

Open Floor Hearing – National Star College Monday 24th January

Introduction

National Star provides high quality programmes and services for a wide range of young people and adults with disabilities, learning difficulties and associated medical and behavioural conditions. A significant part of the charity's provision is through the National Star College's educational, care and therapy programmes, which are offered on a residential and day basis. As a charitable independent specialist provider, National Star provides services and programmes of support for learners with the most complex needs. The Ullenwood site is the main hub for the organisation's services and activities and the administrative headquarters for the charity.

National Star's Ullenwood site is registered with the Care Quality Commission as a nursing home and as a provider of education disability services. The charity's National Star College is also regulated by Ofsted, as an Independent Specialist College for learners with disabilities on a local, regional, and national basis.

National Star College's residential students are based at the Ullenwood campus and also at 'off site' residential accommodation in Cheltenham and Gloucester, whilst its day students access provision at Ullenwood, travelling from home areas across Gloucestershire and the surrounding counties.

The students, residents and service users at National Star have protected characteristics and, as a large community in close proximity to the proposed development, they are at risk of a disproportionate and differential impact from the scheme.

1. Communication

NS raised a number of concerns and factors to be considered back in 2019 with the acquiring authority, which were set out in a letter dated 7th November 2019 in response to the first public consultation. NS is broadly supportive of the need for a scheme; however, it needs its concerns fully addressing, so that it can have the confidence to continue with its vital work and know that there will be no detriment to its activities and the disabled young people and families who depend on its services. However, the issues have remained mostly unresolved or have not reached a satisfactory conclusion. This leaves NS with a general feeling that the project team is not taking full account and consideration of the issues raised. The Position Statement clearly shows that NS's concerns have yet to be fully resolved and agreed, despite various

meetings both actual and virtual and attendances by the applicant's consultant team, which has also absorbed significant time from the management of the charity. NS believe some of the points could have been agreed or at least moved forward if the acquiring authority had agreed to pay specialist fees early on in the discussions, which would have enabled NS to verify technical information or take specialist advice.

In respect of NS's concerns relating to the EqIA the project team has received a detailed briefing note from NS to assist in their review of the EqIA and members of the project team have now, very recently, physically actually visited the site at the request of NS. We hope they are now in a much better position to understand the real and actual potential implications of any disruption to NS's operational ability.

There is a general feeling that although communications have been ongoing, little has been achieved. An example of this being in the introduction of new land take requirements in the form of drainage/outfall easement during a site visit with no prior warning or introduction, allowing no time to prepare for a response. Other examples of the intermittent approach to communication are in the position statement. It appears NH wish to respond on all matters together. This leaves long periods of inactivity from the acquiring authority. This has been raised with the team previous but plans for regular updates and communication from the Landowner Liaison have never really come to fruition, albeit NS note the recent appointment of a new landowner liaison consultant.

Can the acquiring authority provide updated details and commitments on how NS is going to be communicated with going forward to try to resolve these issues and how definitive commitments and undertakings will be agreed to fully recognise the issues, concerns and considerations that have been raised?

2. EqIA

As discussed above, NS is registered charity with service users who have protective characteristics. Their priority is the safeguarding of the students, so the daily routine is not disrupted and that the continuity and quality of provision is not impacted by any aspect of the development. As a charity NS is under an obligation not to allow any detriment to the charity, its staff, and students. This, therefore led NS to review the level of consultation they received, not as an affected party through the compulsory acquisition of their assets but as an interested party that relies on the current road network and whose facilities and environment lie adjacent to the scheme and could therefore be significantly affected during and post construction. NS was not proactively asked to input into the development of the EQiA or to provide relevant data and information that would inform the considerations within it, and we understand there is an admin error in the omission of the NS being noted as an interested party within the document. The Project team have only recently visited the site (on the request of NS), to get a real idea of the extent of the work they carry out. NS has gained third party legal advice, suggesting the approach to the EQiA is flawed and that NS has not been adequately consulted with in order to fully inform the EQiA. NS would like assurances that the feedback and information provided within a document provided in

December 2021 and site visits in December 2021 and January 2022, will be taken on board and would like to know how this information will feed into the ongoing dialogue with the project team and be considered in design development and with contractors.

How can NS be confident that any mitigation measures, whether Air, Noise or traffic management are going to be sufficient, if the charity was never fully consulted with in order to inform the EqIA?

Can NS have assurances and details as to how they will be consulted with prior to and during Stage 5 detailed design of the scheme? Will NS have an opportunity to be involved in the next version of the EqIA?

3. Financial Support for Specialist Consultants

As previously mentioned, NS is a unique specialist charity which provides education, personal development, therapies, and care for young adults with a range of profound, severe, and complex disabilities and associated medical and behavioural conditions.

In a scenario where this scheme is being forced upon them, they require specialist advice from a range of consultants such as drainage, Noise, Air pollution, traffic management...etc to ensure they (and those who depend on its services) are not unduly affected by the scheme.

In one instance for a proposed site meeting in October there were 17 proposed attendees on behalf of the project team compared to two staff from the charity and its one land agent that has had limited fees allowed. This feels an unfair situation to place the charity in and places the charity at a disadvantage and overwhelmed.

The charity has requested on a number of occasions for the acquiring authority to pay specialist fees so that appropriate advice and assurances can be sought. Until the 13th of January the acquiring authority has resisted paying any of these fees but has recently indicated that quotes may now be considered for NS to access some aspects of technical review and assurance. The basis of compulsory purchase is to put the affected landowner back in the position it was if the scheme did not happen. Therefore, how can National Highways unilaterally say they will not pay specialist fees?

NS is not requesting fees to pay consultants to object to the scheme, the charity requires independent verification that the arrangements and mitigation for factors potentially impacting its operation are correct and sufficient and that its disabled users will not experience any detriment from the scheme.

Questions

1. NS has been concerned that it was not consulted on the initial EqlA and that the author did not contact the college prior to drafting the EqlA, given the uniqueness of the college are NS going to be able to input into an updated version of the EqlA so that the work of the college is documented?
2. As the students, residents and service users at National Star have protected characteristics and, as a large community in close proximity to the proposed development, are at risk of a disproportionate and differential impact from the scheme why did the data methodology and approach in the assessment of the EqlA not take account of this?
3. NS has requested on a number of occasions for the acquiring authority to pay specialist fees, until the 13th of January the acquiring authority has resisted paying any of these fees. The basis of compulsory purchase is to put the affected landowner back in the position it was if the scheme did not happen. Therefore, how can National Highways unilaterally say they will not pay specialist fees?