

Written Submissions of Oral Case made at Compulsory Acquisition Hearing - 10th December 2020

I & A Simkin

1. The primary issue is in relation to plot 6/25 which is situated to the south east side of Junction 11. There is a significant disparity between the Land Plans 2.2 (Sheet 6) (AS-065) and the Environmental masterplan (sheet1), both as revised in the Formal Scheme Changes. The revised Land Plan shows the entirety of the client's land ownership of plot 6/25 to be used temporarily only. It is however evident that in fact a significant area of plot 6/25 is required by Highways on a permanent basis for the construction of the southbound M6 slip road. We have brought this to the attention of the Applicant who have since confirmed verbally that their Land Plans are incorrect. We request clarity on the extent of land over which permanent compulsory acquisition is sought and the area over which temporary rights are sought. The Applicant has not met the requirement to provide clear plans to of the land over which compulsory acquisition is sought. We have received communication from the Applicant in relation to arranging discussions to address this matter.
2. In our submission to the Examining Authority on the Accepted Changes, we welcomed the removal of Environmental Mitigation, in the form of species-rich grassland, over what we believed to be the *entirety* of the field at this location, however it is now evident from the revised Environmental masterplan that there may be areas of my client's land where compulsory acquisition is sought by the Applicant for mitigation grassland, in addition to the areas for construction works.

3. The Permanent acquisition of such strips of land are proposed alongside the construction works in plot 6/23, situated to the north of Junction 11, and on the environmental masterplan on plot 6/25. The reasoning provided in the Environmental Mitigation Approach is that the species rich grassland is located along the new verges and embankments for visual amenity and safety reasons, with biodiversity benefits being of secondary importance.
4. The strips of grassland are, in the main, situated away from the new roadways and at the base of embankments on the perimeter of the retained farmland. I would put to the inspectors that the Applicant has not evidenced that the acquisition of the grassland strips are necessary for the development, or, are required to facilitate or be incidental to that development, because the land areas will not serve their primary landscaping function as they are positioned where they will not be visible from the road schemes or to anyone other than my client when farming the fields.
5. Furthermore, the land in both plots is good quality arable Land of Classification Grade 3a, which has been highlighted by both the Applicant and Natural England to be Best and Most Versatile land (BMV). The compulsory acquisition of the proposed grass strips increases the loss of productive land from what will already be significantly reduced field size which will then become less viable for arable cropping (due to the large equipment that is used).
6. The loss of agricultural land is contrary to scheme guidelines and we have offered alternative less productive land nearby owned by my client for environmental mitigation if required. The Applicant is required to assess the alternatives and we have no evidence to suggest that they have done so.

7. You will be aware from our previous representations that we have concerns about the efficacy of the Bridleway Saredon 13 which is not used by horse riders as it only leads to the busy motorway junction, which would be dangerous to attempt to cross and does not offer safe connectivity to any further network. The route, is not used, as evidenced in Chapter 12 of the ES. We do appreciate the requirement that the existing network of public paths needs to be maintained, however our concern in this instance is the extent of excessive land acquisition in respect of the realignment of the bridleway. If it is necessary to keep the bridleway open then it is our opinion that a strip of grassland, of reduced width, alongside the field (within plot 6/23) could be utilised for both environmental mitigation and the bridleway, which will in any event undoubtedly remain unused. Again, the Applicant has not evidenced that compulsory acquisition is necessary for the scheme development.

8. Additionally, we request that the part of plot 6/23 shown for permanent acquisition for environmental mitigation is amended to temporary acquisition, which the landowners can retain and manage under a management agreement, to be agreed with the Applicant.