

**PROPOSED M5 JUNCTION 10 IMPROVEMENTS SCHEME
PLANNING INSPECTORATE REFERENCE: TR010063**

**HOUSE IN THE TREE PUBLIC HOUSE
WITHYBRIDGE LANE, CHELTENHAM GL51 0TQ**

**ADDITIONAL SUBMISSIONS BY
INTERESTED PARTY / AFFECTED PERSON REFERENCE NUMBERS: M510-AFP071 & 20047668**

1.0 Introduction

1.1. The Examining Authority (ExA) may recall that Ei Group (the Landowner, interested party M510-AFP071) and Thanks for Popping in Traditional Pubs (the Occupier, affected person 20047668) of the House in the Tree Public House have two principal issues in relation of the Applicant's draft Development Consent Order (dDCO) and the proposed compulsory acquisition powers contained therein, these are:

1.1.1 Deficient, poorly timed and ineffective private treaty negotiations on behalf of the Applicant have made it impossible for the Landowner or the Occupier to have concluded a voluntary agreement. It is therefore considered that the last resort threshold test set out in the Guidance on Compulsory purchase process and The Crichel Down Rules (the Guidance) has not been satisfied and so compulsory acquisition powers should not be confirmed.

1.1.2 No justification for permanent new rights (plot 16/5b) to undertake diversion works to a private utility supply (with no onward supply to any other third-parties) has been advanced when less intrusive temporary powers will suffice. It is therefore considered that the compelling case threshold test set out in the Guidance has also not been satisfied and so compulsory acquisition powers should not be confirmed.

1.2. In this submission it is our intention to firstly update the ExA on the progress of negotiations between the parties, which concerns both sub points above, and secondly, respond to statements made by the Applicant in their comments in the Written Submission of Oral Case for Compulsory Acquisition Hearing 1 at Deadline 4.

2.0 Negotiations Update

2.1. In general negotiations continue to be slow and protracted on account of a lack of meaningful and timely engagement by the Applicant; it remains our opinion that the Applicant is highly focused on the promotion of the dDCO which is to the detriment of private treaty negotiations.

Permanent and Temporary Land Acquisitions and Possessions

2.2. In view of the defective and ineffective approach to negotiations being led by the Applicant's representative, it was agreed on 14th August 2024 that Gateley Hamer (on behalf of the Landowner and Occupier) would prepare draft Heads of Terms (dHoT) to address compensation matters for the permanent acquisition and temporary possession plots for consideration by the Applicant (attached to which would ultimately be an agreed licence for temporary possession of land that would be prepared by the Applicant). Subject to relevant approvals from all parties, these documents would form the basis of a tri-partite legal agreement.

- 2.3. On this basis, Gateley Hamer sent compensation code compliant dHoT to the Applicant's representative on 4th September and a meeting was then held to go through the proposal on 10th September. Post meeting Gateley Hamer circulated a list of actions, which have been resolved as far as possible by Gateley Hamer; our only outstanding action is contingent on a reply from the Applicant. Meanwhile, several significant actions remain outstanding on behalf of the Applicant, as is a response to the dHoT issued and a draft version of the licence for temporary possession. There has essentially been no meaningful progress from the Applicant in 4-5 weeks.
- 2.4. Whilst not previously brought to the ExA attention, it is perhaps worth mentioning that the Applicant has managed to circulate a survey licence agreement, this was received on 20th September and was returned by us with comments on 23rd September. This matter therefore also sits with the Applicant awaiting a response before it can be progressed.

Permanent New Rights

- 2.5. Regarding the lack of justification for permanent new rights (plot 16/5b), on 8th July 2024 (after the written representations Deadline 1) we were made aware that the Applicant had accepted the point made about a lack of justification for the proposed rights and we were advised that this plot would be downgraded from blue land (temporary occupation and permanent new rights) to green land (temporary occupation only). This point was reiterated by the Applicant at the Compulsory Acquisition Hearing 1 (CAH1) on 14th August and has been reflected in the latest iteration of the Land Plans (DCO Drawing Number: TR010063/APP/2.2) received as part of the Applicant's Deadline 4 submissions.
- 2.6. This matter is therefore resolved.

3.0 Applicant's Comments and Written Submissions for Deadline 4

- 3.1. The Applicant has made various comments and statements in their Written Submission of Oral Case for Compulsory Acquisition Hearing 1 and the Landowner and the Occupier wish to respond.
- 3.2. The Applicant advises it has every intention of committing to voluntary negotiations and this is welcome. However, the Applicant has had over 2 years to progress this so the ExA should not take any comfort from this statement, especially considering that 4-5 weeks on from submitting a fully compensation code compliant proposal to the Applicant's representative (and sitting down to meet with them) we still await any sort of meaningful response. The examination closes in approximately 2 months and there is much still to agree in what is now a short space of time. There appears then to be a disconnect between what the Applicant says and what it does.
- 3.3. The Applicant goes on to advise that it has been challenging to provide the detail that the Landowner and Occupier are requesting. This is unfortunately but not a matter either have a great deal of little sympathy for – if the Applicant cannot provide some fairly elementary details such as: (i) an outline of utilities works to be undertaken, and (ii) an outline program of when and an estimated timescale to execute works perhaps the dDCO was submitted prematurely. The reality is that this lack of information and the resultant uncertainty it causes, particularly to the Occupier whose business and livelihood could be severely disrupted, is unsettling and causing significant anxiety. If the Applicant cannot address these simple questions then it cannot come as a surprise that discussions have failed to reach a voluntary agreement, especially when the

Applicant's solution is to seek to reserve what is perceived to be a highly unreasonable position (3 years temporary occupation) for what is stated by the Applicant in the recently submitted Interested Parties Response to ExA's First Written Questions as "relatively minor" works (for which we were advised on 6th September 2023 would take "no more than 2 days").

- 3.4. The Applicant has then said that it had "hoped it would be possible to make more progress on the broader topic of acquisition without absolute certainty on that [*temporary possession for utilities work*] aspect" implying the Landowner and / or the Occupier are at fault. This is wholly rejected because the first iteration of dHoT put to us were not fit for purpose and furthermore no offer has ever been made to the Occupier, and secondly, the Applicant is sitting on and not progressing with the latest iteration of dHoT that have been issued to them for consideration. And finally, we repeat that we are still awaiting to receive a draft licence agreement for occupation of the temporary land despite the Applicant's representative saying it will be provided at the next meeting which took place on 10th September. Gateley Hamer, the Landowner and / or the Occupier are not the cause of the ongoing delays to progressing with a voluntary agreement.
- 3.5. We also firmly reject the claim about there being some delayed confusion about the most appropriate deal structure to adopt. Gateley Hamer first suggested to the Applicant's representative the idea of a tri-partite legal agreement on 24th May 2023, and this was followed up on 7th September 2023 and 23rd October – appended to this submission is the relevant email correspondence so there can be no confusion. As can be seen from the correspondence, we have been saying for an extended period that the Applicant's representative would also need to engage with the Occupier to agree a voluntary deal, it is simply misleading to suggest to the ExA that there was some late confusion over how vacant possession might be delivered.

4.0 Conclusion

- 4.1. Overall, it remains our view that the Applicant continues to fail to engage in timely and meaningful discussions. Negotiations have certainly not been exhausted such that powers can be deemed necessary and last resort. We therefore request the ExA refrain from confirming compulsory acquisition powers until negotiations have run their course and we will be happy to update the ExA of the status of negotiations before the close of the examination if that would be helpful. For the avoidance of doubt, the Landowner and Occupier remain willing and able to engage with the Applicant with a view to finding an acceptable voluntary solution to all sides.

Dated: 8th October 2024

Appended:

1. Email correspondence between Gateley Hamer and the Applicant's representative.

Subject: RE: M5 Junction 10 Improvements Scheme - House in the Tree [CJO-IMANAGECLOUD.FID533002] [GATELEY-GHAM.FID63842]

Date: 23/10/2023 10:11

From: "Piers Collacott" [REDACTED]
[REDACTED]
[REDACTED] k>

Dear Alex,

Unless I missed it, I don't believe I have received a reply to this email?

I note that the DCO application is now due to be submitted this month (<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/m5-junction-10-improvements-scheme/>) but no progress has been made on trying to acquire what you need by voluntary agreement – I trust you are aware of paragraph 25 of the Guidance?

As far as I am concerned, no attempts have been made to acquire by voluntary agreement.

I have done my best to give you a steer as to how you might wish to go about negotiating with my client and the occupier but you have not yet produced a land plan to outline what you actually need so as far as I am concerned that has been a total blocker to progressing discussions by agreement.

I shall certainly be making the inspector aware of the deficiency of information made available to allow us to consider the applicant's requirements and impacts on my client's land ahead of the application being submitted and also the non-existent attempts to acquire by agreement.

Piers

Piers Collacott, MRICS
Technical Director
for Gateley Hamer

[REDACTED]
[REDACTED]@gateleyhamer.com

From: Piers Collacott

Sent: 07 September 2023 15:01

To: [REDACTED]

Subject: FW: M5 Junction 10 Improvements Scheme - House in the Tree [CJO-IMANAGECLOUD.FID533002] [GATELEY-GHAM.FID63842]

Dear Alex

I sense from your email that you feel that this plan is adequate for us to negotiate the land and works requirements that your client requires from my client and the tenant.

It is for you to mastermind these negotiations but can I ask if you have considered how you are going to structure your attempts to deal with my client and the publican by negotiated agreement? The point I am making is that you might be able to reach an agreement with me but what are you going to do if the tenant doesn't come along for the ride too? I personally think you might need to consider negotiating a tri-partite agreement but I will leave this to your discretion.

In the meantime, please can you let me have your client's proposal, and can you make sure it includes the following:

- Financial offer prepared in accordance with the Compensation Code
- An outline plan and details (i.e. area) of what slithers of land your client would like to acquire permanently, if any, to which the offer is made in respect of.

I think an overlay plan of your client's permanent land requirements with my client's freehold ownership boundary placed on top would be a good place to start but perhaps you think differently.

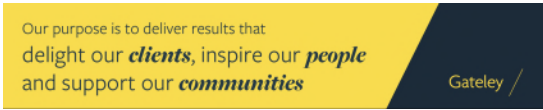
In terms any works to the overhead electricity pole / cable route and any other accommodation work, I presume your client is thinking about doing these under a licence agreement for which I expect they would like to temporarily occupy land that is leased to the publican. I sense that you will need to engage with them over the terms of the licence but if any of the works are to interfere with my client's property (which I believe they will) you will probably need my client's consent and so it would make sense to include my client in these discussions too. Do you agree? If you do, to allow my client to consider can you include in the proposals details on the following matters:

- Rent
- A plan to outline what parcels of land your client would like to temporarily occupy to do works
- Details of what works are to be undertaken
- Length of the licence period
- Summary of the works to be undertaken and specification details

These part land takes can end up being more complicated than you expect, more so when you have to deal with a freeholder and a tenant. I think the sooner you provide your client's proposal for us and the tenant to consider the better.

Kind regards,

Piers Collacott MRICS
Technical Director
for Gateley Hamer



From: Alexandra Kitchener [redacted]
Sent: 06 September 2023 16:50
To: Piers Collacott [redacted]
Subject: RE: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-IMANAGECLOUD.FID533002]

Hi Piers,

Thank you for your email.

As you will recall, in the meeting we explained the reasons for the red line to be extended to the areas within the House in The Tree beer garden but that this was required on a temporary basis.

As you will recall, in the meeting we explained the reasons for the red line to be extended to the areas within the House in The Tree beer garden but that this was required on a temporary basis.

For ease of reference, I have re-attached the plan which should help illustrate this. To allow for the proposed fencing and hedgerow works, the red line boundary has been amended to provide sufficient space to allow the contractors to undertake the works.

The red line boundary also extends north to the corner of the pub and the outbuilding to reflect the reconnection of the electricity supply to the property from the working area and again, it is proposed these areas will only be used during such times and not for the entire duration of the construction phase of the whole scheme. Details of the diversion and connection works will come forward nearer the time but do not anticipate this to be more than 2 days.

As mentioned in the meeting, the contractor will have a liaison officer and we will ensure that they are in regular contact with yourself and directly with Donna and James. This will ensure Donna and James are informed of the proposed dates and duration of the works. Particularly when the supply is reconnected to the pub and how this will be managed mindful of potential disruption to the business.

I hope this is helpful and please do get in touch if you have any further queries.

Kind regards,

Alex

Alexandra Kitchener
Graduate Surveyor

[redacted]
St. Catherine's Court, Berkeley Place, Bristol, BS8 1BQ

Please consider the environment. Do you really need to print this email?

Classification L2 - Business Data

From: Piers Collacott <[redacted]>
Sent: Thursday, August 24, 2023 10:23 AM
To: Alexandra Kitchener [redacted]
Subject: [Ext Msg] RE: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-IMANAGECLOUD.FID533002]

Thank Alex.

Yes I received this but it doesn't help explain what you want from my client.

What you have provided shows a red line boundary going over the vast majority of my clients beer garden, edging into their building and also over a number of the car parking spaces. No explanation is provided as to what your client needs in terms of land and rights and this is why I believe there has been limited meaningful engagement.

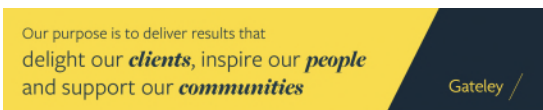
Correct me if I am wrong (this has been going on a while) but you haven't made any offers to acquire the land you need permanently or attempted to negotiate a licence to allow your client to do whatever works need to be done.

I am afraid that when the DCO application goes in we are definitely going to be making representations against it because we are here to negotiate. This is not fair on my client as preparing representations will incur fees and we are here to try and voluntarily agree measures to both mitigate the impact of the scheme and potentially avoid the need to include us in the DCO but we are not being engaged in discussions – this is not how CPO powers should be used, they should be last resort not the default option.

Kind regards,

Piers Collacott MRICS
Technical Director
for Gateley Hamer

[redacted]
[redacted]



Classification L2 - Business Data

Classification L2 - Business Data

From: Alexandra Kitchener [redacted]
Sent: 24 August 2023 09:52

To: Piers Collacott [REDACTED]

Subject: RE: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-IMANAGECLOUD.FID533002]

Hi Piers,

Thank you for your email.

I sent you an email on 27th July and have attached to this email. The email included a plan for you as promised.

Kind regards,

Alex

Alexandra Kitchener
Graduate Surveyor

[REDACTED]
St. Catherine's Court, Berkeley Place, Bristol, BS8 1BQ

Please consider the environment. Do you really need to print this email?

Classification L2 - Business Data

From: Piers Collacott <[REDACTED]>

Sent: Thursday, August 24, 2023 9:46 AM

To: Alexandra Kitchener [REDACTED]

Subject: [Ext Msg] RE: FW: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Alex,

Don't believe I received a meaningful reply to my email (24th May) below.

To remind we are still waiting plans and what land / and or rights you need.

CPO powers should be last resort, only to be implemented if negotiations fail. Unfortunately, we can't negotiate unless you outline what you want.

I look forward to hearing from you.

Piers

Piers Collacott MRICS
Technical Director
for Gateley Hamer

[REDACTED]
[REDACTED]



Classification L2 - Business Data

From: Piers Collacott

Sent: 21 July 2023 16:57

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: FW: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Alex,

Any news yet?

When we met in May we were advised the DCO would be submitted in August 2023 which is now only a few weeks away but we still don't know what land you need and no negotiations to acquire by agreement or put other disturbance mitigation measures have taken place.

Can you provide an update as this is causing a lot of uncertainty and frustration.

Kind regards,

Piers Collacott MRICS
Technical Director
for Gateley Hamer

[REDACTED]
[REDACTED]



From: Piers Collacott

Sent: 10 July 2023 14:38

To: [REDACTED]
Cc: [REDACTED]

Subject: RE: FW: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Alex,

Have I missed an email from you or your team since the below?

If I have, could you resend it. If I haven't can, I have an update as you said in mid June the plans were about a week from being ready to circulate...

Thanks,

Piers Collacott MRICS
Technical Director
for Gateley Hamer

[REDACTED]
[REDACTED]



From: Alexandra Kitchener [REDACTED] >

Sent: 15 June 2023 12:39

To: Piers Collacott [REDACTED]

Subject: FW: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Hi Piers,

Hope you are well and have been able to enjoy some of the good weather?

We are currently awaiting finalised plans with regards to the scheme design which should be with us next week with the land requirements also being reviewed.

As soon as we are in receipt of these, I will forward these to you.

Kind regards,

Alex

Alexandra Kitchener
Graduate Surveyor

[REDACTED]
St. Catherine's Court, Berkeley Place, Bristol, BS8 1BQ

Please consider the environment. Do you really need to print this email?

Classification L2 - Business Data

From: Alexandra Kitchener

Sent: Tuesday, May 30, 2023 2:57 PM

To: Piers Collacott [REDACTED]

Mark Hurrell <[REDACTED]>

Subject: RE: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Hi Piers,

Hope you have had an enjoyable bank holiday weekend?

It was lovely to meet you, Simon, Donna and James in person today and glad it was useful.

Thank you for the comments below which we note. We will discuss this with our client and my colleague, Mark Hurrell, will revert to you as soon as.

Kind regards,

Alex

Classification L2 - Business Data

From: Piers Collacott [REDACTED] >

Sent: Wednesday, May 24, 2023 4:47 PM

To: Alexandra Kitchener [REDACTED] >

Cc: Derry Mockett [REDACTED]; Mark Hurrell [REDACTED]

Subject: [Ext Msg] RE: M5 Junction 10 Improvements Scheme - House in the Tree [CJO-iManageCloud.FID533002] [GATELEY-GHAM.FID63842]

Hi Alex

Thank you for arranging today which was useful.

For me it was fairly evident that your client is still not really very clear on exactly what land and / or rights they require from Stonegate (and the publican). I find this all quite surprising given that I was advised in the meeting that the intention is to submit the DCO application this Summer – we are towards the end of May now, the summer starts in one week!

From my client's point of view what we really need (and this will no doubt assist your client's understanding too) is a plan that shows the general arrangement of the completed scheme works (i.e. the footpath and the cycle lane in the vicinity of the property) overlayed onto a plan showing your client's land and right requirements (i.e. the DCO Land Plan). At the moment there is much uncertainty (to be honest I left with the feeling that not much had progressed since we spoke in 16th November when there was a similar amount of uncertainty – it still appears that the pink land is greater than what is required for the footpath/cycle lane and the green land will not give you

complete access to the areas you need and it is also perhaps too extensive) and this is a frustration to my client but more importantly it is causing the publican anxiety as their business is just starting to thrive following the difficult covid period.

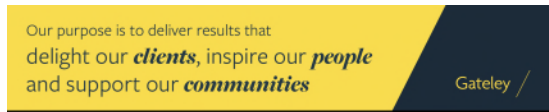
The uncertainty is also putting my client (and I would suggest the publican) in an unfair position because it means you are not ready to negotiate the acquisition of land by agreement and / or any disturbance mitigation measures (for the record no negotiated proposals have been advanced for consideration and CPO should always be last resort) which means that if the DCO is submitted (and accepted for examination) in the next three months we will have no choice but to make representations against it. This will incur costs that I expect your client will refuse to reimburse – please advise if I am wrong – but if we were afforded enough time we might well be able to come to a negotiated agreement with you and so avoid firstly my client incurring the cost of making representations against the DCO and secondly having the land included in the DCO / CPO which must surely be the preferential way of handling this matter.

Can you please discuss this email with your client and revert with the requested plan showing exactly what land and rights you need from my client (and the publican) so that I can discuss this with them and we can perhaps move towards attempting to negotiate a tripartite agreement that will hopefully give your client what they need and also hopefully my client and the publican comfort that the works can be undertaken in such a matter so as to avoid unnecessary business disturbance.

Without wishing to labour the point ... we really need this overlay plan as soon as possible.

Thanks and regards,

Piers Collacott MRICS
Technical Director
for Gateley Hamer



From: Alexandra Kitchener <[redacted]>
Sent: 23 May 2023 11:36
To: Piers Collacott <[redacted]>
Subject: RE: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Hi Piers,

Thank you for your email and for the update regarding the possible attendance of Simon Wilson from Stonegate.

I have spoken to the Project Team this morning, reviewing the land take plan which I sent to you on Friday. Please find attached a copy of the plans with the scheme overlay and identification of the land belonging to House in The Tree (GR235553) which were issued as part of the targeted consultation plans but reflect the current design and land take requirements. We will bring printed A3 copies with us to the meeting and discuss this and the purposes for the land take requirements further as part of the meeting. We will meet with Donna to discuss this too.

I have copied my colleague, Mark Hurrell, into this email as he will be attending the meeting tomorrow.

Look forward to meeting you in person tomorrow.

All the best.

Alexandra Kitchener
Graduate Surveyor



St. Catherine's Court, Berkeley Place, Bristol, BS8 1BQ

Please consider the environment. Do you really need to print this email?

From: Piers Collacott <[redacted]>
Sent: Tuesday, May 23, 2023 10:41 AM
To: Alexandra Kitchener <[redacted]>
Cc: Derry Mockett <[redacted]>
Subject: [Ext Msg] RE: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Dear Alexandra,

You were going to provide a plan showing my client's ownership overlaid with the attached land requirement plan.

I think what would also be helpful to see is the above plan overlaid on a general arrangement plan so we can see the extent of the new pavement/cycleway. Do you think that this might be done ahead of tomorrow? If it isn't possible to turn this around that quickly could I instead ask that you to bring along a copy of the general arrangement plan so we can get a broad appreciation of what is proposed and where.

Just so you know a representative from Stonegate (Simon Wilson) might be joining tomorrow – he has not confirmed to me yet.

Kind regards,

Piers Collacott MRICS
Technical Director
for Gateley Hamer



From: Alexandra <[redacted]>

Sent: 19 May 2023 14:43

To: Piers Collacott [REDACTED]

Subject: RE: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Dear Piers,

Thank you for your email and congratulations on your promotion to Director.

With regards to your points below I can confirm the following:

1. Our client has confirmed that your previous fee rate of £225+VAT is reasonable and will reimburse fees at this level. I have also received confirmation that an interim invoice can be raised as detailed in your email of 14th March.
2. With regards to your new fee level of £275+VAT, our client appreciates that your fee level has increased as a result of your promotion, this is above the threshold of £250+VAT that has been set on the scheme and that no other agents' fees are above this. As such, GCC is willing to reimburse your fees at a rate of £250 + VAT from the time of your promotion supported by detailed timesheets.
3. A draft land take plan is attached. A3 copies will be brought along to the meeting. In attendance will be Luke Beddoes (Project Manager for GCC), Lars Jorgensen (Senior Transport Planner, Atkins), Mark Hurrell (Associate) and myself from Carter Jonas.
4. I have spoken to Donna and have gained consent for access for the meeting.

We look forward to meeting you in person on Wednesday and if there are any queries in the meantime, please do get in touch.

Kind regards,

Alexandra

Alexandra Kitchener
Graduate Surveyor

[REDACTED]
St. Catherine's Court, Berkeley Place, Bristol, BS8 1BQ

 Please consider the environment. Do you really need to print this email?

From: Piers Collacott <[REDACTED]>

Sent: Thursday, May 18, 2023 10:20 AM

To: Alexandra Kitchener [REDACTED]

Subject: [Ext Msg] Re: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Alex,

Re attending the property next week:

1. Please confirm your client will reimburse fees at the rates set out in my email below (25th Nov). Looking at your email below (6th Dec) there is a degree on ambiguity which I attempted clarify (6th Dec) but to which I am not sure I received a reply.
2. Please note that I have recently been promoted to being a Director so my rate will be £275 / hr which I will be charged in full for the time travelling and attending the meeting.
3. Can you please confirm whether draft land plans will be available before the meeting and can you also confirm who will be attending.
4. Can you confirm whether you have spoken with the publican and gained the consent for access.

Kind regards,

Piers

Piers Collacott MRICS
Technical Director
for Gateley Hamer

Our purpose is to deliver results that
delight our *clients*, inspire our *people*
and support our *communities*

Gateley /

From: Piers Collacott [REDACTED] >

Sent: Tuesday, 6 December 2022, 15:37

To: Kitchener, Alexandra [REDACTED]

Subject: RE: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Thanks Alex.

Please could you confirm that the hourly rates are agreed as being reasonable rates.

I will review the minutes and come back to you.

Kind regards,

Piers

Piers Collacott MRICS
Senior Associate
for Gateley Hamer



From: Kitchener, Alexandra [REDACTED]
Sent: 06 December 2022 15:05
To: Piers Collacott [REDACTED]
Subject: RE: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Hi Piers,

Thank you for your email and apologies for the delay in replying as I have been on annual leave.

Attached is a copy of the minutes for the meeting held on 16th November.

Regarding fees, thank you for providing us with your fee levels and the scope of your instructions which are noted. Subject to approval, Gloucestershire County Council will pay your reasonable fees supported by detailed timesheets detailing the services provided, time spent and by which surveyor.

Kind regards,

Alexandra

Alexandra Kitchener
Graduate Surveyor

[REDACTED]
St. Catherine's Court, Berkeley Place, Bristol, BS8 1BQ

Please consider the environment. Do you really need to print this email?

From: Piers Collacott [REDACTED] >
Sent: Friday, 25 November 2022 10:54
To: Kitchener, Alexandra [REDACTED]
Subject: [Ext Msg] RE: M5 Junction 10 Improvements Scheme - House in the Tree [CJO-iManageCloud.FID533002] [GATELEY-GHAM.FID63842]

Hi Alex,

I have had to remind myself where we got to over the requested fee undertaking.

The position seems to be that despite repeated exchanges (see emails between 4th Oct 2021 to 6th Jan 2022) requesting your client to provide a fee undertaking, nothing has been forthcoming. The current uncertainty regarding reimbursement of fees is a significant concern given that there is presently no CPO for us to link our costs to. Therefore, as a matter of urgency, can we please have a formal undertaking for costs from your client whether or not the matter proceeds. At present, our client is liable to professional costs for your client's scheme with no certainty whatsoever that it will progress.

For your information, the scope of our instruction is to provide professional advice in relation to the proposed compulsory purchase and temporary occupation of land owned by my client. This may include, but is not limited to, general professional advice in relation to the compulsory purchase including valuations, access rights and negotiations with the acquiring authority and, if applicable, submission of a compensation claim.

Our fees for undertaking the above work is on an hourly rate basis which I set out below:

Partner: £275 + VAT

Senior Associate: £225 + VAT

Associate: £215 + VAT

Principle Surveyor: £200 + VAT

Senior Surveyor: £180 + VAT

Surveyor: £140 + VAT

Graduate: £110 + VAT

We will submit timesheets detailing services provided, time spent and by which surveyor to the acquiring authority when requested. Please can you provide confirmation and acknowledgement of the above scope and fee basis whether or not the matter proceeds.

Kind regards,

Piers Collacott MRICS
Senior Associate
for Gateley Hamer

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Gateley / HAMER

From: Kitchener, Alexandra

Sent: 24 November 2022 18:02

To: Piers Collacott

Subject: RE: M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842] [CJO-iManageCloud.FID533002]

Hi Piers,

Thank you for your email. Apologies for the delay in sending you the minutes – these will be with you in the next day or so and I am awaiting a response regarding your previous email.

With regards to your fees, please could you remind us of your fee level?

Kind regards,

Alex

Alexandra Kitchener
Graduate Surveyor

Carter Jonas

T: 0117 4039958 x2965 | M: 07881 011907 | carterjonas.co.uk
St. Catherine's Court, Berkeley Place, Bristol, BS8 1BQ



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Please consider the environment. Do you really need to print this email?

From: Piers Collacott

Sent: Wednesday, 23 November 2022 16:25

To: Kitchener, Alexandra

Subject: [Ext Msg] M5 Junction 10 Improvements Scheme - House in the Tree [GATELEY-GHAM.FID63842]

Dear Alex,

Further to our meeting on 16th November I was under the impression you were going to circulate some minutes – I don't think I have seen these .. will you be providing something? In the absence of minutes I am supplying you with the main matters that were discussed. Please feel free to update (can you use a different colour to distinguish your additions) and recirculate if you feel that I have missed anything substantive.

DCO Programme

- The scheme is to provide improvements to M5 Junction 10, a new road linking Junction 10 to West Cheltenham (this new road will be north to south and approx. 250 to 275 metres from the property) and widening of the A4019 Tewkesbury Road (we didn't discuss this at our meeting but I have added is for context for my client's benefit).
- The part of the scheme that affects your property relates to providing a 2m wide dual purpose (cycle land and footpath) immediately to the south of the property up to the proposed new link road
- Statutory consultation finished in Feb / Mar 2022
- Promotor worked up scheme post consultation above
- Targeted consultation to those where design refinements impacted (Stonegate being one party) which finished in Sep 2022
- Currently finalising scheme design and expect to submit the DCO in Q1 2023 which will then fix the DCO project timetable
- There is no contactor appointed yet (they are expected to be appointed in Q1 2023) and so a lot of the detail that affects your property is yet to be considered and various of my questions were only partially answered

Land Requirements

- Currently there are no land plans available (will be provided when available) for us to consider but referring to the attached we should expect that land to the

south of the plot and below the pink dotted line will be permanently acquired and land above the pink dotted line up to the red order limited line will be subject to temporary occupation

- The permanent land is said to be necessary to provide space for a 2m wide dual use pavement (cycle lane and footpath) and run diverted utilities underground
- The temporary land is said to be required to do works to the telegraph or electrical poles within the curtilage of the property – there are two (i) immediately fronting Old Gloucester Road and (ii) set back in the beer garden

Comments

- I raised concerns that you are taking too much land. Utility diversions could be put under the dual use pavement rather than significantly interfere with the pub car park and beer garden
- Limited / no information was available as to what works need to be done to the telegraph or electrical poles and if they need to be shifted where they will be shifted to. There was comment that the cables may be undergrounded but if they are relocated on the surface the suggestion was the pole closest to Old Gloucester Road would be relocated to the edge of the dual purpose pavement and the land that is to be permanently acquired (i.e. not in retained land)
- Advised that there are no proposals for any road closures but did caveat this with words to the effect that this is subject to the design work of the contractor who is yet to be appointed

Next Steps

I look forward to receiving comment on my email to you dated 16th November (17:18).

Professional Fees

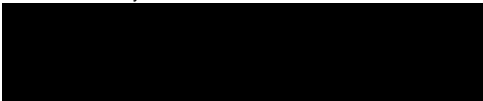
Can you also address what I see as some ongoing uncertainty re reimbursement of our fees which is a significant concern, noting the obligation of the RICS professional statement.

The PS requires that we must be clear with our clients and advise them when time is to be spent on matters that are not normally borne by the acquiring authority. As far as I am concerned, I have not incurred time on any matters for which fees are not normally borne by the acquiring authority.

I have also made my client aware (in accordance with the PS) that they should be able to expect the acquiring authority to reimburse the full cost of professional advice incurred provided such costs are reasonable and reasonably incurred. The PS makes clear that an acquiring authority should expect to reimburse reasonable fees on the basis that is contracted between the surveyor and the claimant and notified to the acquiring authority.

Kind regards,

Piers Collacott MRICS
Senior Associate
for Gateley Hamer



[Redacted line]

[Redacted line]

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