

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

**WRITTEN SUBMISSIONS OF NFU REGARDING THE A12 CHELMSFORD TO A120 WIDENING
SCHEME DEVELOPMENT CONSENT ORDER 201 [...]**

PLANNING INSPECTORATE REFERENCE NO TR010060

**SUBMISSIONS OF NATIONAL FARMERS UNION ON THE COMPULSORY ACQUISITION HEARING
1 ON 1ST MARCH 2023**

DATE 9TH MARCH 2023

1.0 Introduction

- 1.1 Submissions on behalf of the National Farmers Union (“NFU”) in respect of the application for a Development Consent Order (DCO) by National Highways (NH) for the A12 Chelmsford to A120 Widening Scheme. The NFU is making a case on behalf of its members who are affected by the proposed DCO.

2.0 Compulsory Acquisition Hearing 1 – 1st March 2023:

2.1 Article 40: Temporary use of land for carrying out the authorised development

The NFU would like to see that National Highways serve a 28 day notice as a minimum on landowners before taking land under temporary possession.

Under Article 40, it states that only 14 days’ notice has to be given to a landowner before entry can be taken by the undertaker. The NFU believes that National Highways should be able to give at least 28 days’ notice for temporary possession. This would provide a greater period of time to make any adjustments necessary to mitigate the impact on the business as a result of the possession, for example where the land in question is in an environmental scheme and a derogation is required from the Rural Payments Agency. From the NFU’s experience on NSIP projects, 14 days is just not long enough, and 28 days is now being seen on other similar projects.

National Highways, on the A30 Chiverton to Carland Cross, has agreed to increase the notice period to 28 days. Further, 28 days notice for temporary possession has also been applied to the National Highways project, A428 Black Cat to Caxton Gibbet Road Improvement scheme. The NFU is therefore expecting National Highways to acknowledge and accept that on a scheme of this size, where blocks of land are being taken from individual landowners for temporary use that a 28 day notice is necessary and that the DCO is amended accordingly.

2.2 Land to be taken

The NFU has raised a concern regarding the amount of land that is to be taken on a permanent basis. Some landowners have made requests for land to be taken temporarily such as land being used for borrow pits and environmental mitigation. National Highways have advised the NFU that where it is possible to take land on a temporary basis that this can be negotiated under voluntary agreements. Whilst the NFU understands that there has been some discussion regarding voluntary agreements and land that may be taken temporarily, it is understood that this is progressing very slowly. The NFU is therefore concerned that if voluntary agreements are not progressed rapidly, then National Highways could just rely on their Compulsory Purchase Powers if Development Consent is granted and discussions on temporary possession will then fall away. The NFU strongly feels that it is essential that National Highways work to progress voluntary agreements where landowners have expressed an interest.

2.3 Land taken for environmental mitigation

National Highways have also advised the NFU that land required for environmental mitigation will be acquired permanently and this is National Highway’s long-standing practice. The NFU strongly feels that where a landowner would like the land to be returned to them then this should be facilitated by implementing a management agreement. This would obligate the landowner to carry out the management requirements set out within the agreement and would enable National Highways to enforce the agreement if necessary. Management agreements are being used more and more for environmental mitigation on infrastructure projects and therefore the NFU do not feel that it is necessary to acquire land for environmental mitigation permanently where a landowner would prefer to retain the land.

3.0 NFU Members affected by the A12 Chelmsford to A120 Widening Scheme

It was requested in the Hearing, further information regarding the number of members that the NFU are representing on the project. The NFU can confirm that 14 NFU members are affected by the construction and compulsory acquisition of land for the benefit of the project. The members are:

- David Bolton
- Simon Brice
- Robert Bunting
- The Cock Family
- JR Crayston & Sons Ltd
- H J Fairs & Son
- P Free
- P Goodchild
- Charles Granville-Willett
- S G Ratcliff Ltd
- Tom Sawdon
- Henry Siggers
- Daniel West
- Lord Rayleigh's Farms Ltd

The NFU also has a further 20 members that will be impacted by the proposed prohibition of slow moving vehicles.

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Dated: 9th March 2023