

Our ref: 124627/KT/JDCP

Your Ref; 20028973

14<sup>th</sup> December 2021

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National Infrastructure Planning  
Temple Quay House  
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t. [REDACTED]

Dear Sir/Madam,

**A417 Missing Link, Plot: 1/1, 1/1a, 1/3, 1/15, 1/15a and 1/16  
Alexander & Angell Ltd, Court Farm, Bentham Lane, Witcombe, Gloucestershire GL3 4UD**

We refer to the application by National Highways (NH) to apply for a Development Consent Order under the Planning Act 2008 and our earlier objection to the scheme.

This representation is written on behalf of Alexander & Angell Ltd, Court Farm, Bentham Lane, Witcombe, Gloucestershire GL3 4UD, the freehold owner of the land with plot numbers 1/1, 1/1a, 1/3, 1/15, 1/15a and 1/16 in the above-mentioned Development Consent Order.

Following our earlier submission of objection, we have not been able to make any substantial progress with NH and so submit this written representation to The Planning Inspectorate. Our client agrees with the principal of the scheme and supports its construction. They are concerned at the lack of effort made by NH to deal with their objections to the effect on their business.

Over the course of two years, we have been meeting with representatives of NH to discuss the design proposals and tried to reach a position of mutual agreement as to the works. These discussions have generally been frustrating for our client as key points provided to us have been contradicted at subsequent meetings and requests for amendments to the scheme to deal with our clients' concerns have not been addressed at subsequent meetings, new areas of concern being added to instead.

As example of this, we were initially advised that whilst the land was to be used for a compound, such would not prevent the land being reinstated to good quality arable land at the end of the scheme. Having subsequently designated part of the land for drainage pond and bunds, we were advised that such was due to it not being possible to restore the land to good quality arable land. When the pond was first drawn, it sat in the middle of the land. It was requested the pond be moved to the furthest corner but we were advised that this was not possible due to the lie of the land; subsequently the pond was moved due to local authority request for such. Later still, the land was designated for long term environmental mitigation as replacement calcareous grassland. Our queries as to the why good quality agricultural land should be put to such use have not been adequately answered.

Our clients' grounds for objection are as follows;

1. We believe that NH's consultation with the landowner has been defective. NH appear to have undertaken a 'box ticking' exercise as to consulting with landowners rather than entering into meaningful discussions with them.
2. We do not object to the use of the land for a temporary compound but we object to the assumption that the land be incapable of reinstatement to productive arable use. Such appears to have guided NH's view as to this land being suitable for designating for environmental and drainage mitigation measures. Such is contrary to Government guidance on protection of productive agricultural land.
3. The use of the land as replacement calcareous grassland follows the above assumptions as to the land being available for such measures but the lay of the land is flat and does not follow the hilly nature of the land that Highways are trying to replace. NH have stated that the Wildlife Trust's Nature Recovery Map shows the land as being appropriate as lower priority for open habitat or woodland. In actual fact, barring a very small area to the east of the land, which is shown as 'Wood, Low Priority', all of the land is outside of the Wildlife Trusts designated areas. A copy of the relevant plan, as supplied to us by NH is shown below.



4. An area of land nearest the road is shown as being required as a bat corridor. Whilst we do not object to such a designation, we believe that the width of such has been influenced by NH's assumption that the land will be available for mitigation measures and that such should be reduced to the minimum.

### Data, Methodology and Assumptions used to support the above position

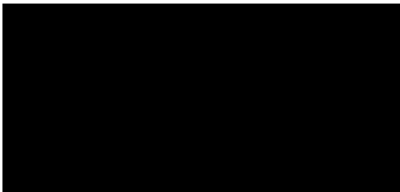
The data, methodology and assumptions used to support the above position are the communications that we have received from NH.

### Remedy Sought

We seek for Highways to reconsider the use of our clients' land. It is accepted that the land is required temporarily for a compound. It appears that an assumption has been made that the land cannot be adequately reinstated afterwards (despite earlier reassurances) and that it is therefore a suitable site for mitigation measures.

We believe that, with the exception of the drainage pond, the land should be reinstated to arable land on completion of the compound's use.

Yours faithfully



**Jonathan Perks MRICS FAAV**  
**Associate Director**  
For and on behalf of Fisher German LLP

