

From: [REDACTED]
To: [A303 Sparkford To Ilchester](#)
Cc: [REDACTED]
Subject: Deadline 8 Submission on behalf of Mr B G Norman
Date: 10 June 2019 22:04:16
Attachments: [Queen Camel High St Traffic Audit Report 16 May 201910062019.pdf](#)
[B G Norman Deadline 8 Submission \(Part 1\) 10 06 2019.pdf](#)
[B G Norman deadline 8 Submission \(Part 2\) 10 06 2019.pdf](#)

Dear Sir / Madam,

Please find attached a Deadline 8 Submission on behalf of Mr B G Norman which is in two parts with a third file containing a copy of 'Traffic Audit Report A359 High St, Queen Camel 16th May 2019'.

Would you please acknowledge receipt of this email as one of the files is rather large.

Many thanks.

Kind regards.

Les Stevens
Clerk to West Camel Parish Council

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To: The Planning Inspectorate

From: Bryan G Norman (BSc. Est Man)

Ref: SPIL – APP 001

Deadline 8 submission (part 1)

Replying to your letter 4 June requesting information, relating to the relevance of the Mount Cook case to the application for development consent, the case referred to is Mount Cook Land limited v. Westminster CC 2003 EWCA civ 1346 which is mentioned in the Supreme Court case of the Governing Body of Langley Park School for Girls and the London Borough of Bromley ano 2009 EWCA civ 734 to which you have referred.

References to para numbers below are to the latter case.

Para 44. In “Mount Cook” it was stated that where there are no planning objections to a proposed development alternative siting within the same “site” would normally be irrelevant. This however leads on to:

Para 45. To the statement that where there are clear planning objections it may be relevant and indeed necessary to consider a more appropriate alternative siting (Trusthouse Forte case).

Para 46. States that this principle must be applied with equally or greater force where sited differently within the application site (i.e. within the red line DCO).

Para 50. Then dealt with the argument that, if the alternative design was so inchoate and vague, it could be disregarded.

The relevance of these matters to the DCO:

1. There were planning objections to the H.E proposals relating to the design of Hazlegrove Junction from me and the Parish Councils from the outset (and the lack of a parallel road) (Para 63 deals with undue delay).
2. The alternative siting was within the DCO red line boundary.
3. The alternative design was a fully developed concept and in full compliance with the DMR&B and therefore neither inchoate or vague.
4. The obvious and substantial environmental advantages of the alternative siting and design significantly outweighs the design proposed by H.E.
5. The similarity of the situation within the Grade II listed park and garden to the M.O.L. give rise to a presumption that development should not be permitted unless very special circumstances can be demonstrated that clearly outweigh the harm. This has not been proved.

The failure to consider alternative siting in respect of developed designs was the fundamental reason for dismissing the Langley Park appeal and not granting consent.

In normal planning appeal cases when substantial parts of the development are not an issue, as the dual carriageway is not, in relation to the DCO. But there are justifiable objections to small elements. It would be normal to give consent subject to conditions requiring changes. In this case to the Hazlegrove Junction. The ponds to avoid the bird strike problem for the RNAS and the parallel road.