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**Sent:** Friday, April 24, 2026 08:51  
**To:** Keadby Next Generation  
**Subject:** Fw: keadby next generatio N

**To:** [keadbynextgeneration@planninginspectorate.gov.uk](mailto:keadbynextgeneration@planninginspectorate.gov.uk)

**Subject:** Urgent Evidence Submission – Unlawful Habitat Removal, Highway Obstruction, Verge Encroachment, and Interference with Access (EN010001)

Dear Examining Authority,

I am submitting further evidence of **recent unlawful and unauthorised works** affecting the public highway, ecological habitat, riparian access, and private access rights in the vicinity of Chapel Lane, Keadby, and the North Soke Drain. These actions materially affect the accuracy of the applicant's DCO submissions and raise issues of **statutory non-compliance**.

### **1. Removal of Pine Trees and Red-List Bird Nesting Habitat (Wildlife Crime Indicators)**

Pine trees and associated vegetation on the **west side of Chapel Lane** have been removed. This area has long been an active nesting site for **red-list bird species**. This removal occurred at the beginning of the nesting period, contrary to:

- Wildlife and Countryside Act 1981 (s.1)
- NERC Act 2006 (s.40–41)
- Environmental Impact Assessment Regulations

No notification was made to PINS, and no DCO authority exists for this action. This renders the applicant's ecological baseline **materially inaccurate**.

### **2. New Gates and “Private Property” Signs Installed on the Public Highway (No Stopping-Up Order Exists)**

New gates and exclusionary signage have been installed on the route from **Chapel Lane to Keadby Lock**.

There is:

- **No stopping-up order** under the Highways Act 1980
- **No DCO authority** permitting obstruction
- **No lawful extinguishment** of public rights

Under **Highways Act 1980 (s.130)**, the highway authority has a **non-discretionary duty** to protect public rights of passage. The installation of gates on a public highway is **prima facie unlawful**.

This contradicts the applicant's DCO submissions regarding access, rights of way, and land interests.

### **3. New Fence Erected on the West Side – Encroachment onto the Highway Verge**

A new fence has been erected on the **west side of the route**, which:

- Encroaches onto the **highway verge**
- Narrows the available width
- **Stops up access and egress** to the North Soke Drain

- Prevents lawful public use of the verge
- Interferes with riparian access and long-established fishing rights

Encroachment onto the highway verge constitutes:

- **Obstruction of the highway** (Highways Act 1980, s.137)
- **Unlawful interference with the public's right to pass and repass**
- **Material alteration of the highway without lawful authority** (s.131)

This is a **serious statutory breach**.

#### **4. Interference with Fishing Access to the North Soke Drain**

The fence and gates now **prevent access to the North Soke Drain**, historically used for:

- Fishing
- Bank inspection
- Drainage maintenance
- Public recreation

This interferes with:

- **Riparian rights**
- **Public access rights**
- **Drainage authority operational access**

None of this obstruction is authorised under the DCO or any other statutory instrument.

#### **5. Interference with Doctor Way's Access and Egress to Her Land**

The new fence and gates also **obstruct Doctor Way's access and egress** to her land.

This constitutes:

- **Interference with private access rights**
- **Potential private nuisance**
- **Unlawful obstruction of a recognised access point**
- **Failure to disclose affected interests** in the applicant's Book of Reference and Land Plans

This is a **material inaccuracy** in the DCO land-interest documentation.

#### **6. Procedural and Statutory Relevance to the Examination**

These actions raise significant concerns regarding:

- The **accuracy** of the applicant's land-interest and access information
- The **completeness** of the ecological baseline
- The **lawfulness** of works undertaken within or adjacent to the DCO boundary
- The **failure to notify** PINS of actions with material environmental and access impacts
- The **potential commission of wildlife offences**
- The **obstruction of a public highway**
- The **interference with private access rights**

- **The interference with riparian access and drainage operations**

These issues go to the **core of the Examining Authority's statutory duties** under the Planning Act 2008.

### **7. Requests to the Examining Authority**

I respectfully request that the Examining Authority:

1. **Record this evidence** (with photographs) as part of the Examination.
2. **Require the applicant** to explain:
  - The removal of nesting habitat
  - The installation of gates and signage
  - The erection of the new fence and verge encroachment
  - The obstruction of access to the North Soke Drain
  - The interference with Doctor Way's access
3. **Confirm whether these actions should have been notified** to PINS under the DCO framework.
4. **Determine whether the applicant's submitted information is now materially inaccurate** and requires correction.
5. **Seek clarification from the highway authority** regarding the absence of any lawful stopping-up order.
6. **Seek clarification from the drainage authority** regarding obstruction of operational access.

I can provide photographs, dates, and further evidence upon request.

Yours faithfully, **John Carney** 