A40 Trunk Road Penblewin to Slebech Park Improvement

Objection Ref No.: OB4

REBUTTAL STATEMENT

Reply To The Objection By:

Mr K Jones   Agent
Sunnyside Farm   J J Morris
Robeston Wathen   4 Picton Place
Narberth   Haverfordwest
Pembs   Pembrokeshire
SA67 8EN   SA61 2LX

A  Grounds of Objection:

(i) In their letter of 22/1/2007 J J Morris, on behalf of Mr K Jones objected to the proposed scheme and have raised the following points:

1. Concerns over division of farm and its viability

2. Request for the provision of an underpass to access severed land

3. Concern over farm vehicles using the proposed agricultural access off the A4075

(ii) In their Proof of Evidence, dated 11/06/07, they raised the following additional points:

4. The proposal to create an access on to Woodford Lane is not sustainable

5. An underpass linking the two areas should be constructed similar to other schemes.
B  Welsh Assembly Government:

(i). Introduction

Land Ownership: **Refer to attached location plan**

(ii). Details of Objection – as A(i) and A(ii) correspondence

(iii) The Welsh Assembly Government responded to the points listed in JJ Morris’ letter dated 22/01/07 in their letter dated 28/02/07,(see Annex 1).

(iv) The Welsh Assembly Government responded to the points listed in JJ Morris’ proof dated 11/06/07 in their letter dated 26/06/07, (see Annex 2).

(v) A Statement by Tony Kernon of Kernon Countryside Consultants addressing the matters raised in the objection is in Annex 3.

(vi) In Response to all the points raised in Section A the Welsh Assembly Government presents the following Rebuttal Statement for OB4:

1. **Concerns over division of farm and its viability**

As part of the process of developing and completing ‘Technical Appendix 6 - ‘Land Use’ of the Environmental Statement, all of the agricultural landowners affected by the scheme were interviewed by Kernon Countryside Consultants, a firm of agricultural specialists employed by the Contractor. The information provided by Mr Jones about his agricultural holding was used to assess the likely impacts from the scheme proposals. Based on this information, the agricultural assessment concluded that the impact on the 97.5 hectare (241 acre) farming business from the loss of 4.5 hectares (11 acres) and severance of a further 15 hectares (37 acres) of useable farmland (excluding woodland) south of the new A40, would be ‘Moderate Adverse’, but that with access provided to the severed land, the agricultural unit would remain viable.

It is accepted that the scheme would involve land-loss and extra working costs, which would have economic consequences. However the agricultural assessment concluded that the finances of the farm are unlikely to be so finely balanced that the scheme proposals would prejudice the continued farming of the land or the operation of a sustainable unit of agriculture.

2. **Request for the provision of an underpass**

At the Orders Exhibition, and in subsequent correspondence to Mr Jones and his agent, the Welsh Assembly Government explained that a new private means of access (PMA) would extend from the western extremity of Sunnyside Farm to the A4075, with new access tracks provided south of the new bypass connecting the severed fields across the steep ravines. This PMA would allow larger agricultural...
vehicles to gain access to these southern fields and would be provided as the principal means of vehicular access to the severed land. The Welsh Assembly Government understands that Mr Jones would need only infrequent access to the severed land using large vehicles.

In addition, two new private means of access are proposed in the draft Orders to provide direct access from Sunnyside Farm on to Woodford Lane. These would be located north and south of the proposed Woodford Lane Bridge, which would have available headroom of 3.5 metres. These access tracks would enable all livestock and small farm machinery to gain access between the severed southern fields and the main farm buildings.

The Welsh Assembly Government understand that Mr Jones considered that this was an unsuitable access and this is confirmed at paragraph 2.3 of the Proof of Evidence of JJ Morris.

However in order to address the concerns of Mr Jones, the Welsh Assembly Government has reviewed the environmental mitigation measures with the Countryside Council for Wales and the Environment Agency and concluded that a combined farm underpass/wildlife culvert could be provided as a modification to the draft Orders. This would be an elliptical structure 2.37m high by 2.66m wide providing a nominal 2m high by 2m wide passage, suitable for the movement of stock beneath the new road and for small farm machinery. The Welsh Assembly Government advised Mr Jones of this proposed modification to the draft Orders in their letter dated 26th June.

The Welsh Assembly Government understand that Mr Jones considers this to be too small and would prefer a ‘full height’ structure. In paragraph 3.4 of their Proof of Evidence, JJ Morris state that an underpass linking the two areas should be constructed, similar to other schemes. The proposed underpass would provide that link and its design would be similar to other schemes as illustrated in the photograph(s) at Annex 4.

The Welsh Assembly Government considers that; the provision of a larger structure sufficient to accommodate all farm vehicle movements would increase scheme costs by some £200,000, and that following advice from the Valuation Office in Carmarthen it was concluded that this could not be justified in terms of compensation.

The Welsh Assembly Government believe that this proposed modification to the Orders would address the concerns set out in paragraph 3.2 of the Proof of Evidence of JJ Morris.

The Welsh Assembly Government’s view is that the proposed modification to the draft Orders, coupled with the access from the realigned A4075, would provide for the free movement of livestock between the homestead and the severed land, and provide a reasonable alternative means of access for large farm machinery to Mr Jones’ severed land. The Welsh Assembly Government are therefore of the opinion that these mitigation measures would reduce the residual impact on the holding to ‘Moderate Adverse’ and that the long term viability of the holding as an agricultural unit would not be jeopardised.
3. Concern over farm vehicles using the proposed agricultural access off the A4075

The Welsh Assembly Government do not accept that the junction of the proposed new private means of access with the A4075 would be in a dangerous position or that it would be dangerous to other road users, as Mr Nicholas states at paragraph 3.3 of his Proof of Evidence.

The Welsh Assembly Government is satisfied that the design of the proposed private means of access junction with the realigned section of the A4075 complies with the road layout standards prescribed in TA 41/95 Vehicular Access to All-Purpose Trunk Roads of the Design Manual for Roads and Bridges (DMRB). It would provide sufficient visibility and area to accommodate the turning movements of the farm vehicles that are likely to use this access. As with all aspects of the design of the published proposals, the junction arrangements would be subject to a series of Road Safety Audits carried out by an independent team of road safety engineers. The first stage audit of this junction attracted no adverse comments.

The Welsh Assembly Government recognises that the distance between those fields currently used for forage crops and the homestead will be greater as a result of the published proposals, but do not accept that this would result in a serious long term effect on the viability of the holding. Based on advice received from the agricultural advisor for the scheme, the Welsh Assembly Government is of the opinion that a reorganisation of the farming operations would mitigate the effects of the published proposals such that the long term viability of the holding would not be jeopardised and that residual effects would be the subject of negotiations with the Assembly Valuer should the scheme proceed.

4. The proposal to create an access on to Woodford Lane is not sustainable

The Welsh Assembly Government have proposed a modification, (Modification No 12) to the draft Orders as described above. If accepted, this would eliminate the need for Mr Jones to use Woodford Lane and address his concern set out in paragraph 3.2 of the Proof of Evidence of JJ Morris on behalf on Mr Jones.

5. An underpass linking the two areas should be constructed similar to other schemes

See response 2. above.
Dear Sirs,

THE LONDON TO FISHGUARD TRUNK ROAD (A40) (PENBLEWIN TO SLEBECH PARK IMPROVEMENT) ORDER 200-;
THE LONDON TO FISHGUARD TRUNK ROAD (A40) (PENBLEWIN TO SLEBECH PARK IMPROVEMENT SIDE ROADS) ORDER 200-; and
THE NATIONAL ASSEMBLY FOR WALES (THE LONDON TO FISHGUARD TRUNK ROAD (A40) PENBLEWIN TO SLEBECH PARK IMPROVEMENT) COMPULSORY PURCHASE ORDER 200-.

OBJECTION (OB4) MR K JONES, SUNNYSIDE FARM, ROBESTON WATHEN

Thank you for attending the Orders Exhibition with your client, Mr K Jones of Sunnyside Farm, on January 18th and for your letter of 22nd January 2007 which has been registered as an Objection to the above draft Orders on behalf of your client.

You raised a number of queries at the Exhibition and in your letter, which I have taken as the grounds for your client's objection. I have summarised these as follows and would be grateful if you would confirm that I have summarised them accurately.

Your client objects to the draft Orders on the following grounds:

1. The proposals will effectively divide the 80 acre farm into two and seriously affect its viability.
2. He believes that an underpass should be provided as the means of access to severed land.
3. He believes that the proposed agricultural access off the A4075 would be located in a dangerous location.

I respond as follows:

1. **Division of farm and its viability** You state that Sunnyside Farm comprises a livestock farm of some 80 acres and that the proposed scheme would effectively divide the farm into two, seriously affecting its viability as an agricultural unit.

As part of the process of developing and completing ‘Technical Appendix 6 - ‘Land Use’ of the Environmental Statement, all of the agricultural landowners affected by the scheme were interviewed by Kernon Countryside Consultants, a firm of agricultural specialists employed by the Contractor. During Mr Jones’ interview he stated that the farm was managed as a 97.5 hectare (241 acre) unit, of which he was a tenant on 43.1 hectares (107 acres) at Sunnyside - his mother, Mrs M Jones, being the owner. Mr K Jones also stated that this was farmed in conjunction with 22 hectares (54 acres) north of the A40, which he owned and that an additional 32.4 hectares (80 acres) was rented north of the A40. Based on the above information, the agricultural assessment concluded that the residual impact on the 97.5 hectare (241 acre) farming business from the loss of 4.5 hectares (11 acres) and segregation of a further 15 hectares (37 acres) of useable farmland (excluding woodland) south of the new A40, would be ‘Moderate Adverse’, but that with the alternative access proposals to the severed land in place, the agricultural unit would remain viable.

This information is published in the Environmental Statement. However it seems to contradict the statement in your letter dated 22 January that the farm is 80 acres. I would be grateful if you would clarify this discrepancy in your client's holding details.

2. **Provision of an underpass as means of access to severed land**

At the Orders Exhibition, I explained that a new private means of access (PMA) would extend from the western extremity of Sunnyside Farm to the A4075, with new access tracks provided south of the new bypass connecting the severed fields across the steep ravines. This PMA would allow larger agricultural vehicles to gain access to these southern fields and would be provided as the principal means of access to the severed land.

In addition and in recognition of your client's need to have more rapid access at times, two new private means of access would be provided as part of the scheme, to provide direct access from Sunnyside Farm on to Woodford Lane. These would be located north and south of the proposed Woodford Lane Bridge, which would have available headroom of 3.5 metres. Whilst accepting that Woodford Lane is relatively narrow, these access tracks would allow all livestock and small farm machinery to gain access between the severed southern fields and the main farm buildings.

The advice provided to me by the contractor's agricultural consultant, Kernon Countryside Consultants and by the Valuation Office in Carmarthen, suggests that while not your client's preferred option, the residual impacts on your client's business could be managed by your client effecting an adjustment in farm management, such as grazing more of the fields south of the scheme, and harvesting more of the fields north of the scheme.
You state that an underpass would allow free movements of both livestock and farm machinery and preserve the economic viability of your client's farm.

The provision of a grade separated agricultural crossing of the new section of trunk road would be dependent upon two criteria, namely the technical feasibility of the structure and justification in compensation terms. Whilst it would be technically feasible to provide an underpass, the cost of the structure would be considerable and based upon the advice provided to me, would not be justifiable in compensation terms.

3. Agricultural access off the A4075 for vehicles - You stated in your letter that you believe that the proposed PMA junction with the A4075 is located in a dangerous position, particularly as the Bluestone Development is likely to increase the traffic flows on that road.

I can confirm that there would be adequate visibility available in both directions, where the proposed access would join the A4075, and it would be located far enough from the roundabout splitter island to provide sufficient area to accommodate the turning movements of the farm vehicles that are likely to use this access. Hence, I cannot accept your statement that it would be located in a dangerous position and would be a significant improvement in visibility compared with the present farm access off the trunk road. However, prior to the scheme being opened to traffic, should it proceed, the scheme would be subject to a road safety audit and issues such as the PMA junction would be considered in detail so that we can be satisfied as to its safety in use. I should point out that the design to date has been through audit and no adverse comments were made by the independent auditor regarding this junction.

I can confirm that the predicted traffic flows for the Bluestone Development have been included in the estimated traffic flows for the scheme.

You asked at the Exhibition if we would provide you with a plan showing the remaining areas of fields severed by the scheme, and to inform you of the distances that needed to be travelled from these fields to the main farm buildings by vehicles using the de-trunked A40, the roundabout, and the joint private means of access off the A4075. These are quoted on the attached Drawing No 5034100/HW/GA/EQ001, and the distances are one-way from approximately the centre of the fields to the farmyard.

I accept that the distances involved in transporting forage crops from some of these fields to the farm buildings would be significant and that some re-organising of the land use within the farm may be needed, as described above, to improve efficiency.

To summarise therefore, the main grounds of your client's objection are matters that are normally dealt with by compensation. Unfortunately, the advice I have been given is that the likely level of compensation would be inadequate to justify the provision of the agricultural crossing structure your client would prefer. However I recognise that to accommodate the loss of land and the changed means of access to the land to the south of the A40, your client would need to manage the farm in a different way. I am advised that the effects are not so severe as to make the farm unworkable or unviable.

For you and your clients information I enclose a copy of a booklet entitled "The Farmer and Public Development" which describes your clients rights to compensation and that you may find helpful.
I would be grateful if you would discuss this with your client and advise me on the correct holding details and if he wishes to sustain his objection or feels able to withdraw, in the knowledge that these matters will be dealt with by compensation and some changes in farm management.

Yours faithfully,

M A Leech
Project Engineer,
Rail and New Roads Division.
Dear Sir,

THE LONDON - FISHGUARD TRUNK ROAD (A40) (PENBLEWIN - SLEBECH PARK IMPROVEMENT) ORDER 200-
THE LONDON - FISHGUARD TRUNK ROAD (A40) (PENBLEWIN - SLEBECH PARK IMPROVEMENT SIDE ROADS) ORDER 200-
THE NATIONAL ASSEMBLY FOR WALES (THE LONDON - FISHGUARD TRUNK ROAD (A40) (PENBLEWIN - SLEBECH PARK IMPROVEMENT) COMPULSORY PURCHASE ORDER 200-

OBJECTION (OB4)  MR K JONES, SUNNYSIDE FARM, ROBESTON WATHEN

Further to my letter of the 28th February 2007 and a subsequent meeting with your client Mr Ken Jones and his son on 11th May, I have given further consideration to your clients' request for an agricultural underpass as the means of access to the land that would be severed from the homestead.

I am aware that your clients are not content with the alternative access proposals that we have indicated in the draft Orders for the scheme. They have expressed their dissatisfaction with the means of access proposed off Woodford Lane.

The Environmental Statement indicates a proposal to construct an enlarged culvert to accommodate an existing watercourse and facilitate the passage of wildlife underneath the new bypass. With the agreement of the Countryside Council for Wales and the
Environment Agency, I have a proposal to relocate this culvert to a position whereby it could be used as an agricultural underpass for your client.

My proposal therefore, is that this relocated culvert is re-designated as an underpass for your clients' benefit and would perform as a wildlife passage beneath the bypass in addition. As an essential mitigation measure for the protected species of wildlife, the structure would be the responsibility of the Welsh Assembly Government to maintain and a right through it would be granted to your clients and their successors in title.

This means of access to your clients' severed land would be in addition to the private means of access from the A4075 near the proposed roundabout. The proposed two new means of access onto Woodford Lane would be deleted from the draft Orders.

The underpass would be an elliptical shaped, corrugated steel, bolted, sectional structure, with a nominal 2 metre wide floor, 2 metre high soffit (minimum dimensions) with a gravel floor and approach ramps laid at gradient no steeper than 1 in 12. It would be designed so that as much daylight as possible could be seen from either end.

To provide a larger dimensioned structure would require deeper excavations, longer or steeper approach ramps and provide less natural light. It would also be more expensive and less justified in terms of compensation. Therefore a larger underpass is not a viable option.

If your client is prepared to accept this amendment to the draft Orders, then I propose to lay before the Inquiry a modification as shown on the attached drawing labelled Modification No 12. I would be grateful if you would discuss this with your client and inform me of his decision, so that, if accepted by your clients, the modification can be processed.

In addition I enclose a drawing, Modification No 4, which shows a minor modification to the proposed junction of the private means of access (PMA) with the diverted A4075 near the proposed Canaston Bridge roundabout. This is to facilitate the larger vehicles that your client and other users of the PMA may use. I would be grateful if you would discuss this with your client and inform me of his decision, so that, if accepted by your clients, the modification can be processed.

I would be grateful also if you discuss with your client whether he still wishes to maintain his objection to the draft Orders or feels able to withdraw.

Yours faithfully,

M A Leech
Project Engineer
Rail and New Roads Division

cc. Mr K Jones, Sunnyside Farm, Robeston Wathen
Mrs M E Jones, 4, Chapelfield Gardens, Narberth.
Annex 3: Statement in response to the objection by Tony Kernon BSc (Hons), MRICS, FBIAC

**Introduction**

1.1 This statement has been written by Tony Kernon BSc (Hons), MRICS, FBIAC. I am a Rural Faculty Chartered Surveyor and a Fellow of the British Institute of Agricultural Consultants. I specialise in assessing the impacts of development proposals on agricultural and rural businesses, nationwide, and in planning assessments for agricultural authorities and applicants alike.

1.2 As a Chartered Surveyor who may be called upon to give expert witness evidence, I am bound by the RICS Practice Statement “Chartered Surveyors as Expert Witnesses” (RICS 2001). As such my evidence must be complete, unbiased, and with a primary duty to the Inspector. In accordance with that Statement, I confirm that I believe that the facts I have stated in this statement are true and that the opinions I have expressed are based upon that information and my professional judgement.

**Method of Study**

1.3 Kernon Countryside Consultants were instructed to carry out a Stage 3 agricultural assessment of the A40 Penblewin – Slebech Park Improvement proposals. We were aware of the issues in some detail already, having undertaken a Stage 2 assessment for the Welsh Assembly Government for the A40 section from St Clears to Haverfordwest.

1.4 An agricultural Stage 3 assessment involves identifying the affected land quality and use in detail, and assessing the impact on farm and rural businesses. The results were reported in the Environmental Statement.

1.5 For the farm business impacts I interviewed the owners/occupiers of the affected farms on the 16th and 17th March 2006.

**Scope of Evidence**

1.6 This statement deals specifically with matters raised in the Proof of Evidence of Mr J. Nicholas of JJ Morris (Chartered Surveyors) on behalf of Mr K Jones, Sunnyside Farm, dated 11 June 2007. In his Proof Mr Nicholas objects to the scheme because of its effect on the long-term viability of the farm unit, states that the proposed use of Woodford Lane to connect severed areas is unsuitable for his client, and considers the vehicular access proposals via the Canaston Bridge roundabout to be dangerous. He states that an underpass to link the two areas would secure the holdings viability as an agricultural unit.

1.7 Since Mr Nicholas submitted his Proof, the Welsh Assembly Government has proposed a modification to the draft Orders to include a combined farm underpass/wildlife culvert of maximum height and width 2.37m by 2.66m to allow farm animals and small farm vehicles access to and from the fields south of the bypass. This would be presented to the Public Inquiry as Modification 12.
2. ASSESSMENT OF IMPACT

Methodology

2.1 I interviewed Mr K Jones and his son Mr L Jones in the company of Phil Baker (Costain’s Public Liaison Officer), on 16 March 2007 at 3pm. I walked part of the farm, inspected the affected areas, and inspected both sets of farm buildings.

Scope of Discussions

2.2 The discussions concentrated on farming circumstances and operations. Discussions were held regarding the potential effects of the proposals, and the possible ways that such effects (if accepted) could be mitigated. No offers of any kind could be or were made in terms of mitigation.

Basis of Assessment

2.3 The severity of impact was assessed against the following criteria:

<table>
<thead>
<tr>
<th>Magnitude of Impact</th>
<th>Farm Businesses</th>
</tr>
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<tbody>
<tr>
<td>Large adverse</td>
<td>Renders an existing full-time farm business (including any diversification enterprises) unviable.</td>
</tr>
<tr>
<td>Moderate adverse</td>
<td>A significant effect on the workability of a full time farm business (including any diversification enterprises) but where the continued viability is not prejudiced.</td>
</tr>
<tr>
<td>Slight adverse</td>
<td>Limited effects on workability and the economic performance of a farm unit (including any diversification enterprises) or the loss or a significant effect on the viability of a part-time farm business.</td>
</tr>
<tr>
<td>Neutral</td>
<td>Where there would be no negative impact on the farm business (including any diversification enterprises).</td>
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Verification of Figures

2.4 The information provided by Mr Jones and his son regarding the operation of the affected farm businesses – enterprise mixes, management and working methodology, labour etc, was appreciated and it was explained that unless given in confidence it could be used in correspondence and proofs of evidence at the forthcoming Inquiry. Where possible information was verified, but otherwise it was taken on trust.

Conclusion on Impacts

2.5 The scheme would sever 20ha (15ha of useable farmland excluding woodland) of the 36.5 ha tenanted block of land adjoining the principal farm buildings, south of the existing A40. The impact of this severance without access was assessed as ‘Large Adverse’, but with the PMA access the residual impact would be ‘Moderate Adverse’. A multi-use (vehicle and livestock) underpass would reduce impacts further, but if a cattle-only alternative access is provided the farm will be able to continue as a farmable, viable and sustainable unit.
3. ASSESSMENT AND RESPONSE TO OBJECTION

The Farm

3.1 Sunnyside Farm extends to 97.5ha, of which 65.1ha is owned by the family and 32.4ha is rented. Its approximate boundary is shown on the plan extract below. Red land is family owned, green is rented. I note in Mr Nicholas’ Proof at Section 1.6 he states that further land has also been taken on short-term arrangements.

Inset KCC 1: Approximate Boundary of Sunnyside Farm

The Enterprises

3.2 The farm runs two main enterprises:

- a breeding herd of beef cows, with (at June 2007\(^1\)) about 125 suckler cows rearing-on all offspring for sale as store cattle (ie cattle for others to take on to finish) at 14 – 18 months of age

  1. In March 2006 cow numbers were 135 and ewe numbers 250. The figures used above are taken from Mr Nicholas’ Proof).

- 320 breeding ewes, finishing all lambs.

3.3 The sheep lamb in February and March, in buildings on the north side of the A40. The ewes and lambs go out to grass once they are sufficiently strong. The sheep are often brought to the grassland south of Sunnyside Farm after lambing, where the grass growth is earlier (due to the southern aspect of the land). Sometimes stubble turnips are grown for the sheep.

3.4 The suckler cows are spring and summer calving, weaning the calves off the cows in January. The cattle are usually housed from late October to mid April. The weaned calves are let out to graze rye grown on the accessible block of land south of Sunnyside Farm. The cows go out after April.
3.5 Silage is made, mostly on the rented land, using contractors.

**Impacts**

3.6 The main impacts are land loss and the effects of severance. The road scheme would run through the block of land immediately accessible to the farm buildings at Sunnyside.

**Key Issues and Considerations**

3.7 Land loss would be 4.5ha or about 5% of the farm. This of itself would not, however, prejudice the farmability or viability of the holding.

3.8 Severance is potentially a greater impact. Without alternative means of access, the impact on the farm due to the inaccessibility of the severed land would be considerable.

3.9 A private means of access track via the proposed realigned A4075 would give access to all land south of the proposed bypass, and would enable the farm to continue to grow crops, manage and cut silage, and haul crops back to Sunnyside Farm. There may be implications in terms of some additional working time, although as the farmers currently haul up the hill and then along the existing A40, which will be less busy after the scheme, additional time implications may not be severe. That, however, is a matter for compensation.

3.10 The key consideration is what additional, more convenient access across the new road for stock could be beneficial and justified in terms of reducing impact and compensation. It was proposed to provide access onto and off Woodford Lane, so that livestock and small vehicles can access land south of the proposed road. In my opinion this would have been a workable solution.

3.11 The Welsh Assembly Government has reviewed the provision of structures beneath the road embankment and has proposed to Mr Jones a modification to the draft Orders which would be to provide a cattle creep structure as provided, where justified, on other road schemes. This would give a straight run under the road with in excess of 2m headroom and 2.6m width at c1-1.5m high. Such an underpass would mitigate the most significant effects of the scheme, as it would be passable by cows and calves, sheep and a quad bike, and, as it would provide access only to Mr Jones’s land, and could be left open (ie ungated) for cattle to access land without being herded.

3.12 Farm vehicles (tractors, silage machinery etc) would access the land via the PMA off the A4075.

**The Objection**

3.13 Mr Nicholas makes the following points in his Proof:

i) the bypass will affect the long term viability of the holding (2.2);

ii) use of Woodford Lane for cattle would be potentially dangerous and distressing for livestock, labour intensive and may require additional labour (2.3 and 3.2);

iii) farm vehicle use of the Canaston Bridge roundabout and the A4075 will be impractical and will increase costs affecting viability (2.3 and 3.3);

iv) an underpass is needed (2.2 and 3.4).
Response to the Objection

3.14 Long Term Viability. The scheme would involve land-loss and extra working costs. These would have economic consequences. However, in my opinion the finances of the farm did not appear to be so finely balanced that the mitigated impact of the scheme proposals would prejudice the continued farming of the land or the operation of a sustainable unit of agriculture. Mr Nicholas confirmed in para 3.4 of his Proof that the provision of an underpass would secure its viability.

3.15 Use of Woodford Lane. With good stockmanship, Woodford Lane could be used for moving cattle and sheep in a manner which will neither cause danger to other uses, nor distress stock. The lane has high sides and stock would therefore move in one direction only. However, there would be a need for two and, potentially, three people to move stock, being one at either end of the section being traversed, plus a person driving the stock from behind. As a consequence, the farmers would need to plan their use of land so as to minimize the number of times they need to move stock. This will, as a result, affect the current use and location of grazing and stubble turnip land. However, as noted above, alternative arrangements are now proposed.

3.16 Use of Canaston Bridge Roundabout and A4075. Mr Nicholas opines that the use of the roundabout at Canaston Bridge by farm vehicles, would be dangerous. I am not qualified to offer a professional opinion on this matter. In so far as it is claimed there will be resultant extra costs, if this can be shown it will be a matter for compensation. Mr Jones currently uses outlying land a similar distance by road from the farm buildings for grazing and silage, as evident from the farm plan at Inset KCC 1 above, and if used in a similar way, the severed land would be no different. Any additional costs would not, in my opinion, be of a magnitude so as to prejudice farm viability.

3.17 Underpass Needed. A vehicular and cattle underpass would mitigate most of the effects of the proposals. For engineering and cost reasons, such an underpass is not practical. The alternative cattle creep proposal, described above, would, in my opinion, having seen examples of this type of structure used successfully elsewhere, overcome the worst impacts and would be a workable solution, for reasons set out above. The lack of a vehicular underpass would potentially add costs and disrupt farm management practices, but it would not threaten farm viability.

4. CONCLUSIONS

My Assessment

4.1 The farm would be able to access the land south of Sunnyside Farm once the proposed road is constructed, using the proposed underpass for livestock and small vehicles, and via the PMA of the realigned A4075 for large vehicles.

4.2 This will disrupt current farming practice, and may lead to slightly increased labour needed for moving stock. The farm may need to reorganise its grazing and early spring forage practices.

4.3 Overall, however, the proposals will disrupt but will not prejudice the continued workability or farmability of the unit, as confirmed by Mr Nicholas in para 3.4 of his Proof.

Response to Objection
4.4 The provision of the underpass as Modification No 12 would eliminate the concerns regarding Woodford Lane and allow farm animals and small vehicles to access the fields south of the scheme. The vehicular access off the A4075 would also allow any crops in the fields south of the A40 to be harvested, and others will deal with the safety of the turning movements. I do not consider the economic viability of the farm will be prejudiced.
Annex 4: Photograph of similar farm animal underpass provided on the recently completed A479 Bronllys Bypass