

IN THE MATTER OF
THE A47 NORTH TUDDENHAM TO EASTON DEVELOPMENT CONSENT ORDER

COMMENTS

MADE ON BEHALF OF A C MEYNELL of THE [REDACTED]
upon NATURAL ENGLAND'S RESPONSE published on 7 July 2022, TO SoS'
Consultation 1, Question 2 (1 June 2022).

INTRODUCTION

1. These comments are made on behalf of Mr Anthony Meynell, Owner of the [REDACTED] [REDACTED] ('the Owner' and 'the Estate') in response to Natural England's ("NE") Response published on 7 July 2022, to the Secretary of State's ("SoS") Consultation 1 (1 June 2022) questions, in particular to Question 2 (at pages 2 and 3 of the Response). In his Question 2 the SoS asked NE whether it had any concerns about the impact of the proposed development on the Land at [REDACTED].
2. The Owner is grateful to NE for having responded to the SoS's question and for considering [REDACTED] situation in relation to the proposed development. He has the following comments which he would invite NE to address in order to correct and / or clarify its 7 July Response for the better assistance of the Secretary of State and the other parties.

STATUS OF THE [REDACTED] DESIGNATION under the Inheritance Tax Act 1984, Section 31(1) (first para of NE's Response)

3. Opening their Response NE write "*Land at [REDACTED] is designated by HM Revenue and Customs as land of outstanding scenic interest...*" (underlining added).
4. The Applicant National Highways challenged in the DCO Application (a) whether the Estate's IHTA designation included the Grade II listed buildings on the land within the designation, and also (b) the nature of the designation, whether the Estate was

designated as being of scenic interest alone or of scenic and historic interest. This remained a matter of contention throughout the DCO application proceedings and it is therefore of some importance that the description of the Estate's designation in these respects is given accurately by NE.

5. When writing its Response NE may not have had full regard to its own Formal Assessment Report dated 30 June 2011 written by its Senior Advisor, Jane Wilson, and submitted by NE to HMRC on 25 July 2011 (see copy letter to the Owner and report at **REP1-051**; esp the report's paras 3.1.1, (designation of buildings within estate from 2003) 3.2.5-3.2.10 (contribution of buildings to landscape) and 3.3.8 as to the designation including the buildings and 3.3.12 as to the Estate having both scenic and historic interest). As to the buildings, NE should also be aware (from its monitoring of the Estate for HMRC) of the work done by the Owner on the restoration, repair and maintenance of the buildings and other structures as required by the Estate's Heritage Land Management Plan and his compliance with the Management Plan requirements in this respect (see copy of recent annual reports to HMRC at **REP1-052**). NE is also referred to the extract from the Guidance "*Conditional Exemption and Heritage Management Plans*" published under its name¹ with English Heritage and others copied at **REP10-008** para 11 showing a photograph of the restored Buttery at [REDACTED] as an illustration of the works which can be done to buildings covered by an IHTA designation.²
6. NE is therefore invited to reconsider these aspects and to clarify the IHTA designation descriptions in terms of (a) and (b) in para 4 above as including within it the grade II listed buildings and structures on the Land and with outstanding historic as well as scenic interest.

ADVERSE IMPACTS

7. The Owner notes the significant adverse impact which NE considers the proposed Scheme will have on the Estate and its IHTA designation which it qualifies as mentioned in the second paragraph of its Response, and which it has assessed on the IHTA designated Estate itself, both on the effect of the works on the part of the outstanding scenic land

¹ contributors from NE Andre Berry and Amanda Mathews, both familiar with the Estate

² NE might also wish to refer to the Owner's statement (**REP1-045** at paras 7-18) and the Heritage Land Management Plan at **REP1-048** (vol 1) and **REP1-049** (vol 2 – buildings).

proposed to be taken permanently and on the fields to be used temporarily for compounds.

(a) Impacts of the proposed permanent works

8. As the impact of the permanent land-take and the implementation of the proposed Scheme, the Owner notes NE's view (Response, third para) that *"the key aspects of the outstanding land ... would continue to retain their outstanding interest in the long term, subject to the establishment of appropriate mitigation measures..."* (underlining added). In other words, if these are not properly established, which NE in its second paragraph estimates might take *"approx. 20 years"*, the outstanding interest would be jeopardised.
9. The Owner's concern is that NE go on to say in their fourth paragraph that they (NE) are concerned that the mitigation measures proposed by the Applicant *"are insufficient to provide effective screening for the outstanding land"*. NE recommend additional planting but no suggestion is made by NE either (a) by whom or how (and at whose cost) that planting would be managed after planting for the next twenty years to ensure its successful establishment and accordingly the preservation of the Estate's outstanding interest or (b) how the outstanding scenic interest could be best be looked after despite the significant adverse impact of the Scheme (or the jeopardy to it mitigated) in the intervening approx. twenty year period. The Applicant in connection with (a) has proposed a five year establishment period and in connection with (b) has refused to contemplate the reduction in size or the adjustment in location of the proposed south dumbbell roundabout so that it could be located within or to the north of the existing established shelter belt woodland, or the use of existing trees within the roundabout, or the construction of a screening bund around the south dumbbell roundabout to reduce its impact on the Estate, all suggested by the Owner³. Further, the Applicant has admitted in its Environmental Statement that the acoustic effect of the proposed new mainline crossing at high level at the junction, on the Estate's dwellings and hence on any part of the outstanding land on the Estate with a similar receiving position, will be permanent⁴.

³ See [REDACTED] SoCG (REP9-032) Table 3-2, items 3 (last para) and 14; and the Owner's Closing Submissions (REP9-049 paras 18, 30-38, 54 and 56) dealing with those items.

⁴ See APP-051 page 66 referred to at REP9-049 para 56

10. While NE describes in its Response what it believes some of the mitigation to the impacts resulting from the permanent works might be, subject to its concerns, - see third para *“appropriate mitigation measures, including...”*, and fourth para *“tree and shrub planting over at least...”* - it does not explain all it considers to be appropriate or what it believes the optimum to be, as well as not indicating (as mentioned above, in para 9) how that planting should be managed and established over the approximate 20 year period required for the planting to become such as might preserve the outstanding interest of the Estate.
11. In this last connection (planting and management) the Owner refers NE and the SoS to item 5 at Table 3-1 in the [REDACTED] SoCG (**REP9-032**) in which it is mentioned that Applicant has agreed to have discussions with the Owner concerning the species to be planted in the areas currently proposed for that, and the retransfer to the estate of all areas planted outside the highway boundary around the south Dumbbell and access road on land taken from the Estate, and asks whether an arrangement on those lines (and indeed for the Estate’s management within Applicant’s requirements for managers, of trees within the highway boundary important for the preservation of the Estate’s outstanding interest, would assist in assuaging concerns over the establishment of any planted areas.
12. The Owner believes it would be helpful to the SoS (if the SoS agrees) if NE were to be permitted to set out what it believes the full package of optimum mitigation works might be to minimise the impact of the proposed permanent works on the Estate’s heritage designation if the works were to be carried out as proposed by the Applicant, and at the same time if NE were to indicate whether the totality of those works would be as effective in protecting the Estate’s outstanding interest as completing the detailed design of the proposed Wood Lane junction and associated access road to it from Honingham in such a way as not to impact on the Estate beyond the southern edge of the northern woodland shelter belts (see **REP7-037** photos 4-6 and App D and **REP8-029**) so as to enable the entirety of the line of existing protective woodland (established now for 30 years) to remain in place to some if not all of its existing depth, to provide continuing shelter for the Estate.
13. The Owner awaits sight of the Applicant’s reply to NE’s Response.

14. In the meantime the Owner confirms that his case in relation to the Applicant's proposed Scheme remains as set out in his closing submissions (**REP9-049**) and Final Comments (**REP10-008**).

(b) Impacts of the Temporary Works

15. The Owner notes NE's mention (Response, second paragraph) of the likelihood that the impact of the temporary works on the fields proposed to be taken for them will be such as to result in their losing their value and thus their outstanding interest, and hence may result in their removal from the IHTA designated Land.

16. This has significant concerns for the Owner which he would wish to draw attention to the SoS and to NE, whose conclusion he questions for the following reasons:

- a. *Use for screening planting* - Parts of each field are proposed to be acquired for the location of the south dumbbell roundabout and the access road to it, and other parts are proposed (with potentially more if NE's suggestions for additional planting are adopted) for new screening planting which the Applicant has agreed⁵ to consider. Based on NE's views as to the importance of the planting to the preservation of the Estate's designation, (if the Scheme were to proceed unaltered) it seems to the Owner that it will be critical to the continued designation for these areas to be managed properly and by the Estate, as part of the designated heritage land, in order to preserve the outstanding nature of the remaining key parts.
- b. *Continued use of the remainder for the agricultural uses of the Estate.* NE's Formal Assessment of the Estate of 30 June 2011 (**REP1-051**) emphasises the importance of the "*views of the gentle valley land form .. enclosed by the varied mixed species plantation woodlands on higher ground*" (para 3.3.9 – Aesthetic appeal). The fields on the slope between the meadows and the woodland, both existing and any new plantations (these fields are those referred to for use as the temporary compounds), are integral to the aesthetic composition of the Estate and should be so restored by the Applicant after use as to be able to continue as part of the designation. If they cannot be they should not, in the Owner's view, be used for

⁵ SoCG (**REP9-032**) Table 3-1, item 5

compounds. The Owner refers NE in this connection to the Applicant's agreement referred to in the SoCG with [REDACTED] (REP9-032), table 3-1 item 8 (second part) to fence the remainder of the fields not taken for the duration of the works to allow their use for grazing.

- c. Effect of the removal of the IHTA designation on part of the Estate. Removal will have significant costs to the Owner, both in terms of the lost conditional exemption from IHT (the owner is aged 70) and in accountancy and legal costs associated with dealing with the removal, and this would impact the Scheme in terms of additional compensation.

17. NE and the SoS are asked if they can ensure that by one way or another, if the Scheme were to proceed and if these fields are taken temporarily, the Applicant is required to deal with them in such a way as will satisfy NE that the designation should not be lost as a result. NE is invited to indicate what requirements would need to be satisfied by the Applicant to ensure this.

18. In the meantime the Owner remains of the same views concerning these compounds as expressed at the close of the Examination (see closing submissions referred to earlier).

CONCLUSION

19. The Owner thanks NE for confirming the Estate's IHTA designation and its importance, and for considering the prospective impacts upon it of the proposed Scheme. He trusts that NE will be able to provide the additional clarifications requested for the assistance of the SoS.

20. The Owner nevertheless remains deeply concerned at the potential and unnecessary impacts of the proposed Scheme upon his outstanding designated Estate which could have been avoided had the Applicant taken proper account of NE's scoping letter written in 2019.

GH Josselyn

For AC Meynell, Owner of the [REDACTED]

8 July 2022