photos, each building or structure by reference to its number(s) in the 'ref' column below

Ref.	Building / structure	Built (approx)	Grade II listed	Occupied by	No. of residents	Page no. in App 4 Photos refs in italics when referred to	Notes (in bold denotes distances from Scheme)
1, 2 & 3	[REDACTED] and kitchen yard outbuildings	1743 + c19	*	Owner	2	1. ACM 03.4/4 2. ACM 03.4/6 3. ACM 03.4/7	The Hall is <b>90m</b> from the boundary of the soil processing compound in plot 9/1a, <b>200m</b> from the boundary of Plot 9/1b by S dumbbell and <b>240m</b> from S dumbbell carriageway.
1a	Flat (within Berry Hall)	See 1	*	Tenant	1	<i>ACM 03.4/7</i>	Upstairs flat in part of former servants' wing; 1st flr windows in lower picture
4	Former stables and stable yard (garages)	c19	*	Owner		<i>ACM 03.4/7</i>	Stables converted to garages, with hayloft and groom's cottage
4a	Hayloft (over former stables)	c19	*	Tenant	2	<i>ACM 03.4/8</i>	Within roof of stables - former hayloft converted to residential internally; <i>rooflights shown in upper and lower photos; upstairs entrance in lower photo.</i>
4b	Rosemary Cottage	c19	*	Tenant	2	<i>ACM 03.4/8</i>	Former groom's cottage within stable building; <i>nearest end on both photos; front door in upper photo</i>
5	The old Dairy (now the Buttery)	Early c19	*	Holiday let	2 when let	<i>ACM 03.4/9</i>	Former estate dairy; this octagonal brick and flint thatched building has been restored and re-thatched since the 2002 report and is used for holiday lettings (compare photo in ACM 03.4 with Photos and description at <a href="http://www.thebuttery.biz">www.thebuttery.biz</a> )

Ref.	Building / structure	Built (approx)	Grade II listed	Occupied by	No. of residents	Page no. in App 4 Photos refs in italics when referred to	Notes (in bold denotes distances from Scheme)
6	Former Coachman's cottage (called "Store" in report)	Early c19	*	Owner		ACM 03.4/10	Parts only now remaining; building above ground dilapidated pre-1948
7	Retaining wall on north side of front drive extension	c18 and /or c19	*	Owner		ACM 03.4/10	A brick and flint wall echoing refs 5 and 8. Soil level is at the top of wall on north side; drive at bottom on south side. The restricted space between this wall and the hall provides the "pinch point" in the front drive extension which prevents larger vehicles from using the front drive to access the dwellings at the rear of the Hall
8	Wisteria Cottage	Early c19	*	Tenant	1	ACM 03.4/11	Former gardener's cottage at south end of crinkle crankle wall, its octagonal shape and brick and flint construction echoing the old dairy
9	Crinkle Crankle wall (around north and west sides of kitchen garden)	Early c19	*	Owner		ACM 03.4/12 and ACM 03.3/20	<b>Eastern end of the wall is 25m from boundary of Plot 9/1a, 75m from plot 9/1b and 160m from the carriageway of the south dumbbell. Plot 9/1a lies just beyond the end of the wall on the left side of the photo at ACM 03.3/20</b>
10	Old farm buildings	c19	*(see Notes)	Owner		ACM 03.4/13	In this case within curtilage. Considering the design and quality of the old Dairy (see website at ref 5 above) the produce of both garden and farm was for domestic consumption; see also ACM 03.3/22 at para 4.3.4 where the land around the Hall is described as "ornamented agricultural land", or "park".

Ref.	Building / structure	Built (approx)	Grade II listed	Occupied by	No. of residents	Page no. in App 4 Photos refs in italics when referred to	Notes (in bold denotes distances from Scheme)
10a	Tithe Barn wall	c16 or c17	*	Owner		ACM 03.4/16	Now a garden wall and also forms east side of Range G farm building to south of former stables
10b	Tanglewood Barn (west end of south range)	c19	*	Licensee	1	ACM 03.4/17	Converted since 2002 from buildings within range H of farm buildings. <i>The photo shows its main part pre-conversion</i>
11	Dutch barns	1950s		Owner		ACM 03.4/18	Now used for forestry business
12a	 Cottages	1950s		Tenant	3	ACM 03.4/19	Former farmworkers' cottages ...
12b	 Cottages	1950s		Tenant	2	ditto	(cont'd from 12a) ... for the dairy farm
13	Dairy and cattle-shed	1971		Farm Tenant		ACM 03.4/20	<b>Used by tenant farmer for keeping beef cattle; the building is <u>12m</u> from soil processing compound (9/1a); <u>50m</u> from boundary of S dumbbell acquisition (Plot 9/1b) and <u>120m</u> from S dumbbell carriageway</b>
14	Pump House	Early c20		Owner		ACM 03.4/21	Now replaced by borehole further north in orchard
15	Merrywood House	1950s		Tenant	c12	ACM 03.4/22	8 young people and carers
16	Ice-house (in Warren Plantation)	Early c19	**	Owner		ACM 03.4/23	** Listed separately
17	Cobbled carriage-way at entrance to front drive	Early c19	*	Owner		<b>APP 3. Illustr. 3 (ACM 03.3/10)</b>	Leading into entrance to front drive off highway at Berry's Lane. Not shown on plan 3 but see the photo referred to. <b>Within Plot 9/1b for permanent acquisition.</b>
	Total full time residents (ex-Merrywood House)				<b>14</b>		





<i>Ref.</i>	<i>Building / structure</i>	<i>Built (approx)</i>	<i>Grade II listed</i>	<i>Occupied by</i>	<i>No. of residents</i>	<i>Page no. in App 4 Photos refs in italics when referred to</i>	<i>Notes (in bold denotes distances from Scheme)</i>
	(Incl. Merrywood House)				<b>c26</b> #		<i># Depending on numbers from time to time resident at Merrywood House.</i>

187. As well as the buildings and structures, the Hall has a large area of gardens leading down to the banks of the river. There they extend upstream and also downstream almost to Berry's Bridge. Upstream there is also a circa 300 yard long L-shaped water feature which is reputed to have been a stew pond in the past. These gardens are described in Appendix 3 (ACM 03.3) at section 4.3. I mention them here only to complete the description of the Estate and to place it in its full setting. There is also a kitchen garden to the north, bounded on two sides for shelter by the crinkle crinkle wall (structure 9 in the table above).

(ii) *Work done since the 2002 Heritage Plan*

188. In the 19 years since the report at App 4 was compiled we have carried out much work repairing and conserving the structure of the Hall and most of the other buildings and structures. We have also created the Buttery out of the old dairy (building 5) and created Tanglewood Barn (building 10a) out of one of the old farm buildings.

189. As a result of all our work the Estate buildings generally are in a considerably improved state for their future preservation than they were when the Estate was designated in 2003.

190. As one example, over the past five years we have spent over £12,000 stabilising and conserving the crinkle-crinkle wall which runs around two sides of the kitchen garden to the north of the Hall (structure 9). There are photos of it at ACM 03.4/12 and ACM03.3/20. The works we have done to it are mentioned a number of times in the annual reports at Appendix 7 (see ACM 03.7 at pp 6,8,10,14 and 16).

(iii) *The Hall's listed status – extent of its curtilage*

191. I would however mention one point in relation to the descriptions in App 4 and that relates to the physical extent of the listed grade II status of the Hall and which of the buildings and structures around it to the north, east and west will be considered as being of listed grade II status as part of the listing of the Hall as the principal structure, due to their being within its curtilage.
192. In table 2 above I have marked with a single asterisk those of the buildings and structures which I have been advised should be considered as lying within the Hall's curtilage and hence to be considered grade II listed within the listing reference of the Hall. These buildings and structures comprise all of what were the buildings serving the Hall and the structures intimately associated with it.
193. The structures to be considered within the curtilage and thus as part of the Hall's listing include:
- a. The outbuildings to the west of the Hall (ref 2 and 3).
  - b. The former stable building (ref 4).
  - c. The old dairy (Buttery) (ref 5), the remains of the coachman's house (ref 6) and the retaining wall beside the front drive extension (ref 7) , all of a similar design and construction from the early nineteenth century.
  - d. In the same way, the former gardener's cottage, Wisteria Cottage, (ref 8) and the crinkle- crankle wall around the north and west sides of the kitchen garden (ref 9) to one end of which the cottage is attached, which I believe were built at about the sanme time and are oif a similar style.

- e. The cobbled carriageway at the entrance to the front drive (ref 17)<sup>57</sup>.
- f. Arguably, the farm buildings to the west of the [REDACTED] (ref 10), since they were I believe constructed for the farm to serve the [REDACTED], not in the normal way of farm buildings, to service a business carried on by a farmer living in a nearby farm-house.

194. The extent of the listed curtilage was not addressed in App 4, in which these buildings around [REDACTED] are generally described as being “not separately listed” or as “vernacular”. I believe however, that all those in the previous paragraph do properly fall within would be considered as the curtilage of Berry Hall. There is one separately listed structure and that is the ice house, built in the early nineteenth century in Warren Plantation, further away on the other side of the river, approximately 400 metres from the Hall (structure 16), the reason for its separate listing being that it would not be considered sufficiently proximate to fall within the Hall’s curtilage.

*(iv) Consideration of the listed status by the Applicant*

195. The listed status of [REDACTED] and the ice house are considered by the Applicant in its Environmental Statement at Chapter 6, Cultural Heritage (APP-045) at paras 6.7.25-6.7.28 where a section is given to it as one of the four key designated Heritage Assets within the Scheme boundary and one of only two that are private dwellings. The description of it is taken almost word for word from the listing description which, as I have explained earlier, is inaccurate<sup>58</sup>. None of the buildings and structures which I have just described as being are within its curtilage and enhance the setting of the Hall are described or even mentioned as

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<sup>57</sup> Cobblestones are capable of being listed on their own (see for example Market Place paving and railings at Market Hill, Cambridge (grade II, listed on 30 Oct 2019, List entry number 1467164)) and may equally form part of the curtilage of a listed building. [per Crispin Edwards, IHBC, at IHBC Newsblog, 21 Dec 2019 -www, ihbconline.co.uk) where the listing of the Cambridge Market Place cobbles is discussed] The cobbles at Berry Hall are situated at the same location as a lodge gate would be, which is considered by Historic England to fall within the curtilage of a building of the nature to enjoy one (see Historic England, Advice note 10, 21 Feb 2018 (page 7))

<sup>58</sup> At footnote 8 on page 10

being there. Curiously, however, the Applicant writes that the Hall “forms a group” with the ice house to the south of it and these elements give it a **High** level of Heritage value. The writer was also unclear what parish(es) it had been a vicarage for. Had the relevant person paid a visit to [REDACTED] and asked to see me, I would have been delighted to explain which parishes<sup>59</sup>, to show him all the buildings and structures within the curtilage and to have taken the opportunity at the same time to explain the HMRC designation and to have shown him the reports supporting its designation. Such a small amount of time with “feet on the ground” might then have avoided the present situation.

196. The Applicant’s writer did however note that “*dense planting on Berry’s Lane and the existing A47 provide a highly effective visual screen to the urbanising elements of the road network*”<sup>60</sup>. He concluded that setting of the asset makes a moderate positive contribution to its heritage value.

197. Had the Applicant understood more fully the nature of the curtilage it would have been apparent to it that the some of the buildings and structures forming part of it which are designated heritage assets within the Hall’s listing, will be impacted to a much greater extent than they have recognised by the proposed works. In particular, and by way of example,:

- a. the east end of the crinkle crinkle wall is less than 30 metres from the soil storage and processing compound at Plot 9/1a; and
- b. The cobbled carriageway is within Plot 9/1b to be taken permanently.

## # IMP 5 – Impact of The Applicant’s proposals on the Estate’s listed structures

198. I am not a heritage expert and as such make these observations from the perspective of a layman. I do however consider that the Applicant should be required to review its

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<sup>59</sup> Honingham and East Tuddenham

<sup>60</sup> APP-045 at para 6.7.27, page 15

environmental assessment so far as the omission of the buildings described above is concerned. My views as to the likely omitted impacts include the following.

199. The crinkle crankle wall is a sensitive 200 year old wall 12 feet high without buttresses which is only one brick thick and relies for its stability on its sine wave shape. This could be severely compromised by the heavy machinery moving and vibrating so close to it. No impact assessment has been made of it, as is evident from its omission from the Cultural Heritage chapter.
200. The cobbled carriageway which I believe to be of a similar age to the crinkle crankle wall, is made from rectangular granite cobblestones. It appears to be likely to be intended to be removed by the Applicant, who again has made no assessment of the impact on it of the works intended.

## VI Consultations and alternatives

201. In this section I explain the consultations in which the Applicant has involved me in over the course of this project and the alternative options I have put forward to the Applicant.
202. To assist in placing the consultations in the context of the evolving design of the Scheme I have prepared a table which lists the dates on which the different public consultations have taken place and the dates on which the different designs of the Scheme put forward to the public were announced and, by comparison to that, the dates when the Applicant informed me, as an Affected Party, of what they intended. The table – or timeline – is at **Appendix 11** to my statement (**ACM 03.11**). As an Annex to that, **Appendix 11, Annex A (ACM 03.11A)** is a bundle containing a copy of a plan of each evolving version of the design. I shall refer to the table in Appendix 11 as the “Timeline”.

### A Consultations

203. As is mentioned in the Timeline, I have had two meetings with the Applicant's representatives. The first was on the 27 January 2020 and the second on 14 December 2020. The Applicant's representatives were led on both occasions by the then Project Manager at the Applicant, James Powis.
204. Before the first meeting I had assumed that the Project was being pursued following the route and with the junctions proposed by what the Applicant called the "amended Option 2" which it had announced in August 2017 as the "preferred route". This took no land from the Estate and passed along to the north of it through the large fields to the north of the A47 which I have referred to earlier as being so much bigger than mine. There had been a junction proposed further to the west, where the new road was to pass over the existing A47 by the Sandy Lane / Church Lane junction between the Estate and Hockering, but that did not affect my land.
205. I had no contact with the Applicant in 2019.
206. I was of course aware by mid-2019 that the preferred route for the Norwich Western Link (NWL) had been announced (which happened in July 2019), and that it was to join the A47 at Wood Lane. So I was prepared for something but not what I saw on the day of the meeting.
207. I cannot remember now how this first meeting was set up but I do remember the meeting itself well as it turned out to be rather momentous for the Estate. Mr Powis came with three others and met me and Jane Kelly of Savills, whom I had retained to represent my interests. We met in the Kitchen at Berry Hall.
208. Mr Powis spread out a plan which was a plan showing what appeared to me to be an enormous junction, with two large roundabouts flanking the dual carriageway and sideroads sweeping away from either side of the junction's south dumbbell. The main carriageway ran over the fields to the north as I had been expecting. I saw however that the existing A 47,

which I had thought was to be retained and as I have explained takes my Old Back drive, was to be dug up and to disappear beneath one of the slip roads leading to the southern roundabout. They had however maintained the link of the Old back drive to a highway by connecting it to the new local road they had inserted running west from the south dumbbell,<sup>61</sup> so we would still be able to use it, when the works were complete. The south-west quadrant of the south dumbbell roundabout was embanked and extending over the north-east corner of the middle arable field. The whole of our carefully nurtured woodland belt along the north side of the middle field and down the east side to the entrance to the new back drive, and most of it on the Merrywood field as well, was proposed to be destroyed (on the plan) to make way for the corner of the south roundabout and the local roads spreading out each side of it. The curve of the local roads themselves were intruding further over my fields on embankments, as the valley is beginning to slope down more significantly there. The western road, which was a wide single carriageway road, swept back again to the line of the existing A47 to preserve the Hillcrest entrance. It then continued westwards by a new route alongside the new mainline, across to Church Lane. Church Lane is a narrow lane with passing places at right angles to it so the new road would have a rather abrupt end there. The local road to the east swept across our eastern arable field north of Merrywood House, with a link off it to join Berry's Lane. The two eastern local roads between them took away much of the remaining part of our eastern woodland which had not been lost beneath the roundabout.

209. This news was pretty devastating to me. I realised that I would be losing a major part of my young woodland, not to allow the new A47 to go past but only so that two local routes which already existed connecting to the current A47, could be re-routed to join an enormous new roundabout because they were going to dig up the existing roads to create the junction at the particular spot they had chosen. I immediately saw that if the new dualled main road could be moved only slightly further north, say 50-100m, dragging this junction with it, they would not need to dig up the existing roads any more and the Estate would be able to keep its woodland. On the other side of the junction all they would need to do would

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<sup>61</sup> running from the roundabout across my middle field

be to take an extra 50m out of some of the large fields which they were already taking a sizeable amount of as the new road's mainline and the other half of the junction .

210. So my immediate reaction was to ask them if they could consider moving it north 50m. I explained why and that that my small estate had been designated of outstanding historic and scenic interest and explained what it would stand to lose. I was pretty shocked by this, which was being presented as if it was a fait accompli and with no prior discussion of what alternatives there might be to this particular junction design.
211. We had much discussion about letting their people on to my farmland to carry out investigations, which they wanted to start almost straightaway, in February, and which of course I was willing for them to do provided the land was dry enough for them not to cause damage when they entered it..
212. That was it at that point. The public consultation began in February 2020 and in March the first Covid lockdown began.
213. Joshua Spink of Savills wrote to the Applicant on 1 April 2020 (ACM 03.8/3). I refer to the letter for its full terms. Savills suggested moving the junction north 100 metres as this would help to allow the existing road to be kept open better, we thought. They also referred to the IHTA designation. There was no reply from the Applicant.
214. There was then no further communication from the Applicant apart from concerning access for the investigations etc, until the end of November 2020 (some 7 months after the close of the public consultation) when Mr Powis asked Savills if he could meet with me again. We agreed to meet on 14 December. Just before then, on 9 December, Mr Powis sent Savills a new plan (ACM 03.8/52 and 52A). This showed a revised local road layout which closed Berry's Lane at its north end, removed the local road west from the south dumbbell and



closed the north end of the Old back drive. It also now placed substantial soil storage or compounds on all three of the arable fields. I have explained how much is to be taken and the effects of these compounds earlier, when dealing with the agriculture on the Estate.

215. Joshua Spink and I met with Mr Powis as arranged on 14 December 2020, this time outdoors at the bottom of the Front drive. He only brought one other person with him this time, called Mark from Galliford Try. We spent an hour and a half walking the affected parts of the Estate, concentrating particularly on the newly introduced compound and soil storage / processing areas. It was at the beginning of this meeting that Mr Powis got out his laptop to make notes and unfortunately found that the battery had run down and he was unable to use it. As he had no pencil or paper either he was unable to take notes. Mr Powis had apologised for going out to the public with his new plan<sup>62</sup> before sending it to me. My feedback on the proposals was not specifically sought, but I repeated once again my suggestion “why don’t you move it north, 100m?”. Mr Powis did give a reply this time and said that they couldn’t move it because of the “red lines, which he said had been fixed. In the course of the walk I explained again the designation of the Estate as being of outstanding scenic and historic interest. Mr Powis seems, I now see, to have misunderstood this historic interest as just referring to the northern woodland trees, as I mention in the Timeline.

216. To make it clear again, Savills wrote to the Applicant a second time, just after the New Year on 4 January 2021. Once more, the letter was not answered.

## B Alternatives

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<sup>62</sup> Attached to the Applicant’s Winter Update 2020 referred to in the Timeline, which he had published at the end of November or early December 2020. He had wanted I think to tell me about the compounds before he went public on it but in the event the Winter Update had been released first. I was very busy with the Christmas tree sales just then as it was the middle of the lead up to Christmas.

217. It is worth emphasising that I have suggested four times to the Applicant that the junction might be more suitably located by making a minor adjustment northwards of the position of the mainline at the point of the junction crossing, so that all of the junction could be placed on the less sensitive land north of the existing A47 on which the majority of it was already proposed to be placed. It is relevant to understand here that the junction as designed by the Applicant, excluding additional width absorbed by the proposed new local link roads connecting into it, is c.300 metres across [2x 100m dumbbell roundabouts plus 100m link road between them].

- (1) The first suggestion of moving the junction north was made at a meeting on 27 January 2020<sup>63</sup> which took place at the Applicant's request at Berry Hall three weeks prior to the February 2020 statutory consultation. It was at this meeting that the Applicant's representatives produced a plan and first revealed to me both that a junction was proposed at Wood Lane (never previously proposed) and that it would involve the permanent acquisition of (in its design at that point) a substantial amount of my land. The suggestion to adjust the junction location by 50 metres north was not responded to by the Applicant.
- (2) The suggestion was repeated a second time in Savills' letter to the Applicant written on 1 April 2020 on my behalf in reply to the February 2020 statutory consultation<sup>64</sup>[\[2\]](#). On this second occasion, having had the opportunity to study the plans in more detail, my suggestion was for the Applicant to adjust the mainline northwards at the point of the crossing by 100 metres i.e. 1/3 of the junction's width. The purpose of this suggestion was so that that the construction of the junction could all take place north of the existing A47 and therefore would not need to involve the cost and disruption of the destruction and relocation of the existing A47 carriageway, which 50m might not have allowed if the 100m dumbbell arrangement were retained. This letter was never acknowledged.

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<sup>63</sup> See meeting note at ACM 03.8/1 (para 2 in the note on that page).

<sup>64</sup> ACM 03.8/4 fourth para from end.

- (3) The suggestion was repeated a third time by me on 14 December 2020 at a meeting with Mr Powis and one other representative of the Applicant. This meeting took place 5 days after the Applicant had first sent a plan to Savills<sup>65</sup> showing a proposal to locate compounds on my land<sup>66</sup>. The proposal also showed that the design had been changed so as to take less permanent land than previously proposed as a result of the removal of a proposed link road to the west of the junction on its south side which had allowed the Old Back Drive to the Owner's property to continue to have access to a highway. Although the revised proposal took less land permanently it instead now removed permanently the Estate's rear access. With this additional permanent loss as well as the newly revealed compounds on my land, I asked Mr Powis why the Applicant had not made the adjustment which he had previously proposed and suggested again that all the adverse impacts upon the Estate could be removed if the junction was adjusted 100 metres north. Mr Powis replied that they had been unable to move it further north because the "red lines" were fixed and there was not enough space within them to do so.
- (4) The suggestion was made a fourth time by a letter dated 4 January 2021<sup>67</sup>[\[5\]](#), which was expressed to be submitted as a further representation to that made on 1 April 2020. In the letter of 4 January 2021 Savills pointed out again that the proportionate impact would be less if the same amount of space required to take the whole junction were all to be taken from the less sensitive land to the north<sup>68</sup>[\[6\]](#).

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<sup>65</sup> See email 9 December 2020 at ACM 03.8/52-52A.

<sup>66</sup> See also meeting note at ACM 03.8/55

<sup>67</sup> ACM 03.8/56

<sup>68</sup> ACM 03.8/56, eighth paragraph.

218. Moving forward, I am pleased that my expert engineers have been able to confirm that the suggestion which I have been making is in their view a feasible alternative to the current proposals. I will defer to the professionals but using a ruler on their plans, it seems to me that their proposals could in fact involve moving the mainline less than 50m north at the point of the junction, in order to achieve the desired objective.
219. I am pleased to learn too that there are many ways that the alternative options and the different variants to them, which the engineers have indicated, can provide opportunities to make a better road system for local residents and farmers to use as well as potentially to reduce the cost of the project. My engineer, Malcolm Foster, lists fifteen such opportunities at paragraphs 4.8 and 4.9 of his report<sup>69</sup> which will be submitted with my Written Representations.
220. But for me, if making this small adjustment to the route of the proposed new road can also preserve the integrity of the Estate, can allow the holistic farming to carry on without interruption, enable the butterflies and bees to continue to multiply on the margins of the fields, and permit the trees which my father and I have planted and looked after in their formative years along the Estate' north side, to continue to grow to maturity, and if it is all still here undisturbed in another hundred years' time, then my efforts in pursuing this case will have been richly rewarded.

I believe that the contents of this statement are true

**Anthony Charles Meynell.**

Date 2021

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<sup>69</sup> ACM 04 at page 24