

**From:** [REDACTED]  
**To:** [A428 Black Cat](#)  
**Subject:** Request for comments from Interested Parties: Response Buchanans Dove Farm.  
**Date:** 06 July 2022 20:30:17  
**Attachments:** [Appendix A-Review Update.rtf](#)

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## UPDATE OF "NEGOTIATIONS WITH AFFECTED PERSONS" DOVE FARM BUCHANAN

A meeting suggested by ourselves and held between NH rep and Ardent reps yielded frank discussions. The senior leadership representative "Mike" was a marked and clear difference to the tone and treatment we have been subjected to thus far!!! We were relieved to have him not only accept our suggestions but deemed them "not unreasonable!" Notably when it was suggested the team were too busy to investigate our suggestions to work towards an agreeable solution he stated very clearly this should be done! He even went so far as to suggest some very helpful and welcome alternatives. This was truly remarkable to us as for the first time throughout this debacle NH leadership were not only being accommodating but for the first time acknowledging our "not unreasonable" objective of reducing land take.

Imagine our devastation to hear we could no longer deal with him as he had now "retired" and our attempts to chase up and continue discussions were simply met with "we've been really busy" emails!!!

The arrogance once again prominent with the standard desire to work against us not with us.

We truly believed the request of the examiner to work with affected persons meant to understand our objectives and explore tangible solutions, what has indeed occurred was one meeting at our suggestion to explore and open up alternatives and then a wait of over 6months to tell us no on all counts!

The email attached as "Appendix A-Review update" shows the finality. The ideas that were apparently "not unreasonable" now dismissed as merely "outstanding queries." The shocking delay in their response was apparently due to DCO commitments, the irony here being that working with us was apparently a DCO commitment!

Apparently a "humble apology" should suffice in this winding down of the clock and if it isn't then an email of 23December should have been seen as a warning of what was coming!!!

The so called "review" dealt with our suggestion of moving a Flood compensation area to allow the return of an area of land to us.

To then have such a pedantic response that it is "technically possible" to relocate the said area but that the area it would be moved from would not be returned to us can only be interpreted as deliberately facetious. However we have endured 3 years of NH representatives treating this like a game so we are unfortunately not surprised.

To suggest we could give up more land to move a Flood compensation area but not give us back the area it would be moved from is not only insulting but is indicative of the treatment we have received over the years!

The meeting concluded with the representatives saying they'd look into our suggestions. We hoped it would open up future discussions and perhaps they would offer up alternatives. What we actually got was another "tick box."

The final insult came in describing a gratuitous landscaping area (another parcel we had hoped could be returned) as "essential!" The local council has a budget deficit in it's landscaping maintenance. For NH to descr be an area as "essential" when the local council are not in a financial position to maintain their current verges is as insulting as it is unnecessary. Tellingly these vast areas of "essential" landscaping are not scheme wide!

Under "Additional Notes" comes an admission that NH have not adopted the most efficient design but have gone with the least amount of objection, using our land as it was "available." The original design represented fair land acquisition. The finality of the email and the frivolity of describing it as "not what you hoped for" is as incredulous as the suggestion in the final sentence that apparently we should find "some resolve that the council may consider changes" in the future!!! If this is what is deemed acceptable "negotiations with affected persons" then we have no power to change their behaviour. Infrastructure projects are a necessity, we wholeheartedly understand that, the treatment we have received, the refusal to compromise is not!

As an affected party we feel we had the right to expect the Applicant, their Leadership and Representatives to conduct themselves in a fair, competent and honest manner. What instead we have endured has been unproductive, useless, fruitless, and futile not to mention uncivil and uncooperative.

From: [REDACTED]  
Subject: Review Update  
Date: 8 April 2022 09:09:52 BST  
To: Duncan Buchanan [REDACTED]

Dear Mr and Mrs Buchanan,

I am writing to you today to provide feedback on the outstanding queries that National Highways had agreed to investigate. First and foremost, I would like to thank you for your patience while the review has been conducted. If I may elaborate, due to the size and complexity of scheme this also reflects the complexity of the project members. The review that has taken place was an extensive activity that required collaboration and consultation of multiple members of the project as well as subject matter experts while many other activities and work were also underway to meet DCO deadlines. Nevertheless, myself and the team have remained committed to get the results during such a busy and complex period.

By way of timelines we had hoped to have received the review in January. I am afraid I can only offer my humble apologies from myself and the team that findings of the review did not meet our ambition of this anticipation.

However, if I may comment and refer to a previous email sent on 23rd December 2021, the following extract means the means that the overall aim of the review has not been affected.

*If that review shows that the proposals are suitable in engineering terms (which they may or may not be) then we will need to discuss how this can be taken forward and progressed. Bedford Borough Council will need to be involved as the local highway authority, as they will be responsible for maintenance of the balancing ponds, so will need to approve any changes. To confirm, the proposals you have asked us to review only affect*

*your landholding and, as National Highways explained, it will not be possible to make any changes which would affect the Order Limits or the nature of the compulsory acquisition powers sought under the DCO, or which would alter the conclusions of the environmental assessment work already undertaken for the Scheme. **If the objectives are possible these would need to be dealt with later via local planning as part of your future application for housing development on the site.***

To follow on, initially, I will provide an extract from our previous correspondence to clarify the main aim of the review to provide clarity on the answers; secondly, I am providing a summary of the review concerning findings of assessment undertaken of proposed changes to the flood compensation areas and balancing pond arrangements along the Roxton Road Link through Dove Farm.

### **Main aim of the review**

*It was agreed that National Highways would review the potential to rearrange the ponds and flood compensation areas, and with reference to the sketch attached would look to;*

- 1. Increase the size of flood compensation area 1*
- 2. Remove flood compensation area 2 (the required volume being accommodated in flood compensation area 1)*
- 3. Add a balancing pond (balancing pond 3) into the area previously occupied by flood compensation area 2.*
- 4. Reduce the size of balancing pond 1 to create space for development that could connect onto the Nagshead Lane link.*
- 5. Maximise the size of balancing pond 2.*

*The sketch shows the proposals that are to be reviewed. The sizes of ponds shown are indicative and will only be confirmed by*

*the review.*

## **Summary of Findings**

(2) It is technically possible to relocate Flood Compensation Area 2 on Begwary Brook to the west side of the Roxton Road Link and amalgamate with Flood Compensation Area 1;

(1) However, this would require additional permanent land-take beyond the extent of land on shown for permanent acquisition within the DCO application. We would therefore require your agreement to that the extra area being acquired at the same values as the rest of the land.

(3) The proposed landscaping on the east side of the Roxton Road Link, in the vicinity of Flood Compensation Area 2, is essential mitigation for the proposed scheme which cannot be relocated. The scheme environmental assessment has been based on National Highways (NH) delivering this area of landscaping. Therefore, the land must be used as such.

(3) The introduction of a third balancing pond will lead to an inefficient drainage design and would result in increased maintenance liability and increased operational risk of failure. National Highways are required to consult Bedford Borough Council, as the ultimate maintaining authority for the system. The Council have recently confirmed they would not be prepared to increase their maintenance liabilities when a more economical solution is available. However, it may be possible to alter the arrangement when you submit your application for development.

(4) & (5) Since the additional balancing pond is not feasible, balancing pond 1 is not proposed to be minimised and balancing

pond 2 is not proposed to be maximised.

(4) All land currently earmarked for landscaping is essential and will be permanently acquired. Therefore, land around balancing pond 1 cannot be released to create space for development.

### **Additional Notes**

The adoption of a single balancing pond would provide for the most efficient design for management of drainage outfalls.

The proposed scheme with two balancing ponds has been adopted to optimise use of available land parcels to the east of the new road.

The currently proposed two pond solution allows for relatively easy access off the Nagshead Lane link for maintenance.

The introduction of a third pond would require an additional maintenance access point, located most likely off the Roxton Road link.

I appreciate the review findings are not what you hoped for your intended development plans, but I hope you will find some resolve that the council may consider changes in your future planning applications, should you wish to do so, that may assist your future development plans.

Kind regards,

Katherine Gasse

### **Assistant Project Manager**

A428 Black Cat to Caxton Gibbet Improvements

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[REDACTED]

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**Road**

**Project:** [REDACTED]

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