

## Sample 36:

The application for development consent proposes the acquisition, if necessary by CPO, of land I own at Folkestone Farm Cheshire TF77 5FN ("the Proposed Replacement Land"), as replacement for land at Manor Common adjacent to the A30. It is important to note that the Proposed Replacement Land is not itself needed for the A30 project at all. The applicant has chosen the Proposed Replacement Land (which is more than 1.5km from the A30) based, inter alia, on an Agricultural Impact Assessment, a report by Rita Newman on public access and an Environmental and Heritage Assessment of Common Land Options by Cormac Consultancy (collectively "the Assessments"). The Assessments, however, contain fundamental flaws as to points of fact and judgement; accordingly, they provide an inappropriate basis on which to decide between the various options for common land replacement. There are more suitable alternatives available (on Hawkstor Farm and elsewhere), but these have not been properly evaluated by the Assessments. In particular, the Assessments are mutually flawed as they misrepresent the true position regarding the SSSI status of one of the options, thereby invalidating their conclusions as a whole, being based on a wholly mistaken premise. These alternatives would be better for the Common, the Commoners affected, the relevant landowners, the public (for reasons of access), and the Hawkstor farming enterprise. They need to be properly and accurately evaluated. The Proposed Replacement Land is 3629.38 square metres. It lies adjacent to the Hawkstor farmstead which contains the principal infrastructure for a farming enterprise extending over approximately 635 hectares of enclosed land. Owing to its specific location, this land bears an importance to that business out of all proportion to its size, and is of critical importance to its efficient conduct. The Agricultural Impact Assessment omits to reflect this and also does not record that the Proposed Replacement Land is in a Countryside Stewardship Scheme and provides essential access to other land within that Scheme. The Proposed Replacement Land is considered unsuitable as common land replacement by the Manor Commoners, as well as by the two relevant landowners, for reasons of access, safety (for livestock and people) and ease of shepherding. The process by which the applicant has reached its conclusions on Manor Common replacement land is not sound as to substance or judgement. Matters have been taken into account that ought not to have been taken into account; and matters have not been taken into account that ought to have been. In particular, the applicant has given insufficient weight to the interests of the affected Commoners, and has not shown why it is necessary to inflict harm on a farming enterprise when such an outcome is wholly avoidable. Finally, I object to the oppressive manner in which the applicant has addressed the whole question of land replacement at Manor Common, and to the way it has conducted the consultation