

RECORD OF ENGAGEMENT MISSED INFORMATION/AMENDED INACCURACIES.

29/05/2019: Missed Information. Please include: During the meeting owner was told that Landscaping was decided by BBC. Given a first name and told to take the matter up with them if owner wanted landscaping reduced.

31/05/2019: Missed Information. Please include: Dismissed by Project Manager who explained HE need to use our land to appease neighbour objections. Owner witnessed member of design team enter into discussions with member of the public to move the road further into owner's land. This member of public then invited other members of the public to "speak to my mate here he got me what I want." When both design team member and member of the public became aware that owner was in attendance the member of the public verbally abused owner and 3 other members of the public joined in. Owner removed themselves from threatening environment. In reception area said member of design team and member of AECOM expressed regret that owner had witnessed. Owner stated that new alignment now made complete sense and noted designer had now gone very quiet. Designer confirmed this. He looked distressed. Member of AECOM confirmed to owner "he is not a very nice man."

25/06/2019: Missed information. Please include: Misconception that Owners land is a free for all. Owner feels design is less about requirements and sound design and more about who is most aggressive in their objections. Email confirms current design doesn't adhere to apparent HE standard practice of "keeping land owners to a minimum." Owner received no response to this email.

17/07/2019 Missed information: WSP in attendance. Verbal apology issued regarding events of stakeholder event. No apology for conduct simply an apology because "he didn't know who you were."

Alternative presented by WSP confirms 500m2 of land acquisition that could be avoided. Positive response from HE/AECOM confirmed owner "not being unreasonable" Also team explained "owner of paddock had had enough bites of the cherry." AECOM confirmed changes to previous had nothing to do with speed mitigation.

23/07/2019: agreed

23/07/2019 agreed

26/07/2019: Missed information: Please include:

More land being taken to protect neighbouring paddock. WSP alternative proposal attached for reference.

02/04/2020: factually incorrect. please amend to:

Email pointed out that drawings had STILL not been provided for scheduled meeting. Requested said drawings again.

Photos provided of damage caused by trial trenching with no request for compensation but offer for owner to rectify and could HE agree to hire costs of equipment.

No response to request for drawings needed to prepare for meeting.

07/04/2020: Please include detail of time that drawings were sent of 17.19

08/04/2020 Missed information: please say why meeting was postponed that not being provided with drawings and our lack of ability to discuss factually. Meeting postponed until chance to prepare and reflect.

09/04/2020: **Email not included in your document. Please include with detail** "concern from HE that factors have been missed."

09/04/2020 Email received which confirms meeting was postponed until in a position to discuss factually. Confirms positive response from team. Confirms that any constraints identified by HE would not stand in the way of small changes that were requested. Owner paid for professional

alternative as there was no credible response from HE to justify design. Confirms events of stakeholder event.

14/04/2020: **Email not included in your document. Please include with detail:**

Email from owner

- Failure of HE to provide any credible explanation for most recent changes.
- WSP confirms most recent design is a more costly approach.
- Confirms it is not owners objective to revert to previous draft (although such an approach would be justified)
- Details minor changes being sought
- Repeat of request for detail needed to calculate the size of the ponds. (second request)

21/04/2020: **Email not included in your document. Please include with detail:** AM response

- Confirms “scheme constraints” would mean not possible to fully address our proposal but does not clarify what these constraints are.
- Refers to preservation of habitat and removal of hedgerow. Light pollution and preservation of setting of a listed building. Safety double bend/tighter bends considered to reduce speed.
- Obligated to consider proposals but under no obligation to accept.
- Admission that draft has been designed before level drawings/flood calculations available.

01/05/2020: **Email not included in your document. Please include with detail:**

Email from owner received which demonstrates ability to refute all the factors that influenced current design.

- Refutes Preservation of habitat, light pollution, safety, setting of listed building.
- Confirms Wsp design did not require removal of entire hedgerow. Would retain hedgerow to west of similar size.
- Integrity of scheme has been compromised.
- Quality of engagement poor.
- Not acceptable to say reduction in landscaping justifies 500m² of extra land take to avoid the paddock.
- Clarifies owner is not trying to avoid the acquisition of their land.
- Confirms Owner is not seeking to change double bend or effect safety.
- Confirms Wsp design was dismissed PRIOR to necessary information that would inform that decision being available.
- Owner sees no benefit in more of their land being used than is necessary simply to keep effected land owners to a minimum although remain open to explanation.
- Request to understand how cost of the scheme fits into keeping to a minimum land owners effected.
- Land selection driven by ownership boundaries rather than design and engineering.
- Requests light pollution report from previous draft and current to understand how the later mitigates.
- Requests clarity from HE as to how a drainage pond and part of a footpath would effect a listed building in excess of 50m away.
- HE response does not yet justify fair land acquisition.

No response to this email for 86days.

26/07/2020: **Email not included in your document. Please include with detail:**

Owner reminds we have received no response.

Reminds of request for water calculations.

27/07/2020: **Email not included in your document. Please include with detail:**

Email from HE apologies to owner for delay but have taken time to give serious consideration in how to move this forward.

- Proposes technical meeting between design teams, Technical note will be issued in advance which will specifically address alternative design put forth by Wsp.

- Respects owner would like to review technical note before decision.

28/07/2020 Email not included in your document. Please include with detail:

Owner agrees technical note and agrees a meeting. Requests again for level drawings, calc for ponds and flood compensation areas, explains it has been in excess of a year since these were requested.

07/09/2020 Email not included in your document. Please include with detail:

Email from owner regarding WSP fees. Seeks agreement of fees to get meeting scheduled ASAP. Requests the water calculations etc.

18/09/2020: Email not included in your document. Please include with detail:

Email from HE which acknowledges happy to meet fees and a promise to “forward the requested information next week.”

21/09/2020: Email not included in your document. Please include with detail:

Email from owner confirming: prudent to wait until we are in receipt of technical note and promised information.

Owner does not believe meeting would be beneficial without such information.

02/10/2020: Email not included in your document. Please include with detail:

Email from HE which attached technical note but no water calc etc.

22/10/2020: Email not included in your document. Please include with detail:

Email from owner explains information provided was not sufficient and asked again for HE flood risk Assessment and pond calculations.

23/10/2020: Email not included in your document. Please include with detail:

Email from HE.

AM on annual leave but H asked for it to be made available on her return.

10/11/2020: Email not included in your document. Please include with detail:

Email from Owner. Again reminds request information

12/11/2020: Email not included in your document. Please include with detail:

Email from HE which regrettably informs Flood risk Assessment cannot be provided as it is not yet fully complete.

Refers to an extract of the drainage strategy but acknowledges it is in draft format and merely an indication of what is being discussed.

17/12/2020: Email not included in your document. Please include with detail:

Email from owner requests full flood assessment and expresses surprise that scheme has gone so far without this information.

Acknowledgement there is no full flood risk assessment provides sense of relief that ponds have been designed without calculations.

18/05/2021: Email not included in your document. Please include with detail:

Email from owner which refers to 17/12/2020 email which Owner received no response.

Refers to promised meeting and asked if still going ahead as Owner has paid Wsp to prepare.

Refers again to allusive calculations and states we still don't have them.

20/05/2021: Email not included in your document. Please include with detail:

Email from HE Apologies for no response. States that team are looking into what happened with the original correspondence and are working on a response and get back to owner as a matter of urgency.

21/05/2021: **Email not included in your document. Please include with detail:**

Email from HE (AM) Clarifies DCO has been accepted for Examination and is Delighted owner is able to meet.

26/05/2021: **Email not included in your document. Please include with detail:**

Email from Owner explains response is inadequate and were always able to meet but waiting for information that it was agreed would be needed to make meeting productive.

Owner provides a chronology of the engagement thus far and confirms factual inaccuracies, outline of concerns and numerous failed requests for information.

27/05/2021: **Email not included in your document. Please include with detail:**

Email from Ardent Representative offering meeting to discuss information provided.

03/06/2021: **Email not included in your document. Please include with detail:**

Email from HE (AM) with the refusal to answer any of the questions posed in the email 26/05/2021.

HE (AM) states it does not feel productive to repeat comments made in previous email. Makes no mention of our response or the fact that HE never responded to our refutation.

Now decided instead of providing Owner with a copy of requested information, HE provide a link and reference to information held on the planning inspectors webpages. Concludes with a "hope" that the owner can find the information themselves.

06/06/21: **Email not included in your document. Please include with detail:**

Email from Owner. Confirmation email and photo sent of early acquisition letter. Confirms owners position on Land Acquisition letter and asks if any further documentation required by HE.

No response to this email received.

09/06/2021: **Email not included in your document. Please include with detail:**

Email from owner requesting response. Again requests a response that details what happened to the original correspondence.

Clarifies the owner did respond to acquisition letter.

No response to this email.

09/06/2021 **Email not included in your document. Please include with detail:**

Email from owner requesting agenda.

Owner offers clarity that information was not provided but links and reference and therefore had been forwarded to WSP for their review. Owner explained waiting on confirmation that links did actually provide information as let down many times. If information sufficient then meeting could be arranged ASAP.

06/07/2021: **Email not included in your document. Please include with detail:**

Email from owner as no response to 09/06/21 asking again to chase up a response.

19/07/21: **Email not included in your document. Please include with detail:**

Email from HE clarifying design team are ready to discuss in more detail AM response to our email of 18/05/21.

CHANGES TO LAND INTEREST COMMENT

ALIGNMENT

- Unhappy with new alignment. Initially wanted it reverted to original plans and have presented a credible argument that it should but in the interests of compromise requested minimal changes.
- Why isn't any aspect of the Wsp design being considered.
- Remain unconvinced by the argument put forth by HE for the avoidance of the paddock.
- Unsure of the "scheme constraints" that do not allow the WSP proposal to be adopted.
- Do not accept there are any "benefits" to losing more of their land than is necessary.
- Staggered junction could still be achieved with WSP proposal.
- Do not want land to connect to their neighbour, ignorance of ransom value. Requested 2meters as Owner concern is HE are incorrect to suggest there is 0.5m. A greater margin would give room for potential error.
- Not convinced by HE justification for changing the alignment. How does an alternative that requires the removal of an entire hedgerow on our boundary seek to preserve habitat.
- The current alignment does not offer the best opportunity to preserve habitat.
- Unsure of how Wsp proposal to move a drainage pond into a paddock would effect the setting of a listing building.
- Do not understand how WSP proposal caused light pollution to existing properties on Nags Head Lane. The light pollution report was requested and would logically support owner theory but Owner has been informed nearly 2years after a request for it that HE have not had a light pollution report done.
- WSP proposal did not effect double bend and therefore does not compromise "safety is paramount"

LANDSCAPING

- Owner would like landscaping to be reduced. Believe it is excessive to justify alignment changes and in context/ comparison to rest of scheme it is excessive. HE have stated landscaping has been reduced as much as it can be in southern part of the plot but not provided confirmation this applies to all of the plot.
- Team at last meeting assured the Owner they were not being unreasonable and admitted the owner of paddock had had "enough bites of the cherry."
- Owner would like pond location to be reviewed.
- Owner is seeking clarification regarding statement of 800m2. Additionally an understanding of how much extra land take the avoidance of the paddock has incurred. WSP have recorded 500m2 extra.
- Owner needs a more robust understanding of how keeping landowners to a minimum drives this scheme. For example a design that is cheaper, does not compromise safety, does not cause noise or light pollution, offers a better opportunity to preserve habitat and respects the setting of a listed building but would require an additional landowner but within this introduction satisfied the statutory requirement of taking the least amount of land possible, would you dismiss all of these benefits simply to reduce affected parties by one.
- Owner provided a response which successfully refuted your so called factors but to date has received no response.
- Excessive and unnecessary land acquisition simply cannot be described as meeting the Owner's aims.

FLOOD MITIGATION ZONES & DRAINAGE PONDS

- Owner would like to retain strip of land to the left of the new road where the flood compensation zone is located.
- Owner seeks clarification of size of both Flood Mitigation Zones and drainage ponds.
- Owner has sought to understand how the size of the ponds/ flood zones were calculated without the information being available .
- Owner understands their land being used to take water off the rest of the link road.
- Owner notes that Flood Risk Assessment and full water calculations not yet available so would seek a review of size once available with consideration then given to returning a small section at the front and a parcel of land to the rear.
- Flood mitigation zones and ponds are linked to the light pollution justification. We believe the feedback from Nags Head Lane resident was a fear the ponds would reflect light from the water into their properties. Our understanding is the ponds would be dry and therefore an unfounded fear. Why was this not explained to Nags Head Lane resident and also pointed out the houses are adequately screened and front the opposite direction.

LAND ACQUISITION

- There is no supporting evidence to demonstrate the benefits of using our clients land as opposed to using alternative sites or as to whether any alternative methods could have been considered to reduce the impact on our clients land.
- Excessive land acquisition (including the size of the ponds)
- No clear case in the public interest to put all this part of the scheme on owner's land.
- Permanent highway land to be returned if it can be demonstrated that they are not required.
- Owner feels site selection process has been driven by neighbouring properties, their tenants and their objections.
- Previous design did not effect Scheduled Monument, it utilised a paddock where habitat has been destroyed. An understanding is needed of how the scheduled monument drove the change in alignment or would effect the adoption of the WSP proposal.
- Applicant has endeavoured to explain alignment and land take decisions but these were all successfully refuted by the owner. The owner has received no response to this successful refutation.

LAND TAKE

- Insufficient information or explanation has been provided to our client to enable proper understanding of why the inclusion of the property is required for the scheme. In particular the changes in the design of the scheme between the 2019 & 2020 consultation that included additional land for the creation of the flood mitigation zones.
- Response of 01/05/2020 in which the owner successfully refuted the applicant's justification for land take and essentially the avoidance of the paddock has never been formally responded to.
- The relationship between land take and cost and the so called standard practice of keeping land owners to a minimum needs explanation. The owner feels it is not acceptable that to avoid the introduction of another party is justification to take more land.

Communication

- There has been no meaningful engagement between HE and our client to discuss the order and the potential acquisition of our clients land, despite repeated requests. No offer has been made that has enabled appropriate discussions that could have enabled early acquisition by agreement before resorting to making the order.
- Owner has never declined a meeting.
- Owner postponed a meeting as drawings not provided in sufficient time to prepare and discuss with representation.

- Owner has responded by post and email to negotiation letters. Email detailing Owner position regarding early acquisition not responded to to date.
- Record of Engagement demonstrates quality of engagement.
- Owner has endured repeated false promises for supply of information only to be told the information is there on the website find it yourselves. This approach has hindered and delayed negotiations.
- Technical meeting was on hold for information the owner genuinely believed HE would provide. Confirmation from HE that such information does not exist is frustrating for the owner.