

**By email to:**

[A303Stonehenge@planninginspectorate.gov.uk](mailto:A303Stonehenge@planninginspectorate.gov.uk)

26 July 2019

Direct: 020 7653 1750

[Ian.cunliffe@gateleyhamer.com](mailto:Ian.cunliffe@gateleyhamer.com)

Dear Sir/Madam

**Planning Inspectorate Scheme Reference: TR010025**

**Written Representation and Response to Examining Authority Second Written Questions on behalf of Grove Property Trustee 1 Limited and Grove Property Trustee 2 Limited (together, Grove Property) as an affected party to Highways England's ('the Applicant') application for an Order Granting Development Consent for the A303 Amesbury to Berwick Down scheme.**

This letter is a written representation to Highways England's application for a Development Consent Order (DCO) for the A303 Amesbury to Berwick Down Scheme ('the Scheme') and the formal response to the Examining Authority's Second Written Question, CA.2.51.

#### **1. Written Representation**

Our client, Grove Property, owns land included within the draft DCO (Book of Reference, plot number 09-14, 'the Property') over which the Applicant is seeking the 'creation and compulsory acquisition of new rights' both for utility diversion works and access to the works compound. The powers would also enable the temporary occupation of the Property for the construction of the scheme.

The land is tenanted on a long-lease to Travelodge Hotels Limited ('Travelodge') with sub-lessees being Little Chef, Shell and Burger King.

We understand there is an alternative means of access to the works compound (plot 09-12) via Ratfyn Farm (see plots 09-24, 09-25, 09-27, 09-30, 09-37, 09-38 and 09-41 over which powers are also being sought). Why is the Promoting Authority seeking two alternative accesses to the same land? The imposition of the permanent rights over 09-14 will have a detrimental effect on our Clients tenants' enjoyment and use of the land. The proposed use of the land will lead to a claim for injurious affection as a result of the affect the rights on the land.

It is not demonstrated or justified in the application the reason for passing utilities through our client's land or what alternatives have been explored. There appears to be other land in the vicinity of Plot 09-14 which is not occupied by commercial users which could be used for utility diversions.

It is possible to exercise temporary powers to facilitate a means of access for a temporary compound. Once the compound has been restored and returned to the landowner clearly there is no need for any access right. In terms of the utility connection again this can be installed under

temporary powers and then a deed of grant entered into between the landowner and the statutory undertaker. My client would welcome further discussions on this point.


**2. Formal response to the Examining Authority's Second Written Question, CA.2.51. 'In relation to plot 09-14 currently let to Travelodge Hotels Ltd, please indicate the status of negotiations with the Applicant and whether a legal agreement has been completed?'**

Gateley Hamer have been appointed by Grove Property since 3 May 2019 and have been liaising with their tenant in relation to the scheme proposals. A letter, dated 24 May 2019, was received by our client from the VOA, on behalf of the Applicant, advising our client to appoint an agent and stating that Highways England 'seek to acquire land by negotiation wherever possible'.

Since then, the Applicant and VOA have not sought to engage with Gateley Hamer or our client who still have significant concerns over the short term and long-term impact on the site. We have been engaging with the agent appointed by Travelodge and are working towards an agreed position. We wish to meet with the Applicant to understand the need to seek rights over the land and agree mitigation to address the impacts of the scheme.

Until negotiations have commenced to enable legal agreement to be entered into, my client wished to reserve the right to make further written representations during the Examination, and to appear at the Compulsory Acquisition Hearing.

Yours sincerely

  
Ian Cumine MRICS  
Gateley Hamer Limited