

TR010063 FORMAL OBJECTION AND HUMAN RIGHTS ISSUES & Written summaries in response to the Applicants points raised up to & including 11/11/24

From ref: no 20047638 – Deadline 8a

The Applicant has attempted to respond to my points under 9. AS-83 but the best way to describe the GCC responses are simply a great deal of waffle. I will go through the points raised in order but it needs to be said that i.e. listing dates of meetings, etc without moving things forward in a proactive manner does not constitute making material progress towards reaching an agreement or settlement to voluntarily acquire.

My brief responses to the following:

083-01

I cannot connect to the junction design GCC have put in place when it clearly it does not abut my boundary. The scheme does not contribute in any way to the development potential of my site. As I said on day one of the Inquiry a roundabout would have solved the issue.

083-04

Yes, meetings and correspondence have taken place between both parties but without any detailed responses from the Applicant. An example of this is that we were promised a response on access off Hayden Lane when we met on 18th September and a draft produced by GCC within the following 7/10 days – as yet nothing has been received despite a reminder request from us on 29th October.

083-05

I would not want to be delivering my site in isolation and have never talked about this. If the Applicant wishes to know what my plans are then they need to discuss the issues with me. If the matter is not resolved then a claim will be made but it is a waste of public money when there is a simple practical solution to resolve the issue.

083-06

It seems that the applicant has ‘assumed’ (Applicants word) to much regarding the design of the B4634 junction and I think this is the root of the problem, that’s why I am arguing against the design. It should be for the developers of West Cheltenham to agree an access as the SPD does not have a definitive ‘planning status’.

083-07

I am talking about future housing use, which is meant to be a main objective of the Applicant.

083-09

The advice my wife and I have had is that the Applicant is going to affect our HR should an access not be agreed for residential development by GCC. I am always hopeful of agreeing matters as soon as possible.

083-10

The plans shown to me on the 5th September 2024 were unacceptable and I specifically said I wanted see detailed drawings not schematic drawings. There is a limit to how many times I request drawings from the Applicant before thinking they are not going to supply them, therefore I will simply get on with other things in my life!!

Let the Inquiry be clear on the swept path analysis, this has only recently been produced and clearly is going to be dangerous to all users of the highway. I have set out the measurements of our vehicles in this paper which are totally different to the tractor and trailer shown in the analysis, where the trailers are much smaller. Therefore my vehicles will not be able to make the turning radius as illustrated & will overhang across the carriageway.

As of this date 11th November 2025 no new information has been forwarded to us on any of the outstanding matters, so again we are no further forward. Interesting the Applicant can keep listing dates when things are meant to have taken place, yet there are no actions to proceed to any conclusion with.

083-12

I would not call the engagement we have had as negotiations, it is a stop start, wait, then my agent sends an email requesting to know what is happening, and duly get nothing back of any consequence. The applicant refers to the statutory process and best practice, **but I emphasise to the panel at the Inquiry nothing is being processed and both my agent and I cannot agree best practice is being followed.**

Therefore I still **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. It cannot be acceptable that after my several meeting with the Applicant on Team meetings, on site meetings, phone calls and several emails nothing has progressed to resolving the issues.

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. After studying the Agricultural Sweep Path Analysis drawings, it is clear this does not work. The applicant either needs to refine or admit that this access will not work. Even the site plan is still in draft form. I set out the measurements of agricultural vehicles we use: The tractor measures 3.05m @widest point with a length of 6m & with a 40ft artic trailer it would measure 21m in total. Terragator & trailer would measure 3m wide & 12m long plus low loader trailer at 2.9m wide & 11.6m long, so total length of 23.6m long. Maximum gross weight is 31.25t & we regularly achieve that. A small tractor & trailer would be 2.8m wide &

4.5m long plus silage trailer @ 8.8m length. The drawings showing the sweep of the tractor and trailer show trailers either the same length or less than the tractor, which obviously would not work in our case, and would make the access impractical and unsafe with our larger vehicles.

- 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.

Finally I draw the ExA attention to the fact that I told the Applicant in correspondence that am happy to have proactive discussions anytime and any place in an attempt to resolve the issues, but no contact is ever made. I highlight that while the access off Hayden Lane was suggested by the Applicant, it is the Development Control division of GCC that would also need to agree matters and despite my emails to them together with offers of a detailed discussion no response has yet been received.

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