

From: [REDACTED]
To: [Metrowest1](#)
Subject: TR040011 WRITTEN SUBMISSION
Date: 20 September 2020 17:58:02
Attachments: [Written submission draft 7.pdf](#)

Dear Mr Bartkowiak,

I attach a written submission in advance of the Preliminary Meeting: Part 1, to be held on 6th October.

I hope that I have followed proper procedure in sending it to this email address.

I assume that sending this written submission does not preclude me from attending the virtual event and that I will be able to register to speak at the Compulsory Acquisitions Hearing on December 4th should that prove necessary?

Thank you.

Yours sincerely,

Susan Freestone

Submission on behalf of:

Susan Elizabeth Freestone, IP reference number [REDACTED]

Stephen James Bullock, IP reference Number [REDACTED]

We are interested parties, siblings who jointly own land to the west and east of the disused section of the railway at Easton-in-Gordano, designated plots [REDACTED] and [REDACTED]. We have received notice of a Compulsory Purchase Order on plot [REDACTED], for which we had previously negotiated a provisional sale to a different party, and a temporary order on plots [REDACTED] and [REDACTED]. We do not feel that Ardent has properly consulted on how the scheme will affect our property. They have changed their requirements a number of times and we feel that the proposed use and timescale represents an unreasonable infringement of our rights over the use of our land.

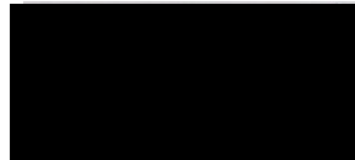
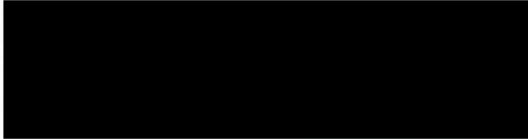
This submission relates to the nature and timing of communications from CP, Principal Consultant of Ardent Management Ltd, with regard to the extent and proposed use of our land and the accuracy of its designation. The lack of care in identifying the sites to be used has been misleading and has compromised our ability to represent our interests appropriately. There has been distressing inconsistency in the stated requirements and lack of evidence provided to support the choice of location for a new receptor.

We grew up on [REDACTED], the land extending from the [REDACTED] [REDACTED] in Easton-in-Gordano all the way to the beginning of the [REDACTED] and opening on to the Severn Estuary, approximately about 100 acres. In 1970 the Port of Bristol Authority compulsorily acquired approximately 80% of our land for the construction of the Royal Portbury Dock. In the same decade the M5 was built through most of what remained of our farm and later widened, encroaching yet further onto family land.

Now we are faced with another assault on our property rights for purposes which are only now becoming clear. Given the volume and complexity of the documentation associated with this project, and especially in light of the fact that we both live a very long way from Somerset, it would have been helpful, and in our view, reasonable, to

direct us to specific documentation detailing plans that might directly and profoundly affect our rights over our land. We were given no accurate guidance nor proper understanding of the impact the development would have.

Thank you for your consideration of these point and those that follow.



Responses to Principal issues	
<p>2</p> <p>Biodiversity, Ecology and the Natural Environment</p>	<p>Clearly, the effects on biodiversity imposed by construction compounds and traffic must be mitigated. However, surely the need to separate reptiles and newts can be achieved by the use of newt fencing and reptile fencing as referred to in the Reptile Mitigation Strategy, section 4 (reptile fencing) and Sheet 7 (newt fencing) and elsewhere in the MASTERPLAN 235. The idea of trapping wild creatures to protect them from human activity seems wholly counter-intuitive, especially since there was rail traffic on a regular daily basis from the 1860s until the 1960s, yet these species and their progeny survived that period without any interference or assistance.</p>
<p>4</p> <p>Construction Impacts</p>	<p>The location of land subject to temporary compulsory acquisition appears to us inappropriate. In attempting to negotiate a change to the proposals we have received scant regard and no formal adjustment to a draft Heads of Terms document received on 3rd February.</p> <p>NSDC's own report, (<i>Appendix 9.5 Reptile Survey Report</i>) states that our land is not suitable for reptiles and it is not endorsed for this use.</p>

<p>5</p> <p>Compulsory Acquisition</p>	<p>We offered an alternative use of our land, suggesting that Plot [REDACTED] be used to site the newt receptor, since it already contains natural ditches and a pond - a far more natural environment for newts, in addition to the use proposed. At over six acres, there should be space for both; NSDC would save money and we would be able to continue to use plots [REDACTED] and [REDACTED] of our land.</p> <p>Whilst we accept that there is a compelling case in the public interest for the compulsory acquisition of the land, rights and powers that are sought by the draft DCO, we question whether the extent of the land subject to the temporary order is reasonable or appropriate.</p> <p>We have also questioned the length of time for which the project will render our land of no use to us. We feel that the proposed use and timescale represents an unreasonable infringement of our rights over the use of our land. With the proposed timescale, at least fifteen years, probably more, will have passed from the initial approach to the conclusion of the project.</p>
<p>14</p> <p>Socio-Economic Effects</p>	<p>We are getting on in years and we are very concerned about the impact this scheme will have on our ability to dispose of our land, with subsequent material detrimental effect on our financial well-being and that of our families.</p> <p>We have asked for an undertaking that, should the project fail to attract sufficient funding to proceed or be further delayed, all restrictions be withdrawn so we can proceed with use of our land unhindered. We have received no response to this request.</p> <p>It is worthy of note that the various Impact Reports published in association with this project take no account of the human impact on those whose fundamental right to own property is being assaulted</p>

	and the socio-economic effect on our family is very significant.
--	--

Material Points

1. Inaccurate designation of our land

Documentation in the public domain, dating back as far as 2017, refers to our land as [REDACTED]. This is a farm adjacent to our own and we had no reason to suspect that the works designated to [REDACTED] were intended for our own land. This is why I repeatedly asked what was the intended use for our fields. We did not have a proper understanding that our land was to be thus affected. As [REDACTED] is adjacent to our own, it is understandable that we would not have suspected that such an error had occurred; the fact that it has, has had a hugely detrimental impact on our ability to respond appropriately in a timely manner.

CP was informed of this error on 4th May 2020, see below, but it has not been rectified. Since we were unaware of the error before 12th December 2019, we were unable to respond appropriately to the section 51 request.

I provide a samples of evidence that this was so, below.

Applicant: North Somerset District Council **6.31, Schedule of Mitigation**

In the 6.31 Schedule of Mitigation published in November 2019, sites identified do not include our property. I refer you to the Environmental Masterplan, published at the same time, which states:

5.2.3

The sites identified for a watching brief are:

- Construction compounds at greenfield sites at;
 - – Portishead station;
 - – Sheepway;
 - – The Portbury Hundred construction compound;
 - – **Lodway Farm** construction compound;
 - – Pill Tunnel eastern portal construction compound; and

- – Clanage Road.
- Two flood compensation sites where the ground will be lowered at (a) the west bank of the Easton-in-Gordano stream, Portbury and (b) at the permanent Clanage Road maintenance compound.
- Three new ponds for great crested newts (“GCN”) located in the Portishead Nature Reserve, at a site between the highway of Sheepway and the disused railway, and a site close to the location of Cattle Creep Bridge, between the disused railway and the M5.

5.2.4

The contractor will erect a fence 5 m around HER 47401, to protect the linear earthworks feature at the proposed **Lodway Farm** construction compound and maintain it for the duration of the works to avoid unintentional damage to the feature during construction activities.

6.12, Environmental Statement, Volume 2, Chapter 9 Ecology and Biodiversity document,

Again, reference is made to Lodway Farm, Pill, and the Lodway Construction Compound. Our land is part of [REDACTED], Easton-in-Gordano.

2.3 - Works Plan

This also refers to Lodway Farm throughout.

2. Scientific Evidence

Point 5 of the Planning Inspectorate Customer Charter states that you will:

Ensure cases are handled by people with the right level of experience and expertise.

We would point out that amphibians and reptiles have always lived on or around the railway embankments when the train services were fully operational and we know this to be the case from our own experience as children.

Whilst we have asked Argent for scientific evidence to justify the planned enclosure for newts on our land, none has been provided to demonstrate any additional benefit to these wild creatures. Therefore, we remain unconvinced that the appropriate level of experience and expertise has been applied to the situation.

3. Communications

Initially, communications with Ardent were dealt with by our brother Ian David Bullock, who sadly died on 8th October 2018. Thereafter communication has been slow, intermittent and failed to address many of the issues raised. Responses have been inconsistent and obscure. Unanswered questions have made it very difficult to submit meaningfully to the consultation. Because of the complexity of the issue we have felt obliged to engage the services of an agent, RS of Greenslade Taylor Hunt, who, hitherto, has made submissions on our behalf.

I asked repeatedly what use was intended for our land and never received a direct reply. We only discovered the proposal to use it as a receptor for newts when the revised plan was published in April 2020. Such use was not identified in the version of the plan published in November 2019. This means that we were not in a position to raise any objections to this proposal earlier in the consultation process.

We attach as an appendix, below, a letter to CP dated 19th September 2019, raising questions about the long-term impact on the land; similarly, these were ignored until after the publication of the plan.

On 25th September 2019, CP wrote to our agent, RS as follows:

Next steps

Based on the revised requirement for the eastern land on permanent basis, we will revise our draft Heads of Terms, with client approval, and circulate as soon as possible. These discussions and negotiations will progress as part of the DCO process and preceding the point of (1) response to consultation on

1st October and (2) the DCO submission, estimated in the next 2 months.

In fact, the Heads of Terms were not received until 3rd February 2020. See below *

RS, on behalf of Susan Freestone, replied on 26th September 2019:

My client is dismayed at what you are now proposing on her family's land. She feels she has been kept in the dark about what is happening, and at every twist and turn along this process she has had different proposals put to her regarding this land. Now at the 11th hour in September 2019, she has received a response that MetroWest wish to acquire all of her family's land to the west and east of the M5.

xxxxxxx

I would be grateful if you would confirm your intentions for both parcels of land so we can consider this scheme further. She wishes to express her displeasure at the way you keep changing your mind, the way she has been kept in the dark, and the way this scheme has been handled and the lack of information available.

As at this date, you still cannot tell her exactly what area you want or what you are proposing to do with the land. We would like to put forward our clients' objections and comments so you are aware of the problems this scheme proposes and the impact on our client.

On 25th January 2020, Susan Freestone informed CP that she was out of the country and asked that all communication be sent to her electronically. She agreed, replying on 27th January:

Thank you for your email. Yes, not a problem, I will send over the S56 documents to you electronically.

This did not arrive.

*Heads of terms were received on 3rd February 2020, sent only to our agent in spite of previous direct correspondence. We replied with 12 points of objection or inquiry. CP replied eventually on 16th April.

On, 4th May 2020, further to discussion between us, RS wrote again to CP:

*Thank you for your email below of 16th April last.
My clients would like me to pass on their dissatisfaction at the poor communication they've received from North Somerset Council on this matter. They are also confused at the lack of information that has been provided to them about what is being proposed on their land. They have tried to read the document submitted as part of the DCO but are confused at how their land has been described especially since it appears to be referred to as [REDACTED] " which is a property [REDACTED] to their own.*

xxxx

We would also ask the following questions – “Why cannot all the wildlife mitigation works be put on the land you are proposing to purchase from them? Surely this land is large enough to accommodate the amphibians and reptiles rather than affect their land to the east of the motorway? The land to the West of the motorway that you wish to purchase has natural ditches and a pond, making it far more suitable than the land to the East, reinforcing the argument that it is a more suitable site for amphibians. xxxxx Please will you provide us with more precise and accurate information on what is the proposed use of their land?

In reading the following paragraph, please note that the original scheme mooted, proposed a temporary order lasting for a duration of five years and that over three years have already passed.

RS continues:

We would also like to query the length of time you are proposing to take the clients' land? Why have you chosen 8 years? Could this be less? The clients feel you are interfering with their rights, and they would like to agree a shorter period or PREFERABLY none at all for the use of their land should you agree their sensible proposal above and on what evidence do you base your claim that you need the land for 8 years? The clients have read the Council's own ecological report (Appendix 9.5 Reptile Survey Report) and it says the land is not suitable for reptiles and their land is not mentioned for this use. Is there another report that is not in the public domain that states their land is suitable? What evidence is there that the client's land is an appropriate location for a reptile receptor site?

Appendix – Letter from Susan Freestone to CP dated 19/09/19 2019.



19ix19

Dear 

Thank you for your letter of 19th September inviting me to respond to the consultation concerning our family land at Easton-in-Gordano.



With regard to the land to the east of the motorway, I am unclear as to the potential impact of the temporary compulsory order. Once the order is lifted, what will be the condition and potential uses of the land? Will areas be permanently unusable; whose responsibility will it be to maintain the land and its boundaries if it is not fit for agricultural use? What level of compensation will be applied to future loss of income and development possibilities?

Since the death of my brother, Ian David Bullock, my other brother, Stephen and I have been discussing how to make best use of the land and we have been actively seeking an appropriate short-term tenant. Long term, we have considered using the land for solar panels or, subject to planning permission, even creating a mini country park for the use of families travelling on the M5. Several organisations have approached me with a view to acquiring the land for development and its potential value is considerable, especially in light of the sale of adjacent land over recent months for the same purpose and the shortage of building land in North Somerset.

All of this is now brought to a halt by the MetroWest Scheme. My brother lives in Spain and I live in Cambridgeshire, therefore active management of the property is not feasible and we have little option but to sell the land in the medium to long term. We need to know what impact the MetroWest Scheme will have on the value and potential of the land and to be compensated accordingly.