

Deadline 6

A417 Missing Link – National Highways

D & L Field, [REDACTED]

Response to ExAs Further Written Questions – Q 2.4.1

28 March 2022

1. Western Land – Returning Our Land

To ensure there is no confusion on this matter, some history of the western land may be appropriate from the previous A417 Brockworth Bypass project in the 1990s. Land which is currently now planted on the western boundary (approximately 10 meters in width) west from the current fence line was wrongly taken by Highways England, confirmed by National Highways (NH) recently.

The land was never subject to CPO or agreed for acquisition at the time. Once the project was almost completed and the fencing contractors started work, it was pointed out at that time by Mr Len Field, our father who owned the property at that time, that they had the wrong boundary position. This was thoroughly dismissed and made clear to us that the fence ‘was where it was being placed’ and the fence line was put in.

Letters were sent in the early years trying to address this, but there has never been a response or acknowledgment of the issue. As Mr Len Field was elderly at the time, he did not have the energy or finances to officially fight the wrongdoing. The issue was then brought up as part of the current A417 Missing Link project, looked into by NH and they have admitted wrongful acquisition of the land and that indeed approximately another 10 meters width of land belongs to Holly Brae and will be returned as part of the works.

As the land was never meant to be taken, it is our wish to have this land restored to its previous pasture use. It can only be assumed that more environmental mitigation ground was acquired for the A417 Brockworth Bypass than was justified on planning grounds.

The Brockworth Bypass Public Inquiry also promised [REDACTED] tree maintenance on the NH acquired land but this has never been done until, coincidentally, very shortly before the Inspectors visit recently (see below).

2. Southern Land (adj A417) – Tree Planting

At the Public Inquiry for the Brockworth Bypass (A417), a hearing was held at the Court Road Community Centre. Mr Len Field asked about the boundary planting at the time, and he was accompanied by David Field the current owner of the property. The question was asked ‘How big will the trees grow’, the answer in front of the Inspector was ‘medium height trees’. When asked what a medium height tree was, the Inspector asked the panel for an example of a medium height tree. It was agreed that they would be no bigger than a Double Decker bus as an example reference, with maintenance being conducted by NH to ensure this. This was important to us as, before this planting, there had been a clear view across fields to the Cotswold escarpment and May Hill. Since the planting in the 1990s, no maintenance was carried out. The trees have grown to 3 or 4 Double Decker buses and have totally blocked and encased the property. Not once have they been thinned, trimmed, cut back or maintained in any way. The hedging they planted has never been maintained

and we have had the cost of maintenance every year for NH property and the fixing of damaged fencing due to overgrowth, falling trees etc.

Again, letters have been sent over the years and no one has ever taken responsibility for the trees. In late 2021 we received communication regarding the cutting of the trees. This has obviously come in conjunction with the forthcoming project and the trees have been thinned at last, but the height of the trees remains the same. We are therefore not re-assured by NH maintenance commitments on this project.

We have therefore requested from NH that any future planting be low-level planting with the occasional higher tree of approximately Double Decker bus size at their maximum height of growth. This would still allow for the visual greenery, nesting and ground level animals for protection and nesting. We await NH comment.

We have had meetings with NH representatives during the course of the Consultation for the A417 Missing Link, most recently on 4 February 2022 with Mr Mike Walsh in attendance. Referring to the Landowner Position Statements (Deadline 5 – 8.22) (App J), the latter 4 entries do not concur with the revisions we have sent back to NH and make no mention of information we have requested from NH (see attached – Highways 12.1.22 Representation and Feedback).

However, to date, despite many requests, we have yet to receive:-

- 1 Minutes of previous meetings held, from the most recent, going back to the first meeting at the Star Centre in 6 February 2020.
- 2 We have always been averse to having a layby sited adjacent to our property. The requirement for the layby (large or small) has not been justified to us by HE. On 4 February 2022, it was stated by NH that the layby was required because design guidelines (we assume DMRB) required laybys every 9 miles. There are already three laybys in the eastbound direction within 3-4 miles west of our property and we asked NH for their response – this has not been received. Landowner Position Statement 8.22 App J (Meeting 16 Feb 2021) shows a request for the layby justification over 1 year ago. NH have stated to us that the requirement for a layby is not a compulsory requirement, only 'guidance'.
- 3 Information on boundary treatment, fencing/security – at the most recent meeting with NH, it was stated to us that there would be planting, gabion casings and fencing. A plan was promised to show this. This has not yet been received.

The position today seems markedly unchanged from our requests made to NH in April 2020 (see attached letter) which does not therefore indicate that Consultation has taken place on most of the matters raised by us. Therefore it is very difficult, without knowing what land is justified again from our property, to discuss financial terms without all the information promised to us by NH over the past two years. If there is no compelling need to install a layby under their own guidelines, then the need to acquire land from us does not meet the 'compelling need' test - the planting and drain could remain, in our opinion, within the current NH boundary. We have attended (by written representation) one CA hearing without the facts from NH to justify our position – we would not be happy to be forced to attend another Hearing without the details stated above.

It should again be stated that we are not against the scheme. We can see the requirement for the road drainage plots across our land (Plots 1/3a,b,c) and are content with this. However, with little documentation coming back to us over the past two years from NH promised at various meetings,

we do not feel we can move forward as regards land acquisition in respect of plot 1/3d, which, without the need for a layby, would not be required.

As land is stated to be required from us for environmental planting, it is worthy of note that, to the North of our property sits the old A417 comprising of three lanes of tarmac, carrying negligible traffic. Surely this should be reinstated before acquisition of private land if environmental considerations are as important as is being made out by the Applicant. Whilst de-trunked, the land remains in the ownership of National Highways (Title GR326366, 326573, 322801).

Our position therefore remains to object to the acquisition of Plot 3/1d.



For and on behalf of D & L Field

TB Fowler MRICS



Enc – IMG2988 of de-trunked highway in National Highways ownership; Highways 12.1.22 Representation and Feedback (for comparison with Landowner Position Statement 8.22 App J); Mr & Mrs Field Consultation Response dated 16 April 2020; National Highways Land Registry Titles for old highway.