

From: Duncan Buchanan [REDACTED]
Subject: Re: Request for a response to our questions
Date: 1 May 2020 11:01:28 BST
To: "Anne-Marie Rogers (HE)" [REDACTED] "Rogers,
Anne-Marie" [REDACTED]
[REDACTED] "Murray, Gavin" [REDACTED] Laura
Crumpton [REDACTED] Laura Crumpton
[REDACTED] Kirk Macdiarmid
[REDACTED]

Dear Anne-Marie,

Thank you for your response and your confirmation that you have presented us with a design that is based on land ownership rather than cost or engineering! You have acknowledged that the avoidance of the paddock (which is within the red line boundary) has nothing to with design, sound engineering or fair land acquisition.

Foremost we asked for you to provide us with a justification of your refusal to adopt the proposal from WSP. We feel your response falls short in that request. The attached response from us demonstrates our ability to refute all of the factors that apparently influenced your decisions.

Put simply we have PAID for a credible alternative, a perfectly workable solution that would satisfy land owners and objectors, that would protect listed buildings but this has been ignored.

The only conclusion we can reach therefore is that your site selection process is not being driven appropriately.

Essentially your site selection has been driven by those who shouted the loudest and thus we believe the integrity of your scheme has been compromised.

Throughout your engagement with us you have mislead, misrepresented and misinformed. We then had no alternative but to pay for an alternative to expose these injustices. Professionals with expertise in road design presented a credible, achievable alternative yet you have ignored them. There is no doubt you have engaged with us but the quality of that engagement has been poor and subsequently left us frustrated.

To agree and acknowledge the minor changes we are requesting as not unreasonable but then ignore them suggests to us that such engagement is a tick box exercise to satisfy the formalities of a DCO without any real desire to address the concerns raised.

You claim that our objection was to "avoid the introduction of new access points." We believe this has been deliberately misinterpreted in an attempt to claim you've addressed our concerns.

With regards to reduced landscaping you have again misrepresented this in an attempt to show "you've considered our views" and addressed our concerns when you have not.

We have clearly demonstrated that "keeping land owners affected to a minimum" has not been your "standard practice" when you changed your original proposal so dramatically to satisfy an objector! You were more than willing to introduce

additional landowners to avoid an objectors land but are now saying that you cannot reintroduce that party? How utterly absurd when to do so would save you money and satisfy the requirement of fair land acquisition.

It is simply not acceptable to us to say "we've reduced the landscaping so we can justify or ignore the 500m2 of extra land you need to take from us to avoid the paddock?"

To avoid any future doubt our main concern was and STILL is that you are taking more of our land than is necessary. This is avoidable by implementing minor changes to your design. The reasons for your avoidance of this land are not satisfactory. Put simply you have not put forward a credible case in your determination to avoid this land.

To again clarify WE ARE NOT TRYING TO AVOID THE ACQUISITION OF OUR LAND. We are merely trying to prevent losing more of it than we need to. We are trying to avoid the loss of our land to satisfy a party who has for some reason been very influential in achieving changes. We are trying to avoid the loss of more of our land than is necessary so you can appease those who have successfully avoided the acquisition of THEIR land entirely.

We want you to interpret this response as our desire to work with you. We still want resolution and are still willing to engage. We simply ask for honesty, transparency and structured positive engagement, not engagement for engagements sake... or say perhaps for an Examiner's sake!!!

You state in your response that "safety is paramount." The minor changes we are making would not effect safety. You talk of the "double bend" as contributing to traffic calming. The WSP proposal does not change that! You explain you are "under no obligation to accept" credible, achievable alternatives. This leaves us somewhat perplexed. An admission that this draft has been designed BEFORE level drawings are available suggests that you remain closed to implementing changes. Why exactly would you not want to accept an alternative that would have the support of the landowner, that would mean that safety remained "paramount" and also would mean cost savings?! This is not acceptable and we will make the Examiner aware at the DCO process that our proposals have been dismissed prior to you having the necessary information to make that informed decision.

Moving forward, we remain ready, willing and able to meet so long as there is something to discuss? You state in your response that you want to meet to explain the "benefits" to us for having more of our land taken than is necessary?! Forgive us but we see no benefit in losing more of our land than we have to. We see no benefit in our land being used to "keep to a minimum the number of affected landowners!" Although as always we remain open to alternative explanation!!!

To ensure transparency we would ask prior to our future meetings that you provide us with an agenda. We would ask that any meetings provide us with minutes and a follow up note so there is no "confusion" as to what is being asked or the response!

You state we can make representation during the DCO process. We are aware of this and will absolutely do so in the unlikely event that once the necessary data is available we can move forward together to implement changes that although you

are not "obliged" to accept we feel certain you would want to!

Kind Regards

Duncan and Maxine

On Tue, Apr 21, 2020 at 7:53 PM Anne-Marie Rogers (HE) [REDACTED]

[REDACTED] wrote:

Dear Mr and Mrs Buchanan,

Thank you for your email. Apologies for the hour of my response, however with the current conditions we are working under, I am working more flexibly.

I have extracted the questions within the text and arranged into table format with accompanying answers in the first attachment. If I have failed to identify any further questions within your email, please do bring these to my attention. In the second attachment we have prepared an additional drawing with an inset to more clearly show the retained land at the bend.

I hope you find this information useful.

Thanks again for getting in touch. Laura will be pleased to arrange a meeting to discuss further if you wish.

I look forward to hearing from you.

Regards

Anne-Marie Rogers, Senior Project Manager

Complex Infrastructure Programme

Highways England | Woodlands | Manton Lane | Bedford |
MK41 7LW

Web: <https://highwaysengland.co.uk>

From: Duncan Buchanan [redacted]
Sent: 14 April 2020 22:15
To: Rogers, Anne-Marie [redacted] A428
Info MailBox [redacted] Doherty, Edward [redacted]
Kirk Macdiarmid [redacted]; Murray, Gavin
[redacted] Laura Crumpton [redacted]
[redacted] Laura Crumpton (Aecom) [redacted]
Anne-Marie Rogers (HE) [redacted]
Subject: Request for a response to our questions

Further to us cancelling our recent meeting we would like a response in writing to our concerns. Your response will then leave us in a position where we can not only discuss factually a way forward but also understand your apparent refusal to adopt the proposal presented to you in our last meeting.

During this said meeting Gavin Murray from WSP presented your team with an alternative proposal. Funded entirely by us he put forward a credible, impressive case for minimal changes that would represent a fairer acquisition of our land but also worth mentioning a more cost effective proposal.

Mr Murray's proposals were accepted by your team as "...not unreasonable" and also achievable.

We concluded this meeting with the feeling that our money had been well spent on this expert in road design. Also we felt a degree of relief that it was so positively received by your team as essentially we could now work in partnership towards a solution to a scheme that we have always in principal supported.

Surely it is understandable that we have been left shocked, angry, betrayed and confused as to why you have presented us with a drawing that ignores Mr Murray's alternative?

Why exactly is it that you are requesting meetings with us if we achieve a way forward and present alternatives which are deemed "positive" "constructive" only for them to be ignored in your drawings?

We presented a formal objection and attached Mr Murray's proposal and report so it is frustrating that it could be suggested in a recent email from Anne Marie that perhaps "factors could have been missed?!" We have had 2 previous meetings with your representatives and have reiterated time and again our concerns. To suggest in the same email that "constraints" maybe haven't been explained to us" again makes us somewhat frustrated. It was the failure of your representatives to provide any credible explanation for the most recent changes to your original proposal that convinced us that employing Mr Murray was our only option to expose this lack of plausible explanation. Key to our understanding of the latest drawings has to be an explanation of your determination to avoid the paddock marked on the drawing as "working room." We have successfully shown that the "necessity" to avoid this paddock has resulted in more of our land being taken than is necessary. We believe this effects the integrity of your scheme. We paid for a professional in road design to confirm our fear that it resulted in the acquisition of in excess of 500m² of our land that IS avoidable.

Your most recent drawing represents a more costly proposal. Again key to us moving forward with you is the explanation of the avoidance of this land. It is paramount that you provide an explanation of your decision to make this paddock "exempt" or entirely off limits from your scheme. Especially as it is within the most recent "red line?" More confusingly is that originally the paddock was your preferred route?

Does this land have any cultural significance? Perhaps there is a scheduled listed monument on this land or some other reason for it's seeming protection? Is there a valid argument in the public interest that explains your avoidance of this land?

Firstly we were misinformed that the avoidance of this land was to prevent speeding. This was later retracted. Secondly we were informed that it was to mitigate neighbour objections. If this is still your reasoning then please include in your explanation an answer to the question of why does the objection of one over seas owner and her sibling mean that the entire burden of this part of the scheme falls entirely on us? Why is their objection and request to entirely avoid their land of more importance than our request that the scheme represent fair land acquisition.

Our frustration here is that this neighbouring land currently has EXACTLY the same use as our land. This frustration is heightened by the fact that the small changes we are seeking mean that the land you would need to acquire from this paddock is minimal. Significantly the changes would NOT effect the use of their land or indeed any future use. It also needs to be acknowledged that there is plenty of land that could be designated as "temporary working room."

Failure to provide credible answers to these questions will leave us in no doubt that only those who are aggressive in their objections get results. `What a hideous precedent this sets for future proposals that you have to behave in an abhorrent manner to get changes made. Is it not morally more acceptable to support those who support your scheme but politely and constructively present acceptable "NOT-Unreasonable" alternatives? Do you not have an obligation to those who are prepared to present alternatives in a desire to work with you?

The most recent meeting saw an admission from your representatives that the Objector in question had (and we quote) "had enough bites of the cherry"! Forgive us but it now appears as if the party in question has not only had enough bites of the cherry but has

been given a whole new punnet?!!

We feel in accordance with due process we would be within our rights to insist on the reversion to the previous draft - a proposal that represented sound design, fair land acquisition as well as value for money. However our main objective of wanting to work with you has not changed and so for this reason we will accept minor changes in our desire to move forward.

We have repeatedly expressed our concern that the scheme would provide a much needed access for a recent planning application. This application has been withdrawn as a suitable access is not yet available. Again continuing the "not unreasonable" stance we are merely asking for 2 clear metres to be retained in our ownership. This will ensure that your scheme doesn't provide the much needed access.

The public consultation saw members of the public witness a resident of Wyboston approach a senior member of your team on behalf of the owner of this land offering to pay for the road to be moved. Unlike other members of the public who found this amusing we were utterly horrified. Despite our relief that the senior member of your team declined this offer it does demonstrate the desperation of the party to secure this access. We would like assurances that 2 parcels of land labelled as permanent highway would be returned to us if we can successfully demonstrate they are not needed by your scheme.

Could you also provide us with details on the triangle marked as " permanent access rights" Please provide us with an explanation as to why this needs to be there and also who would own this triangle?

In our objection we expressed our concern at the excessive landscaping. We acknowledge that it has been reduced but has now been replaced by a "permanent flood compensation area" Could you please explain the need for this.

At our last meeting we asked for "the detail needed to calculate the size of the ponds." It was agreed by your team that this information could be provided but to date we have not received it. We reiterated this request in our objection. Could you please now provide this and also section and level drawings/detailed drawings so we can provide these to Mr Murray for his professional opinion.

Finally please could you provide an answer as to whether your most recent drawing represents a reduction in land acquisition?

To conclude, as supporters of the scheme, who have provided a credible alternative, we reiterate our desire to work with you to secure small changes that you have acknowledged as "NOT unreasonable." Failure to secure such small, minor changes would leave us in no doubt that there has been a failure to properly investigate reasonable alternatives but in addition leave us having to accept the hideous prospect that land acquisition by Highways England is not a fair and honest process which honours the requirements of a DCO. We will then pursue our objection and explore every avenue available to us.

We look forward to your response so we can schedule a meeting as soon as is convenient.

Kind Regards

Buchanans

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