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From 20047638

## **Important request for the Applicant to provide solution/agreement information to the ExA Panel**

### Context:

At every meeting I have had with the Applicant and indeed at every Inquiry Hearing I have spoken, I have consistently requested a round about instead of the proposed signale junction on the Old Gloucester Road (B4634). A signal junction will make access for development of my land impossible as GCC do not want a series of junctions there. The effect of not having an access for development onto the B4634 would effectively discriminate and sterilise my site which is within the Strategic Allocation.

There is no equalisation provision within the West Cheltenham Strategic Allocation and therefore no formal access agreement between landowners exists. However St. Modwens/MLPL have an agreed access arrangements with GCC into their site, as clearly shown on the drawings. I have no arrangement to connect to this access, across St. Modwen/MLPL land.

This proposed GCC access not only materially affects my site, it severely compromises it as GCC will not allow a further access on my northern boundary close to the proposed signalled junction.

As it is, my existing agricultural access is going to become a major highway safety issue, as the size of machinery we use cannot be safely accommodated when crossing the road. The Applicant has tried to justify the agricultural access improvements, but as the swept path analysis drawings illustrate, the machinery illustrated is much smaller than we use and tractors with heir trailers cannot turn at right angles into stationary/moving traffic. Therefore the proposal simply does not work at a practical/safety level.

Therefore my wife [REDACTED] and myself 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.

The Solution:

The obvious solution to gaining access into my site is to create an access off Hayden Lane. During the course of the Inquiry basic negotiations and correspondence have taken place with Highways Development Management regarding pre-application matters. On the 7<sup>th</sup> June a note was issued stating that ‘up to 30 Residential Units’ could be considered and to pursue a planning application.

As this number of units is below what the site could comfortably accommodate a request was made to Carter Jonas (the Applicants Agent) for an increase in unit numbers.

On 14<sup>th</sup> October we received an email stating the following line, *“We also discussed the pre app which Mr Hadley had from GCC HDM which he had concerns over the number of units which could be developed on the site, we have now had comments from them saying, that access off Haydon Lane would not restrict the number of units which could be developed on the site.”*

**While this line in its self is helpful, it does not give the required detail (or flesh on the bones) on which to make a robust planning application.**

**As GCC HDM are the highway authority I would have thought that it would be the simplest thing to supply the following:**

- 1) GCC HDM required access specification for a residential development access off Hayden Lane for an unrestricted number of houses.**

- 2) Agreement that a planning application only needs to confirm that connection and access to green transport be made available.**
- 3) Confirmation that there would be no further requirement for traffic surveys and the like at the planning application stage.**
- 4) Agreed wording so that either sides lawyers can produce the required agreement before a planning application is made.**

The four above points would then put me in the same clear access position as St. Modwen/MLPL.

I was told by Carter Jonas, at a meeting on 18 September and several times since, that a draft agreement with GCC would shortly be provided. This was to cover an agreement in principle regarding an access into my land from Hayden Lane for the purposes of residential development and that this would state that there would be no reduction in the development capacity of the site with an access from Hayden Lane as compared to Old Gloucester Road. This was to address my concern that the proposed Scheme will make access for development into my site impossible and would sterilise the site if an equivalent access was not available from Hayden Lane.

Most alarmingly I have now been told by Carter Jonas that such an agreement will **not** be possible because this is not something that can be provided for by the DCO. I am well aware of this. No one has ever suggested that this matter should be catered for in the DCO. However, an agreement can be entered into by GCC.

Although the land to be accessed from Hayden Lane is not within the red line boundary of the DCO, it would be perfectly acceptable and normal for a promoting authority to enter into agreements covering land outside of the DCO boundary because land close to the boundary is often affected by the proposed development, as in this case significantly.

I am very disappointed/shocked that GCC suggested that an agreement can be reached and has now withdrawn this at such a late stage, shortly before the close of the Examination.

**I would therefore like to request that the Panel directly asks GCC to progress an agreement and should importantly report back to the Panel regarding progress. It seems to me that this may be the only way to ensure that GCC provides the agreement that was promised in September.**

When the applicant provides the information and agreement is reached on the four highlighted 1-4 items above I will then we be able to:

- a) withdraw our formal objection
- b) withdraw any possible ECHR action
- c) Prevent any substantial claim by me on the public purse for being disadvantaged, sterilisation of the site, etc.

I sincerely hope the Panel will be able to secure the required basic information and simple agreement for both the Applicant and myself to move forward in agreement.

Neil Hadley

Chartered Town Planner & Development Surveyor