

**SUMMARY OF WRITTEN REPRESENTATIONS OF
THE TRUSTEES OF THE WINDERWATH 1989 SETTLEMENT (THE REPRESENTORS)**

1. The written representations (WRs) are supplemental and add detail to the Relevant Representations (RRs) submitted on behalf collectively of the Trustees of the Winderwath 1989 Settlement. The RR references are for Alan M Bowe (RR-088), John Lane (RR-101), Sarah Crane (RR-095) and James Hare (RR-098). The WRs can be summarised as:
2. **Lack of Proper Consultation**
3. Little further consultation by NH (NH) with the Representors.
4. Response on the fundamental issues raised for some time were only provided 16th November when NH issued a Response to the RRs (PDL – 010-012), however failing to notify of the response and failing still to respond on some key issues on environmental mitigation.
5. Proposed changes to the DCO which NH have sought to introduce, should be consulted on where they affect the Representors.
6. **Environmental Mitigation**
7. The Representors do not agree with the imposition of the environmental mitigation proposed in plots 03-04-04 and 03-04-14 particularly and have introduced evidence in as follows:-
 - Principles of bio-diversity off-set and proposed second iteration of the Environmental Management Plan (EMP),
 - Lack of principal habitats on Scheme 03 and the protection of ‘best and most versatile agricultural land’ under the National Planning Policy Framework.
 - Safety issues relative to the proposed location of the mitigation consequent on the effect of that mitigations on the commercial shoot.
 - The replacement of like for like habitats and woodland planting densities.

8. In the absence of detailed justification by NH, for the environment mitigation in the stated plots the Representors believe the proposals are flawed with no compelling case for their inclusion in the DCO.
9. Without prejudice to the above evidence is presented on the alternative mitigation areas offered and specifically the decision making and timing behind 'Adrian's Wood' demonstrating the planting in mitigation for the scheme. NH has failed to respond to any of these alternative proposals.
10. The WRs raise the issue of consultation on the second iteration of the EMP by Affected Persons.
11. **Access and Additional Public Rights of Way (PROWs)**
12. The Representors object to the creation of any additional public access. If imposed, then based on safety and functionality the proposed shared public rights of way (walking and cycling) and private means of access (PMA) should be segregated and evidence is included to explain the safety concerns this and offer a possible solution in terms of layout and simplifying the route of the proposed PROWs/PMAs to make them more functional.
13. The Representors object to the creation of a circular walk, which presently does not exist using footpath FP311004. This is not acceptable and goes beyond the purpose of the DCO powers sought.
14. Parking at St Ninians Church is a presently a permissive car park owed by the Representors and should not be transformed into a public car park, again encouraging additional public access.
15. No bridleways should be dedicated as part of the scheme on the estate as none exist at present.
16. **Landform and Miscellaneous Design Related Matters**
17. The Representors' raise concerns about the landform around the Centre Parks junction and the engineering of the embankments to reduce the amount of land taken and altered.

18. **Balancing Ponds and/or Attenuation Ponds**

19. The Representors support the efforts to rationalise many of the ponds as there is no compelling case to acquire land in excess of the requirements for the scheme itself.

20. **Layby Locations**

21. The location of proposed laybys is flawed. Evidence on changes to the locations away from residential properties and design justification is presented, with alternative layby locations suggested.

22. **Land Acquisition and Compulsory Acquisition Restraints**

23. There has to be a compelling case for permanent acquisition 'in the public interest'. As an alternative rights can be acquired either positive or negative under the Planning Act 2008 or the use of Conservation Covenants under the Environment Act 2021 to deliver the scheme without excessive permanent acquisition. NH should use these powers.

24. **Additional Matters**

25. **Biodiversity Net gain and NSIP's** – clarity on the approach taken is sought as the DCO documents are not clear.

26. **Diversions** – There are proposal for an inappropriate diversion route which is not acceptable.

27. **Position Statements** – As raised at the Open Floor Hearing clarity is sought on the use of 'position statement' for Affected Persons.

28. **Early Acquisition Process & Negotiation** - There has been little coherent progress on acquisition by agreement, with a confused approach been taken by NH.