

TR010063 FORMAL OBJECTION AND HUMAN RIGHTS ISSUES

From ref: no 20047638 – Deadline 7

I **formally and strongly object** to the latter section of the proposed spur road, between the northern side of the B4634 Old Gloucester Road into part of the West Cheltenham Strategic Allocation on the following grounds:

The spur road Junction onto the Old Gloucester Road.

- 1) The designed scheme substantially affects my allocated site, by restricting development access and therefore in my case the scheme does not meet **the key objective set out in the JCS to provide housing.**
- 2) From the first meeting I had (some years ago) with GCC I identified the need for a roundabout to serve both my and my neighbours' site, but in the Applicants usual manner nothing was progressed except an initial drawing of a roundabout.
- 3) Without any consultation with me the applicant decided to then change the scheme to a signalled junction, which obviously seriously affects my site to the extent I have been discriminated against in preference to the submitted scheme giving sole access to my neighbours site only. This is highlighted by the fact the main spur road alignment would have carried on into my site, but instead it has a curve taking it away from my site into the next field.
- 4) On the first day of the Inquiry I stated the need for a roundabout and since then minor negotiations with GCC have taken place to consider access off Hayden Lane into my site, but these negotiations have stalled without any definite outcome.
- 5) If GCC persist in not agreeing a way forward to address the issues, then they have been warned that a substantial claim will result, leading to further financial pressure on the overall cost of the scheme.
- 6) A clear alternative way forward is to finish the spur road at the northern edge of the Old Gloucester Road and let landowners sort out their own access, this is a much cheaper option for the scheme and would reduce some of the financial shortfall in the whole proposal.
- 7) It is of great concern to me that the Applicant did not do their initial due diligence regarding land ownership in the early stages and have not been 100% effective in solving the problem of access into my Allocated Land.
- 8) Obviously GCC want the DCO, but to go about matters in this protracted manner, leaves me to feel that once it is granted they will try to do what they like. Therefore I ask the ExA to prevent this.

How our Human Rights are affected.

My wife and I have owned the site for many years and are owners of other land close by. Some of the land has been in the family for over 100 years and there is obviously a strong sentimental attachment to it.

At no time have we ever argued against the overall scheme, but we are anxious to know certain outcomes. This has clearly not happened ever since the initial correspondence we received years ago and certainly not during this Inquiry.

Therefore my wife & I have been materially affected under the Human Rights Act 1998, due to the Applicant 'Acting in an incompatible way with Convention Rights'. Article 1, First Rule; which includes land affecting 'peaceful enjoyment of property', Second rule; 'deprivation of property (Grape Bay Ltd v Attorney-General of Bermuda [2000]). The Third rule 'controlling the use of property – in my case access arrangements'.

To underpin the above and emphasise the way in which we are poorly treated I give simple examples of matters still requiring immediate attention:

- At the last Inquiry Hearing the Inspector again asked for a detailed overlay plan of the proposed land take and its effect on my site. This arrived yesterday (Tuesday 29th October) and we are considering the drawings fully, but on initial inspection the layout does not work with long heavy agricultural equipment having to make 90degree turn across an island leading to the new junction. The applicant either needs to refine or admit that this access will not work. Even the site plan is still in draft form.
- As yet there is still no agreement on terms regarding 'Licence to Enter my Land'.
- Proposals for a new access off Hayden Lane are at best sketchy, for me to consider the applicants proposal I need more detail, otherwise a basic email is not going to satisfy lawyers, my Highway Consultants, etc. **If these aspects of the outstanding matters were addressed fully by the Applicant then several of our objections could probably be withdrawn.**
- A realistic land purchase offer based on commercial values for Allocated Development Land.

The Applicant is very good at making us feel 'Ghosted' - a modern term when someone stops all communication without any form of explanation. It is a fact that I am no further forward now in progressing to any form of deal, than I was when the whole scheme was conceived.

Neil Hadley
Chartered Town Planner & Development Surveyor